



Home Office

# **Country Policy and Information Note** **Zimbabwe: Sexual orientation, gender identity and expression**

**Version 5.0**

**July 2024**

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## Executive summary

Same-sex consensual sex between men is illegal and punishable with a fine, a prison sentence or both. There is no specific law for same-sex sex between women, on gender identity (including scope to change gender identity) or about the status of intersex people. Same-sex marriage is illegal. Civil society groups advocating and supporting lesbian, gay, bisexual, trans and intersex (LGBTI) people are, however, allowed to operate but do so in an increasingly restrictive civic space.

The anti-gay same-sex law is rarely enforced. However, LGBTI people sometimes face discrimination, arrest and harassment by the police, although there is limited information on the scale, frequency or severity of such treatment.

Homo- and transphobia remains common. LGBTI people may experience discrimination, violence, verbal and sexual harassment, and extortion, by community and family members, and are particularly vulnerable to blackmail. They also sometimes face discrimination in accessing education, employment and healthcare. However, there is limited information on the scale, frequency or severity of such treatment.

The Upper Tribunal found in the country guidance case of [LZ](#) in 2012 that gay men and lesbians were generally not at risk of persecution, but where they faced persecution by a societal actor protection was not available but internal relocation was possible. The available country information does not provide very strong grounds supported by cogent evidence to depart from this finding.

There is not specific information about bisexual, trans and intersex people to indicate that they are treated differently from lesbians and gay men.

Therefore, a person who identifies as LGBTI is unlikely to face persecution or serious harm by state or non-state actors.

Protection is not likely to be available.

Internal relocation is not viable if the persecutor is the state but is likely where the persecutor is a societal actor. The option is excluded only if personal circumstances present risk throughout the country.

Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded'.

Each case must be considered on its individual facts to the relevant/requisite standard of proof, with the onus on the person to demonstrate a real risk of persecution or serious harm.

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# Assessment

## About the assessment

This section considers the evidence relevant to this note – that is the [country information](#), refugee/human rights laws and policies, and applicable caselaw – and provides an assessment of whether, **in general**:

- a person faces a real risk of persecution/serious harm by the state or non-state actors because of their sexual orientation and/or gender identity and expression
- the state (or quasi state bodies) can provide effective protection
- internal relocation is possible to avoid persecution/serious harm
- if a claim is refused, it is unlikely to be certified as ‘clearly unfounded’ under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

This note assesses the situation for gay men, lesbians, bisexuals, trans and intersex (LGBTI) people, as well as those perceived as such. Sources often refer to LGBTI people collectively, but the experiences of each group may differ. Where information is available, the note will refer to and consider the treatment of each group discretely. But, for example, there is limited information about the treatment of lesbians and bisexual women as distinct from gay and bisexual men.

Decision makers **must**, however, consider all claims on an individual basis, taking into account each case’s specific facts.

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## 1. Material facts, credibility and other checks/referrals

### 1.1 Credibility

- 1.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#), the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).
- 1.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 1.1.3 In cases where there are doubts surrounding a person’s claimed place of origin, decision makers should also consider language analysis testing, where available (see the [Asylum Instruction on Language Analysis](#)).

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## 1.2 Exclusion

- 1.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 1.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 1.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention, Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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## 2. Convention reason(s)

- 2.1.1 Actual or imputed particular social group (PSG).
- 2.1.2 Lesbian, gay, bisexual, trans and intersex (LGBTI) people form a PSG in Zimbabwe within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it and have a distinct identity in Zimbabwe because the group is perceived as being different by the surrounding society.
- 2.1.3 Although LGBTI persons form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to be addressed is whether the person has a well-founded fear of persecution on account of their actual or imputed convention reason.
- 2.1.4 For further guidance on the 5 Refugee Convention grounds see the Asylum Instruction, [Assessing Credibility and Refugee Status](#).

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## 3. Risk

- 3.1.1 A LGBTI person is unlikely to be at risk of persecution or serious harm. The onus is on the person to demonstrate otherwise.
- 3.1.2 There is no accurate data on the number of the LGBTI people in Zimbabwe, which has a total population of over 15 million (see [Demography](#)).
- 3.1.3 The Constitution includes the right to have one's human dignity respected, the right to equality and the principle of non-discrimination and the right to privacy. However, it does not explicitly provide protections on grounds of sexual orientation or gender identity, and specifically prohibits same sex

marriage. The Criminal Law Act makes illegal same-sex sexual relations between men which can result in custodial sentences of up to a year in cases of consensual sex. Same-sex relationships between women are not criminalised. However, women who have sex with women may face arrest for acts labelled as 'indecent'. There is no legislation regarding gender identity including scope to change gender designation on identity documentation. As a result trans people are not legally acknowledged. There is no law on the status of intersex persons. Amnesty International referring to reports by domestic non-government organisations (NGOs) opined that criminalisation of gay sex has created a 'hostile environment' for LGBTI people (see [Constitution](#), [Legal context](#), [State attitude](#)).

- 3.1.4 The government increasingly restricts civic space generally through legislative changes including the Section 73 of the Criminal Law (Codification and Reform) Act. This may affect the ability of LGBTI groups to operate. Nonetheless, several NGOs advocate for and provide support to the LGBTI community. The most of prominent is GALZ (see [Legal context](#) and [Non-government organisations](#)).
- 3.1.5 Prosecutions under the 'anti-gay laws' are rare: no source consulted refers to convictions of LGBTI people. However, Human Rights Watch and domestic NGOs report that LGBTI persons often face harassment and discrimination by the authorities but there is no specific data on the scale, frequency and severity of this treatment or detail about which group(s) are affected ([See State attitude](#) and [State treatment](#)).
- 3.1.6 Domestic NGOs also report there have been a growing number of arrests of LGBTI people, charged with public indecency and disorderly conduct. However, sources do not indicate the scale of the arrests or rate of change. Sources provide examples of reported arrests each year but these are low – tens or less – and do not indicate if these led to prosecution or convictions.
- 3.1.7 Government rhetoric under former president Mugabe (pre November 2017) was often anti-LGBTI. However, the current administration has reduced the number derogatory or discriminatory statements about the LGBTI community, although some negative commentary persists. The US State Department also observed in its report on 2023 there is less state-sanctioned violence against LGBTI people under the current government (see [State treatment](#)).
- 3.1.8 Amnesty reports that law enforcement officials may not always fully understand or correctly apply the law in cases involving LGBTI persons, leading to arbitrary and disproportionate penalties. While under-reporting is likely, the available information does not indicate widescale or frequent arrest or harassment of LGBTI persons by state actors and 'not always' implies that it is not the approach in general (see [State treatment](#)).
- 3.1.9 Societal homophobia and transphobia remain widespread. For example, an Afrobarometer survey from March/April 2022 noted that almost 80% of people would strongly dislike or dislike having a 'homosexual' neighbour. LGBTI people may face discrimination, violence, verbal and sexual harassment, and extortion by community and family members. LGBTI persons are particularly vulnerable to blackmail of being 'outed'. Some

LGBTI persons are forcibly subject to conversion therapies – practices that are believed to change a person’s sexual orientation or gender identity – usually by family members. However, due to stigma and the criminalisation of same-sex sexual activity incidents may go unreported. GALZ collated a small sample of 38 incidents of violations against LGBTI people in 2021. The most frequent incidents were sexual assault (25%, 10 cases), and blackmail (15%, 6 cases), sexual assaults materialized in the form of corrective rape. In their report covering 2022, GALZ identified 28 cases of violations. GALZ also acknowledge that in some cases the general population came to the defence of LGBTI people (see [Societal attitude](#) and [State treatment](#)).

- 3.1.10 LGBTI people sometimes face discrimination in accessing education, employment and healthcare. GALZ, however, observed that there has been progress in including LGBTI persons in the provision of healthcare services (see [Societal attitudes](#) and [Societal treatment](#)).
- 3.1.11 Data on the scale, frequency and severity of incidents of discrimination and violence against LGBTI people by non-state actors is limited. The available evidence does not indicate that LGBTI people generally face widespread discrimination and violence from societal actors (see [Societal treatment](#)).
- 3.1.12 In the country guidance case of [LZ \(homosexuals\) Zimbabwe CG \[2011\] UKUT 00487 \(IAC\)](#), heard 14 October 2021 and promulgated on 8 January 2022, which considered the risks faced by gay men and lesbians, the Upper Tribunal (UT) held that:
- ‘There has been much public expression of extreme homophobia at the highest levels in recent years. Male homosexual behaviour is criminalised, but prosecutions are very rare. Lesbianism is not criminalised. Some homosexuals suffer discrimination, harassment and blackmail from the general public and the police. Attempted extortion, false complaints and unjustified detentions are not so prevalent as to pose a general risk. There are no records of any murders with a homophobic element. “Corrective rape” is rare, and does not represent a general risk. There is a “gay scene,” within limitations. Lesbians, living on their own or together, may face greater difficulties than gay men. GALZ (Gays and Lesbians of Zimbabwe) takes a realistic view: Zimbabwe is “not the worst place in the world to be gay or lesbian even though the President, government officials and church leaders have whipped up a climate of hysterical homophobia.” Applying [HJ & HT](#), there is no general risk to gays or lesbians. Personal circumstances place some gays and lesbians at risk. Although not decisive on its own, being openly gay may increase risk. A positive HIV/AIDS diagnosis may be a risk factor. Connections with the elite do not increase risk ...’ (paragraph 116).
- 3.1.13 The available country information does not provide ‘very strong grounds supported by cogent evidence’ to depart from [LZ](#).
- 3.1.14 For further guidance on assessing risk, see the Asylum Instructions on [Assessing Credibility and Refugee Status](#), [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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## 4. Protection

- 4.1.1 Where the person has a well-founded fear of persecution from the state they will not be able to obtain protection.
- 4.1.2 Where the person fears a societal actor or rogue state agent, the state is able but unwilling to provide protection.
- 4.1.3 The UT in [LZ](#) held: 'The police and other state agents do not provide protection.' (para 116). The available country information does not provide 'very strong grounds supported by cogent evidence' to depart from [LZ](#).
- 4.1.4 The government has put in place a functional criminal justice system which is capable of detecting, prosecuting and punishing people who commit acts against the law, and which may amount to persecution. However, same-sex sex between men is illegal and the available evidence indicates that the state itself is responsible for discriminating and harassing LGBTI people. Moreover, there is limited evidence that the state has investigated, arrested and prosecuted people who have committed crimes against LGBTI people (see [State attitude and treatment](#)).
- 4.1.5 For further guidance on assessing state protection, see the Asylum Instructions on [Assessing Credibility and Refugee Status](#), [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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## 5. Internal relocation

- 5.1.1 Internal relocation is not likely to be viable if the person fears the state but is likely if they fear persecution by a societal actor.
- 5.1.2 Zimbabwe's population is over 15 million, with the largest urban areas Harare and Bulawayo. Homophobic attitudes are prevalent throughout the country. The FCDO note that there is a small but active LGBTI scene in Harare. There is limited information about the circumstances of the LGBTI community in other parts of the country though the UT in [LZ](#) noted Bulawayo was relatively more tolerant than elsewhere (see [Freedom of movement](#)).
- 5.1.3 The UT in [LZ](#) held that a gay man or lesbian '... at risk in his or her community can move elsewhere, either in the same city or to another part of the country. He or she might choose to relocate to where there is relatively greater tolerance, such as Bulawayo, but the choice of a new area is not restricted. The option is excluded only if personal circumstances present risk throughout the country.' (paragraph 116)
- 5.1.4 The available country information does not indicate that the situation has changed significantly since [LZ](#) was promulgated. Therefore there are not very strong grounds supported by cogent evidence to depart from [LZ](#).
- 5.1.5 For further guidance on considering internal relocation and factors to be taken into account see the Asylum Instructions on [Assessing Credibility and Refugee Status](#), [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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## 6. Certification

6.1.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

6.1.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

## About the country information

This section contains publicly available or disclosable country of origin information (COI) which has been gathered, collated and analysed in line with the [research methodology](#). It provides the evidence base for the assessment.

The structure and content follow a [terms of reference](#) which sets out the general and specific topics relevant to the scope of this note.

This document is intended to be comprehensive but not exhaustive. If a particular event, person or organisation is not mentioned this does not mean that the event did or did not take place or that the person or organisation does or does not exist.

The COI included was published or made publicly available on or before **5 July 2024**. Any event taking place or report published after this date will not be included.

Decision makers must use relevant COI as the evidential basis for decisions.

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## 7. Demography

7.1.1 Zimbabwe's total population is estimated to be between 15<sup>1</sup> to 16.4<sup>2</sup> million, with around 1.5 million in the capital, Harare<sup>3</sup>.

7.1.2 There is no information on the size of the LGBTI population in the sources consulted (see [Bibliography](#)).

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## 8. Legal context

### 8.1 Constitution

8.1.1 In their joint submission, 'Situation of Human Rights for LGBT Persons', as part of the UN Universal Periodic Review of Zimbabwe, GALZ (The Association of LGBTI People in Zimbabwe) and Stockholm Human Rights Lab (SHRL), which described itself as a think-tank working to protect and promote human rights, dated January 2022 (GALZ/SHRL UPR submission 2022), citing other sources, noted:

'The Zimbabwean Constitution, adopted in 2013, includes the nation's most comprehensive Declaration of Rights to date. It enshrines the right to have one's human dignity respected, the right to equality and the principle of non-discrimination and the right to privacy. Although sexual orientation, gender identity and gender expression are not included in the prohibited grounds of discrimination in the Constitution's equality clause, the inclusion of "on such

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<sup>1</sup> UNdata, [Zimbabwe](#) (General Information), no date

<sup>2</sup> World Bank, [Zimbabwe](#) (Data), no date

<sup>3</sup> UNdata, [Zimbabwe](#) (General Information), no date

grounds as” in section 56(3) indicates that the enumerated grounds are not a closed list but an illustrative list.’<sup>4</sup>

#### 8.1.2 Citing other sources, the GALZ/SHRL UPR submission 2022 further stated:

‘While the Declaration of Rights in the Zimbabwean Constitution contemplates the limitation of the human rights and fundamental freedoms set out therein, it also establishes absolute rights and dictates that national laws cannot violate, inter alia, the right to life, the right to human dignity and the right not to be subjected to cruel, inhuman or degrading treatment or punishment. Despite these established confines for human rights limitations, national laws and policies continuously abrogate the rights of LGBT persons, particularly in terms of employment, healthcare, and access to domestic violence protections ...’<sup>5</sup>

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## 8.2 Legislation – specific to LGBTI people

### 8.2.1 GALZ/SHRL UPR submission 2022:

‘Laws remain in effect in Zimbabwe which directly discriminate against persons based on their real or imputed sexual orientation. These include:

- Section 78 of the Constitution, which restricts marriage rights to heterosexual relationships;
- [Section 73](#) of the Criminal Law (Codification and Reform) Act [Chapter 9:23], which criminalises consensual same-sex sexual relations regardless of the age of the persons involved, and imposes a penalty of up to one year imprisonment and/or a fine;
- Section 14(1)(f) of the Immigration Act [Chapter 4:02], which classifies “homosexuals” as prohibited persons, and sections 17(1) and 18(1)-(2) of the same Act, which ban prohibited persons from entering or remaining in the country, and empower immigration officers to ban persons from entering the country or to deport them based on their actual or imputed sexual orientation.’<sup>6</sup>

### 8.2.2 Citing other sources GALZ/SHRL UPR submission 2022 also noted: ‘Section 73’s criminalisation of consensual same-sex relations lies at the heart of the human rights violations perpetrated against LGBT persons in the country. Its direct effect is to leave same-sex attracted persons at constant, heightened risk of arbitrary arrest and detention because they are essentially “Un apprehended felons”’.<sup>7</sup>

### 8.2.3 The same report stated: ‘Broadly worded legislation, such as the crime of Public Indecency under Section 77 of Criminal Law (Codification and Reform) Act 2004, could be misappropriated to criminalise public displays of affection of between LGBT or gatherings or protests.’<sup>8</sup>

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<sup>4</sup> GALZ and SHRL, [‘Situation of Human Rights for LGBT Persons’](#) (paragraph 3), January 2022

<sup>5</sup> GALZ and SHRL, [‘Situation of Human Rights for LGBT Persons’](#) (paragraph 12), January 2022

<sup>6</sup> GALZ and SHRL, [‘Situation of Human Rights for LGBT Persons’](#) (paragraph 4), January 2022

<sup>7</sup> GALZ and SHRL, [‘Situation of Human Rights for LGBT Persons’](#) (paragraph 8), January 2022

<sup>8</sup> GALZ and SHRL, [‘Situation of Human Rights for LGBT Persons’](#) (paragraph 23), January 2022

- 8.2.4 United States State Department (USSD) in its 2023 Country Reports on Human Rights Practices: Zimbabwe noted According to the criminal code, any consensual act between men “involving physical contact ... that would be regarded by a reasonable person to be an indecent act” is deemed sodomy; conviction carries a fine, one year in prison, or both.’ The USSD also noted ‘The law did not prohibit discrimination by state or nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics.’<sup>9</sup>
- 8.2.5 In their joint submission ‘Situation of Human Rights for LGBT Persons’ as part of the UN Universal Periodic Review of Zimbabwe Pakasipiti, Hands of Hope, The Zimbabwe Autonomy Collective, and Africa Kiburi on behalf of the Zimbabwe lesbian, bisexual and queer women (LBQ) community (Joint submission 1; Pakasipiti report), no date but circa 2022, noted: ‘Though the current legislative framework under the Criminal Law (Codification and Reform Act (Chapter 9:23)<sup>1</sup> does not criminalize women who have sex with other women, it does not remove the threat of women being arrested and detained by police for acts they label as ‘indecent’.’<sup>10</sup>
- 8.2.6 Amnesty International (AI) in their report ‘We are facing extinction: Escalating anti-LGBTI sentiment, the weaponization of law and their human rights implications in select African countries’, published 9 January 2024, (AI LGBTI report 2024) observed:
- ‘In 2019 the High Court of Bulawayo delivered a judgment that was a step toward advancing the rights of transgender persons in Zimbabwe when it lambasted the conduct of police against transgender persons. The decision was a response to an application by Ricky Nathanson’s (a transgender woman) unlawful arrest, detention and malicious prosecution. This decision was described as an affirmation and recognition of human rights, freedoms and dignity of all citizens as intended by the Constitution of Zimbabwe. Despite this ground-breaking Court decision, transgender persons continue to face a number of challenges in Zimbabwe that limit their ability to enjoy and access human rights and freedoms. There is no legal framework for access to gender affirming healthcare, there are no avenues to change gender markers on official documents, so transgender people struggle to align their legal and gender identities which has daily implications for their ability to enjoy human rights.’<sup>11</sup>
- 8.2.7 The AI LGBTI report 2024 also noted:
- ‘Amidst the persistent challenges, a significant and positive shift is unfolding regarding the rights of persons with intersex variations in Zimbabwe. The government is demonstrating growing acceptance and actively engaging with a recommendation presented by Iceland during the 2022 Universal Periodic Review (UPR) process ... This recognition of intersexuality as a natural occurring variation that is a part of human diversity, signifies a good

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<sup>9</sup> USSD, [2023 Country Reports on Human Rights Practices](#): Zimbabwe (section 6), 22 April 2024

<sup>10</sup> Pakasipiti, [‘Joint submission 1’](#) (paragraph 4) , circa 2022

<sup>11</sup> AI, [‘We are facing extinction: Escalating anti-LGBTI sentiment ... ’](#) (page 57), 9 January 2024

starting point towards fostering inclusivity and respecting the rights of people with intersex variations in Zimbabwe.<sup>12</sup>

- 8.2.8 The USSD 2023 report noted that the ‘laws that criminalize lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) identities had the effect of prohibiting LGBTQI+ persons from participating in the political process. Transgender persons encountered difficulties when registering to vote because of changes in their appearance, disenfranchising them from the political process.’<sup>13</sup>

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## 9. Other laws

- 9.1.1 The AI LGBTI report 2024 commented on legal restrictions imposed on civil society generally not LGBTI groups in particular, noting:

‘In 2023 the climate for LGBTI persons in Zimbabwe has been marked by diminishing space for civil engagement. This narrowing of civic space has made it increasingly difficult for LGBTI persons to organize and advocate for their rights. The introduction of the Criminal Law (Codification and Reform) Amendment Bill (Patriotic Bill) a piece of legislation signed into law by President Emmerson Mnangagwa on 31 May 2023, has worsened the situation. This law, ostensibly designed to protect the sovereignty and national interests of Zimbabwe, has raised significant concerns, especially among LGBTI persons ...

‘The recently enacted now Patriotic Act represents a severe attack on fundamental rights, including freedom of expression, peaceful assembly, and association. Individuals found guilty of “wilfully damaging the sovereignty and national interest of Zimbabwe” now face harsh penalties, including the death penalty. The vague language used within the legislation raises concerns about its potential misuse, posing a significant risk to the rights of Human Rights Defenders, including those who work for LGBTI organizations ...

‘Adding to the civic space constraints is the proposed “Private Voluntary Organisations (PVO) Amendment Bill” (PVO Bill). The PVO bill’s provisions would grant the Office of the Registrar significant authority to register, monitor, and intervene in the activities of PVOs, potentially infringing on their autonomy. Partner organisation Gays and Lesbian of Zimbabwe (GALZ) says LGBTI organisations may be disproportionately affected. This is because historically, LGBTI organizations in the country have operated as associations rather than registered NGOs. This strategic choice allowed them to navigate some of the challenges associated with formal registration. However, the PVO Bill introduces a new compliance mechanism, requiring these associations to dissolve and re-register under the new law. Additionally, organizations addressing LGBTI issues through trusts would also need to undergo a similar dissolution and re-establishment process ... It’s noteworthy to add that the president refused to assent to the bill and

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<sup>12</sup> AI, [‘We are facing extinction: Escalating anti-LGBTI sentiment ...’](#) (page 57), 9 January 2024

<sup>13</sup> USSD, [‘2023 Country Report on Human Rights Practices: Zimbabwe’](#), (Section 6) 22 April 2024

returned it to parliament, and it is not clear when parliament will reintroduce the PVO Bill.<sup>14</sup>

- 9.1.2 The USSD report 2023 noted: ‘There were no laws prohibiting individuals speaking or media reporting on LGBTQI+ matters, on the ability of LGBTQI+ individuals to assemble in public or private or to form associations, or on the ability of LGBTQI+ organizations to legally register or convene events.’<sup>15</sup>

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## 10. State attitudes

### 10.1 Statements or views expressed by public officials

- 10.1.1 The Department of Foreign Affairs and Trade (DFAT) Australia, in their Country Information Report Zimbabwe, dated 19 December 2019 noted:  
‘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.’<sup>16</sup>
- 10.1.2 The GALZ/SHRL UPR submission 2022 noted: ‘Former President Robert Mugabe had a decades long history of unquestionably homophobic rhetoric, regularly making bigoted statements about same-sex attracted persons on both local and international platforms. In the past decade, senior figures in the ruling party, Zanu-PF, would use “gay” as an accusation and a pejorative during political infighting.’<sup>17</sup>
- 10.1.3 The Pakasipiti joint submission also noted: ‘The current context in Zimbabwe is characterised by poverty, unstable fiscal policies, religious fundamentalisms, culture and traditional norms that perpetuate stigma and discrimination against women generally and LBQ persons in particular. This is also fuelled by the existence of the Criminal Law (Codification and Reform Act) chapter 4, part 3 section 73.’<sup>18</sup>
- 10.1.4 The Washington Blade, an online and print news outlet, which ‘serve[s] the D.C.-area LGBTQ community’, reported that:

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<sup>14</sup> AI, [‘We are facing extinction: Escalating anti-LGBTI sentiment ...’](#) (pages 55 to 56), 9 January 2024

<sup>15</sup> USSD, [‘2023 Country Report on Human Rights Practices: Zimbabwe’](#), (Section 3) 23 April 2024

<sup>16</sup> DFAT, [‘Country Information Report Zimbabwe’](#), (paragraph 3.90), 19 December 2019

<sup>17</sup> GALZ and SHRL, [‘Situation of Human Rights for LGBT Persons’](#), (Paragraph 19), January 2022

<sup>18</sup> Pakasipiti, [‘Joint submission 1’](#) (paragraph 9) , no date

'Zimbabwean Vice President Constantino Chiwenga has expressed concerns over what he has described as foreign recruitment of LGBTQ people in the country.

'Chiwenga on Feb. 15 described Zimbabwe as a Christian country and therefore does not have room to accommodate those who identify as LGBTQ. His comments were in response to Gays and Lesbians of Zimbabwe and the advocacy group's annual scholarship program that provides funds to people who identify as LGBTQ.

"The government of Zimbabwe strongly and firmly rejects and denounces as unlawful, un-Christian, anti-Zimbabwean and un-African, insidious attempts by foreign interests to entice, lure and recruit Zimbabwe's less privileged, but able students into lesbian, gay, bisexual and transgender activities and malpractices through offers of educational scholarships," he said.<sup>19</sup>

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## 11. State treatment

Sources often consider the situation for LGBTI collectively. The treatment of individual groups is difficult to ascertain. Often information focuses on the experiences of trans women due to their increased visibility in society.

### 11.1 Arrests, harassment and other violations

11.1.1 The same report noted that: 'On 16 January 2021 three young men were arrested while walking in the street past a police station in Mbare. Police officers on duty accused the trio of being gay without any evidence, and arrested them on this basis. The young men were verbally abused by officers in custody and never charged with anything before finally being released due to the intervention of Zimbabwe Lawyers for Human Rights (ZLHR). One of the men successfully sued the officers involved for unlawful arrest and detention...'<sup>20</sup>

11.1.2 Human Rights Watch (HRW) in their Submission as part of the Universal Periodic Review of Zimbabwe, dated 15 July 2021 noted 'The harassment by state agents of LGBT people continues to drive many underground.'<sup>21</sup> However, the HRW did not provide details of when the harassment took place, what it defines as 'harassment', the number of persons affected, where and which state agents were responsible.

11.1.3 The GALZ/SHRL UPR submission 2022, citing other sources, noted:

'In 2019 alone, five men in different parts of Zimbabwe were charged with "sodomy". One couple's home was raided by the police (ZRP) without a warrant. The two men were viciously assaulted by the police before being arrested, brought before a Magistrate and remanded into custody. They were only released after a State witness failed to make an appearance at the

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<sup>19</sup> The Washington Blade, '[Zimbabwean vice president reiterates strong opposition](#)', 20 February 2024

<sup>20</sup> ILGA, '[Our Identities Under Arrest](#)' (page 143), November 2023

<sup>21</sup> HRW, '[Universal Periodic Review Submi...](#)' (Sexual Orientation and Gender Identity), 15 July 2021



criminal trial. The State ultimately advised that it shall proceed by way of summons.<sup>122</sup>

11.1.4 The same report also noted citing another source:

‘Even in instances when they are not arrested, the threat of exposure to a homophobic public leaves LGBT persons vulnerable to exploitation through blackmail and other forms of extortion by third parties or law enforcement officials, themselves. In February 2019, a gay man based in Beitbridge was entrapped by another man who had conspired with the police to catch him in a compromising position. They threatened to charge him with sodomy unless he paid them ZAR 1,000.00 the next day ... He ultimately paid the bribe out of fear. In March of that same year, another man was connected by his police officer friend to a married man who was looking for an intimate male partner. The victim was compelled to pay a bribe under threat of exposure and criminal charges. He fled the country instead, as he felt he had no other option.’<sup>123</sup>

11.1.5 The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) in their report *Our Identities Under Arrest*, published November 2023 (ILGA report 2023) noted ‘Between 2010 and 2023 ILGA World has noted seven examples of criminal enforcement and State-backed targeting of SOGIESC individuals and human rights defenders, a seemingly low number given the history of officials in Zimbabwe displaying notably antagonistic rhetoric and behaviour.’<sup>124</sup>

11.1.6 ILGA report 2023 noted: ‘On 15 February 2023, an SOGI activist in Bulawayo was arrested and questioned by three men identifying themselves as police, for organising a social event for queer students. Further details of the incident are not known’<sup>125</sup>. The same described another incident: ‘It was reported in March 2021 that a woman was assaulted by police when they could not find her husband. They were searching for the husband on the basis of allegations that he was gay.’<sup>126</sup>

11.1.7 The USSD human rights report 2023 *Country Reports on Human Rights Practices: Zimbabwe* noted (USSD 2023 report) ‘Transgender individuals continued to face challenges when seeking government services. They often encountered difficulties when registering to vote because of changes in their appearance, disenfranchising them from the political and social process.’<sup>127</sup>

11.1.8 The above report also noted: ‘LGBTQI+ community leaders reported, however, that state-sanctioned violence targeting LGBTQI+ persons was less frequent than in the previous administration. LGBTQI+ community members continued to report homophobic attacks by the public, which police did not investigate, and intimate partner violence.’<sup>128</sup>

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<sup>22</sup> GALZ and SHRL, [‘Situation of Human Rights for LGBT Persons’](#) (Paragraph 9), January 2022

<sup>23</sup> GALZ and SHRL, [‘Situation of Human Rights for LGBT Persons’](#) (Paragraph 10), January 2022

<sup>24</sup> ILGA, [‘Our Identities Under Arrest’](#) (page 141), November 2023

<sup>25</sup> ILGA, [‘Our Identities Under Arrest’](#) (page 143) November 2023

<sup>26</sup> ILGA, [‘Our Identities Under Arrest’](#) (page 143), November 2023

<sup>27</sup> USSD, [‘2023 Country Reports on Human Rights Practices: Zimbabwe’](#) (Section 6), 20 March 2023

<sup>28</sup> USSD, [‘2023 Country Reports on Human Rights Practices: Zimbabwe’](#) (Section 6), 20 March 2023

11.1.9 The AI LGBTI report 2024, without providing specific details or numbers of the frequency of incidents, noted:

‘In terms of the legal landscape for LGBTI persons, LGBTI activists confirm that Zimbabwe’s criminalization of same-sex activity has created a hostile environment for LGBTI people. While this criminalization was not consistently enforced in the past, GALZ reports to Amnesty International that there have been recent reports which suggest a growing number of arrests for activities related to LGBTI identities (under “sodomy” laws). These arrests, allegedly often carried out by corrupt police officers seeking bribes, contribute to a climate of fear and unpredictability. Freedom from harassment depends heavily on one’s socioeconomic status; those with the financial means to pay bribes may avoid charges, while others may not be so fortunate.’<sup>29</sup>

11.1.10 The same report referring to a statement made by GALZ to AI also noted ‘Homophobia is rampant in Zimbabwe, law enforcement officials may not fully understand or correctly apply the law in cases involving LGBTI persons, leading to arbitrary and disproportionate penalties. The judiciary’s lack of experience in handling such cases and the influence of moral and religious values contribute to this problem, there is a need to train our judges.’<sup>30</sup>

11.1.11 The Pakasipiti joint submission stated: ‘LBQ persons are often detained and released without proper documentation of the arrest or notice of the actual crime committed other than the discretion of the arresting officer. LGBTQ persons generally live in fear, and they accept these arrests and detentions without seeking redress thereafter.’<sup>31</sup> However, the source does not provide details of number, location or timing of these arrests.

11.1.12 HRW report 2024 noted: ‘Lesbian, gay, bisexual, and transgender (LGBT) people have faced police harassment and sexual and physical assaults. In September, a man committed suicide in fear of police arrest for sodomy.’<sup>32</sup> The source did not provide specific detail of the number, nature and timing of these incidents.

11.1.13 The Human Dignity Trust, UK-based civil society group advocating on behalf of LGBTI people, stated on its undated Zimbabwe page but which contains information up to 2024: ‘There is some evidence of the law being enforced in recent years, with LGBT people being occasionally subject to arrest, though there appear to be no successful prosecutions under the law. There have been consistent reports of discrimination and violence being committed against LGBT people in recent years, including assault, sexual violence, harassment, blackmail, and the denial of basic rights and services.’<sup>33</sup>

11.1.14 An article in the ZimEye, which describes itself as ‘a spread out media-network market of professionals in various fields that include arts & journalism as practiced by many of its subscribers scattered across the globe’ of 12 September 2023, noted

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<sup>29</sup> AI, [‘We are facing extinction: Escalating anti-LGBTI sentiment, the...’](#) (Zimbabwe) 9 January 2024

<sup>30</sup> AI, [‘We are facing extinction: Escalating anti-LGBTI sentiment, the...’](#) (Zimbabwe) 9 January 2024

<sup>31</sup> Pakasipiti, [‘Joint submission 1’](#) (paragraph 4), no date

<sup>32</sup> HRW, [‘World Report 2024 – Zimbabwe’](#) (Sexual Orientation and Gender Identity), 11 January 2024

<sup>33</sup> Human Dignity Trust, [‘Zimbabwe’](#), no date

‘Kwekwe, Midlands Province- Kwekwe police have taken into custody a gay couple following an unusual complaint that led to shocking revelations. The incident unfolded when one of the partners approached the authorities, demanding the arrest of his significant other due to an initial deception – the belief that his partner was a woman. [The couple] ... face charges related to sodomy, a legal offense in Zimbabwe that carries significant consequences.’<sup>34</sup>

#### 11.1.15 The USSD human rights report for 2023 noted

‘The [anti-gay] law was rarely enforced, however civil society organizations reported LGBTQI+ persons were disproportionately charged with public indecency and disorderly conduct, in some cases resulting in severe mental health consequences including depression, anxiety, substance abuse, and suicidal ideation... Observers reported LGBTQI+ persons were vulnerable to extortion by police because of the criminalization and stigma associated with same-sex conduct. LGBTQI+ advocacy organizations reported extortion and “outing” as two of the most common forms of repression of LGBTQI+ persons.’<sup>35</sup>

#### 11.1.16 The USSD 2023 report also noted ‘LGBTQI+ community leaders reported, however, that state-sanctioned violence targeting LGBTQI+ persons was less frequent than in the previous administration.’<sup>36</sup>

#### 11.1.17 In their joint submission ‘Situation of Human Rights for LGBT Persons’ as part of the UN Universal Periodic Review of Zimbabwe Pakasipiti, Hands of Hope, The Zimbabwe Autonomy Collective, and Africa Kiburi on behalf of the Zimbabwe lesbian, bisexual and queer women (LBQ) community (Pakasipiti report) noted ‘ ... stigma, discrimination and violence against marginalised women and LBQ persons in Zimbabwe continues to persist especially for those who are “masculine presenting”. While “feminine presenting” people are sometimes arrested, it is often because they were in the company of “masculine presenting” individuals’<sup>37</sup>

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## 11.2 State protection

### 11.2.1 The Global Initiative against Transnational Organised Crime (GITOC), a civil society organisation head-quartered in Geneva which undertakes research and analysis into organised crime, stated in its Global Crime Index 2023 entry for Zimbabwe, released in September 2023:

‘The judicial system in Zimbabwe has been a source of conflict between human rights and governmental authority. There is ample evidence of corruption and political appointments of judges, which has led to decreased trust in the justice system. Criminals with political ties are often not held accountable in court, and organized criminal activity is widespread. Further, the judiciary is still being used to prosecute and detain whistleblowers, journalists and activists. Political influence on the justice system remains

<sup>34</sup> ZimEye, [Mnangagwa Home Police Arrest Gay Couple](#), 12 September 2023

<sup>35</sup> USSD, ‘[2023 Country Report on Human Rights Practices: Zimbabwe](#)’, (Section 6) 22 April 2024

<sup>36</sup> USSD, ‘[2023 Country Report on Human Rights Practices: Zimbabwe](#)’, (Section 6) 22 April 2024

<sup>37</sup> Pakasipiti, ‘[Joint submission 1](#)’ (paragraph 8) , no date

significant, with judges rarely seen ruling against the government. Judicial independence continues to be eroded due to factors such as patronage of the judiciary through land allocation schemes, opaque appointment procedures for higher judiciary, and underfunding, which makes the judiciary heavily reliant on government support.

‘The Zimbabwe Republic Police, the primary law enforcement agency in the country, faces significant challenges due to underfunding and poor training. The police also lack appropriate transport facilities to ensure swift mobility, making it difficult for them to respond to calls for assistance. Moreover, the police force is plagued with corruption, as officers often supplement their salaries with bribes from criminals. Additionally, security forces continue to commit arbitrary arrests, violent assaults, abductions, torture and other abuses against opposition politicians, dissidents and activists. Zimbabwe lacks specialized law enforcement units to counter organized crimes. Moreover, the lack of integrity and competence within law enforcement structures creates an obstacle to preventing cyber-dependent crimes.’<sup>38</sup>

- 11.2.2 The Overseas Security Advisory Council (OSAC), ‘a public-private partnership between the U.S. Department of State’s Diplomatic Security Service (DSS) and security professionals from U.S. organizations operating abroad’, which provides advice for US nationals in Zimbabwe, in its April 2024 security report noted:

‘The Zimbabwe Republic Police (ZRP) maintain internal security. However, they are underfunded and poorly trained. The level of competence between officers varies greatly. The ZRP lack basic skills to investigate crime and locate subjects, except for the most high-profile cases. The recent devaluation of the Zimbabwe currency has also resulted in an increased number of reports of ZRP officers requesting bribes or engaging in criminal activity to supplement a rapidly diminishing official salary.

‘ZRP and the Immigration Department, both under the Home Affairs Ministry, are primarily responsible for migration and border enforcement. Although police are officially under the authority of the Home Affairs Ministry, the Office of the President directs some police roles and missions in response to civil unrest.

‘The military is responsible for external security, but also has some domestic security responsibilities. The Zimbabwe National Army and Air Force constitute the Zimbabwe Defense Forces, and report to the defense minister. The Central Intelligence Organization, under the Office of the President, engages in internal and external security matters. Civilian authorities at times do not maintain effective control over the security forces. Members of the security forces have reportedly committed numerous abuses.’<sup>39</sup>

- 11.2.3 Southern Africa Litigation Centre (SALC) in their report From The Inside Out-social exclusion linked to sexual orientation, gender identity and expression and sex characteristics in Eswatini, Malawi and Zimbabwe, (SALC Report 2022) data collected between February 2021 to October 2021 from 238 individuals from Zimbabwe and published 16 November 2022 noted:

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<sup>38</sup> GITOC, [Organised Crime Index 2023](#) (Zimbabwe), September 2023

<sup>39</sup> OSAC, [Zimbabwe Country Security Report](#), 26 April 2024

'Four out of five respondents thought that it was unlikely that an LGBTQI person can seek police protection from violence without experiencing discrimination (14% thought this was not likely, and 66% thought it was not likely at all). This is particularly significant as many LGBT Zimbabweans have reported experiencing violence: 63% had experienced SOGIE-related harassment, 39% had experienced sexual violence and 43% physical violence, with 77% attributing the violence to their SOGIE'<sup>40</sup>

- 11.2.4 The USSD report 2023 stated that: 'Police and government agents tolerated violence and abuse against LGBTQI+ persons ... One community leader described police indifference when transgender women were beaten or sexually assaulted.'<sup>41</sup>

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Section updated: 08 July 2024

## 12. Societal attitudes

- 12.1.1 UK Foreign, Commonwealth and Development Office (FCDO) in their Foreign travel advice for British nationals noted: 'Zimbabwean society remains conservative towards same-sex relations, especially between men. However, there is a small but active underground LGBT+ scene in Harare and prosecutions are rare.'<sup>42</sup>
- 12.1.2 Musa Sibindi, Executive Director Sexual Rights Centre (SRC), an organisation working towards promoting the access, voice, agency, and empowerment of marginalised, vulnerable, and key population communities in Zimbabwe to realise quality, comprehensive and affirming sexual and reproductive health and rights. in his Solidarity Message on International Day Against Homophobia, Biphobia and Transphobia (IDAHOT) 2020 wrote: ' ... we do appreciate that social attitudes towards sexual minorities have improved rapidly over the past one or two decades within many countries, Zimbabwe included- as nations have begun to recognise to some extent the rights of sexual minorities, designing some national policies and programmes for the LGBTI and gender non-conforming persons.'<sup>43</sup>
- 12.1.3 The GALZ/SHRL UPR submission 2022 noted ' ... Zimbabweans across the country have expressed homophobic and transphobic sentiments. To a large extent, popular social attitudes towards LGBT persons in Zimbabwe have also been influenced by the opinions of political figures as disseminated by news media.'<sup>44</sup>
- 12.1.4 Afrobarometer, a nonprofit corporation with headquarters in Ghana, is a pan-African, nonpartisan survey research network that provides reliable data on Africans' experiences and evaluations of democracy, governance, and quality of life. In their Zimbabwe Round 9 summary of results, conducted between 28 March-10 April 2022 published on 29 August 2022<sup>45</sup> noted:

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<sup>40</sup> SALC, '[From The Inside Out- social exclusion linked to sexual...](#)' (page 38) 16 November 2022

<sup>41</sup> USSD, '[2023 Country Report on Human Rights Practices: Zimbabwe](#)', (Section 6) 23 April 2024

<sup>42</sup> UK FCDO, '[Foreign travel advice- Zimbabwe](#)' (LGBT+ travellers), no date

<sup>43</sup> SRC, '[SRC IDAHOT 2020 Solidarity Message](#)', 17 May 2020

<sup>44</sup> GALZ and SHRL, '[Situation of Human Rights for LGBT Persons](#)', (Paragraph 19), January 2022

<sup>45</sup> Afrobarometer, '[Zimbabwe Round 9 summary of results](#)', (page 68), 29 August 2022

Q87C. For each of the following types of people, please tell me whether you would like having people from this group as neighbours, dislike it, or not care: Homosexuals?

	Urban	Rural	Men	Women	Total
Strongly dislike	54.5	79.0	72.4	67.4	69.9
Somewhat dislike	14.7	4.6	5.0	11.7	8.4
Would not care	22.3	13.1	19.5	13.6	16.5
Somewhat like	7.1	1.7	1.1	6.2	3.7
Strongly like	1.3	0.9	1.3	0.8	1.0
Refused	0.0		0.0		0.0
Don't know	0.1	0.8	0.7	0.3	0.5

12.1.5 GALZ in their report *Actus Reus: An analysis of human rights violations against LGBTI persons in Zimbabwe 2018*, drawing data from a total of 170 violations extracted from 104 actual cases, between 2012 to 2017, published in 2018 noted:

‘Disownment, which is typically associated with a family deciding to cut all relational ties with a member who has been outed, accounted for 7% percent of all all recorded violations. This form of violation was generally associated with displacement in situations where the complainant was living under the care of parents or guardians and did not own or have entitlements to the residence...gay men represent the greatest number of individuals that suffered from disownment by their families’<sup>46</sup>

12.1.6 A qualitative study published in 2023 by Internews, supported by USAID, based on desk review, key informant interviews, in-depth interviews and focus group discussions, exploring how ‘the LGBTI community in Bulawayo access, value, share and trust health information that they receive’, reported

‘Post-Mugabe era, the new government is yet to accommodate rights for the LGBTI community in a way that can enhance their freedom of communication and expression. In November 2021, South African gay personality, Somizi Mhlongo, was reportedly barred from visiting Zimbabwe to attend the reopening of one of the affluent restaurants in Harare. This followed a petition to the Zimbabwean President Emmerson Mnangagwa by a coalition of indigenous churches and the ZANU-PF Youth League who threatened to protest if Mhlongo was allowed to attend the function. Leaders of the Apostolic Council, a coalition of more than 600 Christian groups, said in its letter to President Mnangagwa that "Zimbabwe doesn't tolerate homosexuality". The Apostolic Council also warned that Mhlongo’s attendance would cost ZANU-PF votes in 2023. It is, however, unclear if the openly gay personality was banned due to a government directive or if event organisers pulled out in fear of retribution or boycott.’<sup>47</sup>

12.1.7 The AI LGBTI report 2024 noted ‘Activists also connect the surge in homophobic sentiment to the growing influence of Pentecostal churches, which have experienced a significant proliferation in recent years and often propagate anti-LGBTI rhetoric. They believe that this religious shift has

<sup>46</sup> GALZ, [‘Actus Reus: An analysis of human rights violations against LGBTI..’](#) (paragraph 8.4), 2018

<sup>47</sup> Internews, [‘Understanding the information flows and flaws of the LGBTI communities’](#), July 2023

intensified the perpetuation of discriminatory attitudes, presenting additional challenges for Zimbabwe's LGBTI community.<sup>48</sup>

- 12.1.8 The Herald (Zimbabwe), a news outlet based in Zimbabwe, noted in their article 'Zim condemns same sex marriages', published on 25 December 2023 reported 'Catholic congregants in Zimbabwe have expressed disquiet at the Vatican's move to allow the church's priests to bless same-sex couples, saying this is abominable in the majority of African countries and others outside the axis of the so-called "free world".<sup>49</sup>

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## 13. Societal treatment

### 13.1 Violence, harassment and discrimination

- 13.1.1 GALZ's 2021 LGBTI Violations Report, published on 14 December 2022, (GALZ report 2021), documented 38 reported cases of violations, outlines cases of human rights violations perpetrated in 2021 collated from reports from Harare, Bulawayo, Mutare and Masvingo and online with additional information is provided from regional Affinity Groups. GALZ explained the methodology used in the report

'Violations from 2021 were gathered from reports filed through site visits, mobile messaging and referrals. A majority of cases reported were through community-driven focal persons who deliver the violations physically or through social media messaging. Some LGBTI persons come in person or through the PFLAG WhatsApp platform. Ordaa coordinators are also sent out into the community to verify the genuineness of cases and the urgency with which they need to be addressed.'<sup>50</sup>

- 13.1.2 GALZ's report noted that the common violations reported to them in 2021 'were sexual assaults (25%) and blackmail (15%). Sexual assaults materialized in the form of corrective rape. Intimate partner violence is also a major experience in cases of sexual assault. Blackmail was interlinked to a majority of cases whereby, victims were threatened to be outed if they do not provide the perpetrator with some sort of compensation such as money, sex, clothing items or performing a task. Counsellors also noted a rise in blackmail through social media as chats and pictures were kept as a bargaining tool. It is apt to note that the linkage between blackmail and sexual assault has almost been inseparable as one has often led to another.'<sup>51</sup>

- 13.1.3 The GALZ report 2021 also noted 'Although violations have been noted, it is also apt to mention that positive reinforcement and tolerance have been built more or less as the general population in some cases has come to the defence of LGBTI people when they witness violations. Several victims have

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<sup>48</sup> AI, '[We are facing extinction: Escalating anti-LGBTI sentiment, the...](#)' (Zimbabwe), 9 January 2024

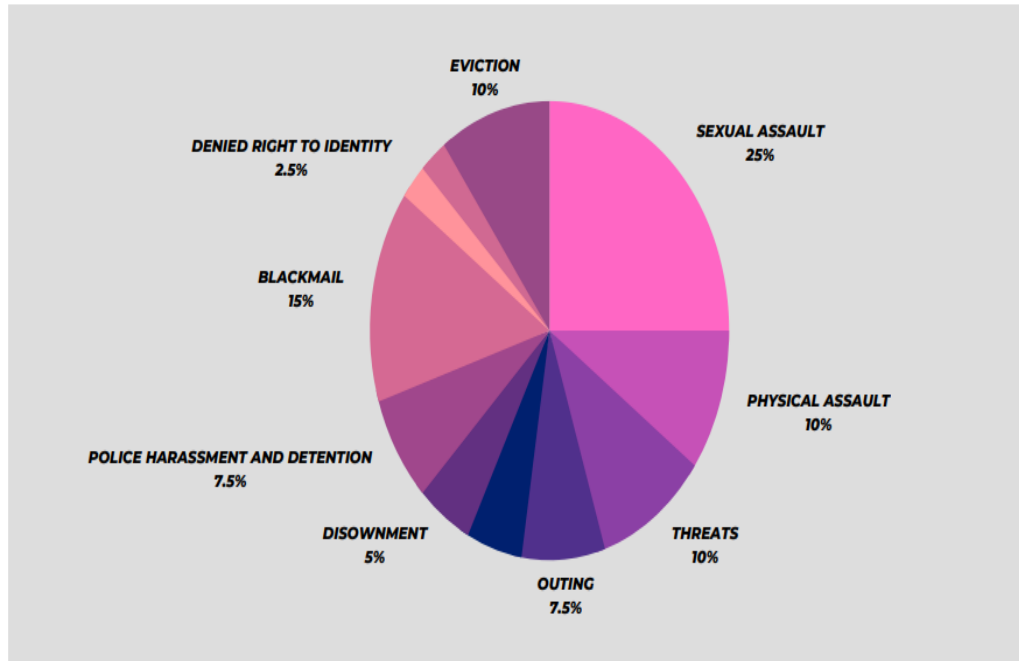
<sup>49</sup> The Herald (Zimbabwe), '[Zim condemns same sex marriages](#)', 25 December 2023

<sup>50</sup> GALZ, '[LGBTI Violations Report 2021](#)' (page 12), 14 December 2022

<sup>51</sup> GALZ, '[LGBTI Violations Report 2021](#)', (Data analysis), 14 December 2022

testified that they sought protection from the heterosexuals who responded positively to their appeal.<sup>52</sup>

13.1.4 The pie chart below was published in the GALZ report 2021 shows the extent of various human rights violations against the LGBTI community in Zimbabwe in 2021:



13.1.5 The USSD report 2023 stated that ‘Civil society organizations described instances in which families and communities implemented psychological “therapies” to try to change a person’s sexual orientation or gender identity or expression. These included family members pressuring the person to have intercourse with an arranged person of the opposite sex, arranged marriages, “corrective rape,” and exorcisms performed by traditional healers.’<sup>53</sup>

13.1.6 The same report stated: ‘Some parents treated their children’s identity as an intellectual disability and forced transgender youth into mental health institutions. Civil society contacts reported many LGBTQI+ persons succumbed to familial pressure, including the threat of disownment and community ostracization, and entered heterosexual marriages.’<sup>54</sup>

13.1.7 The USSD 2023 report commenting on the GALZ report noted: ‘A 2021 study by [GALZ] reported that one in three lesbian, bisexual, and transgender women experienced violence for their sexual orientation or gender identity; 65 percent of respondents never reported violence due to concerns regarding subsequent victimization at the hands of authorities. In a 2022 report, GALZ documented 27 cases of abuse of LGBTQI+ persons, a decline from 41 [sic, GALZ refers to 38] cases in 2021.’<sup>55</sup>

<sup>52</sup> GALZ, [‘LGBTI Violations Report 2021’](#), (Data analysis), 14 December 2022

<sup>53</sup> USSD, [‘2023 Country Report on Human Rights Practices: Zimbabwe’](#), (Section 6) 23 April 2024

<sup>54</sup> USSD, [‘2023 Country Report on Human Rights Practices: Zimbabwe’](#), (Section 6) 23 April 2024

<sup>55</sup> USSD, [‘2023 Country Report on Human Rights Practices: Zimbabwe’](#), (Section 6) 23 April 2024



13.1.8 The USSD 2023 report also noted: ‘Observers reported LGBTQI+ persons were vulnerable to extortion by police because of the criminalization and stigma associated with same-sex conduct. LGBTQI+ advocacy organizations reported extortion and “outing” as two of the most common forms of repression of LGBTQI+’<sup>56</sup>

13.1.9 The AI LGBTI report 2024 stated that partners had told them

‘... there still exists a concerning disparity in the understanding of concepts relating to sexual orientation, gender identity, expression and sex characteristics within Zimbabwe. So, while there is an emerging acknowledgment of intersexuality as a biological characteristic, there remains a problematic pathologization of some identities and perception that gender identity and sexual orientation are matters of choice or behaviour. GALZ says this misperception fosters discrimination and hinders the understanding of the experiences faced by LGBTI persons in the country.’<sup>57</sup>

13.1.1 Openly, a ‘global digital platform delivering fair, accurate and impartial lgbt+ news ... powered by original coverage from the Thomson Reuters Foundation’<sup>58</sup>, reported on the experiences of LGBTQ+ artists and performers in Zimbabwe in September 2023:

‘It is tough making a living as an LGBTQ+ performer in Zimbabwe - the economy is in disarray and homophobic heckling is an occupational hazard.

‘But in a country where gay sex remains illegal and LGBTQ+ people often face discrimination and harassment, gay and transgender musicians, poets and other artists are finding ways to stay on stage.

"To get gigs in the corporate world, your brand has to be extra good because before everything else, your sexuality/gender identity already disadvantages you," said Stewie Le Savage, a 27-year-old trans musician based in the city of Bulawayo.

‘Because of that, she waits for events hosted by civil society organisations (CSOs) that aim to support inclusivity...’

‘Another musician and dancer, who asked not to be named, said she now performs solely at private gatherings after audience members at a public event shouted abuse at her and threw bottles on stage during her performance ...

‘Artists and performers who are assumed to be gay or trans still face "huge barriers and stereotypes", said Farai Munroe, director of Harare's Shoko Festival, which has dedicated space to LGBTQ+ performers.

‘In an effort to change that, the long-running festival in the capital has included panel discussions featuring LGBTQ+ speakers and reserved slots for artists from the community ... But such initiatives are rare, leaving some LGBTQ+ performers to run the gauntlet of public opinion at more mainstream events.

‘Spoken word poet Prince Rayanne Chidzvondo said he received death

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<sup>56</sup> USSD, [‘2023 Country Report on Human Rights Practices: Zimbabwe’](#), (Section 6) 23 April 2024

<sup>57</sup> AI, [‘We are facing extinction: Escalating anti-LGBTI sentiment, the...’](#) (Zimbabwe), 9 January 2024

<sup>58</sup> Openly, [‘Welcome to Openly’](#), undated

threats online earlier this year after attending the televised National Arts and Merit Awards (NAMA), where he was nominated for a prize.<sup>59</sup>

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Section updated: 08 July 2024

## 14. Access to public services

### 14.1 Access to education

14.1.1 SALC report 2022 noted: 'Two thirds of respondents thought that it was unlikely that an LGBTQI person could attend school or educational institutions without discrimination, with 26% stating not likely and 41% not likely at all. Forty-two percent of respondents have a tertiary degree or diploma and 53% have completed secondary school.'<sup>60</sup>

14.1.2 The USSD report 2023 noted 'LGBTQI+ persons often left school at an early age due to discrimination. Higher education institutions reportedly threatened to expel students based on sexual orientation. LGBTQI+ persons faced discrimination in employment and reported higher rates of unemployment and homelessness.'<sup>61</sup>

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### 14.2 Access to employment

14.2.1 The USSD report 2023 stated 'LGBTQI+ persons faced discrimination in employment and reported higher rates of unemployment and homelessness... One community leader... noted that many transgender women were excluded from the workplace and thus relied on commercial sex for their livelihoods, where they encountered high levels of exploitation and vulnerability to HIV and sexually transmitted infections.'<sup>62</sup>

14.2.2 The GALZ/SHRL UPR submission 2022 noted 'Zimbabwe has been experiencing an economic decline since 2016. Hyperinflation and mass unemployment have left many in poverty and with little access to disposable income. In such environments, the hardest hit are groups already experiencing discrimination and marginalisation. There are no protections against discrimination in employment based on sexual orientation or gender identity.'<sup>63</sup>

14.2.3 The above report also noted

'The anti-discrimination clause of the Labour Act [Chapter 28:01] does not prohibit discrimination based on sexual orientation or gender identity. The vulnerability of LGBT persons in employment is best illustrated by the case of Mr. Neal Hovelmeier who, at the end of September 2018, was forced to resign from his position as Deputy Headmaster of St. John's College in Harare after he came out to his students at a school assembly. On the 25th of September, a law firm hired by a group of parents/guardians demanded in writing that Mr. Hovelmeier retract his statement, that members of the school

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<sup>59</sup> Openly, '[Life as an LGBTQ+ performer is hard in the Southern African...](#)', 23 October 2023

<sup>60</sup> SALC, '[From The Inside Out- social exclusion linked to sexual...](#)', (page 38) 16 November 2022

<sup>61</sup> USSD, '[2023 Country Report on Human Rights Practices: Zimbabwe](#)', (Section 6) 23 April 2024

<sup>62</sup> USSD, '[2023 Country Report on Human Rights Practices: Zimbabwe](#)', (Section 3) 23 April 2024

<sup>63</sup> GALZ and SHRL, '[Situation of Human Rights for LGBT Persons](#)', (paragraph 13), January 2022

board resign and that an independent enquiry into the matter be carried out by the Ministry of Primary and Secondary Education. The group claimed that Mr. Hovelmeier's announcement was "ancillary to sodomy", and they threatened to lay charges against him under section 73 of the Criminal Law (Codification and Reform) Act. The threat of a criminal trial along with the multiple death threats and threats of physical violence he was already receiving prompted Mr. Hovelmeier to resign immediately after having served at the school for fifteen years. At no point during all of this, did the State intervene to protect Mr. Hovelmeier from the abuse to which he was subjected, despite the clear violations of his human rights under national and international law.<sup>64</sup>

#### 14.2.4 SALC report 2022 noted:

'The national consultations in Zimbabwe show the difficulties in identifying SOGIESC-specific economic exclusions in a country where unemployment (including informal employment) is estimated to be as high as 90% ... and the overall economic environment is characterised by insecurity and instability. The country's fragile and unstable economy leads to frequent and crippling shortages in currency and commodities. In this context, the already precarious economic position of LGBTQI people, as a result of the economic climate, is further exacerbated by discrimination. In the national consultations, participants indicated that the main forms of economic exclusion facing LGBTQI people in Zimbabwe are:

- The inability to get a job and to express one's sexuality in the workplace;
- Gender overshadows an individual's talent and experience in the workplace;
- Not getting promoted because of SOGIESC;
- Not being able to register a self-owned company;
- Not being able to access a bank loan;
- The businesses of LGBTQI people not being supported by the general public.<sup>65</sup>

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### 14.3 Access to healthcare

#### 14.3.1 Trans Research Education, Advocacy & Training (TREAT) in their report Zimbabwe Civil Society Report on LGBTI Rights (Contribution to the List of Issues Prior to Reporting), published October 2020 noted

'Access to health care services has been a major obstacle for LGBTI identifying persons in Zimbabwe due to unsensitised health care workers . The high level of stigma and discrimination in public health care facilities has seen health care workers publicly humiliating patients by sharing their health care issues with colleagues, for instance, during the focus group discussion, a participant raised the fact that a healthcare worker invited their colleague to come and witness a gay man with an anal lesion resulting from a sexually

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<sup>64</sup> GALZ and SHRL, '[Situation of Human Rights for LGBT Persons](#)' (paragraph 14), January 2022

<sup>65</sup> SALC, '[From The Inside Out- social exclusion linked to sexual...](#)' (page 45) 16 November 2022

transmitted infection. Under section 56, the constitution of Zimbabwe states: "All persons are equal before the law and have the right to equal protection and benefit of the law." However, in other instances, healthcare workers have asked insensitive questions with regards to the identity documentation of the patient not matching with their looks of transgender individuals. Because the law is silent on transgender rights, there is no provision for trans people to change their gender marker on their birth certificates, leaving them open to accusations of having same-sex relationships. Such a hostile environment has resulted in members of the LGBTI to shun away from public health care facilities. This result in members of the LGBTI community not seeking medical care when required to do so.<sup>66</sup>

14.3.2 A March 2022 article in African Arguments reported that:

'In the absence of legal protections for gender and sexual minorities, most transgender Zimbabweans are unable to access gender-affirming services — critical to the well-being of trans people — with safety or ease ... Many people find themselves with one of two options: travel to neighboring Botswana or South Africa, where procuring hormones is easier because of laws that protect trans rights, or resort to scouring the local black market ... Despite this precautionary measure of peer referrals, procuring hormones is risky ... Hormones sold illicitly tend to be more expensive and, given the absence of a proper prescription, they come with no dosage instructions ... The lack of medical supervision makes for another lingering source of anxiety. Self-administration of any medication can prove dangerous because one must first check a patient's vitals, ensure sterility of medical equipment, make sure the drugs interact safely with other medications, and then monitor side effects.'<sup>67</sup>

14.3.3 The GALZ/SHRL submission 2022 noted:

'Impressive strides have been made in including LGBT persons in the provision of healthcare services. In June 2018, the Ministry of Health issued a training manual for use by all healthcare professionals in the country in treating LGBT persons, as well as sex workers. The manual identifies male and female sex workers, men who have sex with men (MSM), transgender persons and intersex persons as vulnerable groups prevented from accessing healthcare services because of negative social and cultural attitudes towards them. The manual establishes that there is a link between marginalisation, stigmatisation and discrimination against these groups and their increased risk of HIV infection, which makes awareness raising amongst healthcare professionals and the removal of socio-political barriers essential to combatting the spread of HIV.'<sup>68</sup>

14.3.4 The report also noted

'Until consensual same-sex relations are decriminalised, MSM and other same-sex attracted men will remain in the margins of society, discouraged from visiting testing and treatment clinics out of fear of being stigmatised or discriminated against by healthcare professionals. There is also the

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<sup>66</sup> TREAT, '[Zimbabwe- Civil Society Report on LGBTI Right...](#)' (Access to Health Care), October 2020

<sup>67</sup> African Arguments, '[Trans Zimbabweans turn to black market for health care](#)', 25 March 2022

<sup>68</sup> GALZ and SHRL, '[Situation of Human Rights for LGBT Persons](#)' (paragraph 14), January 2022

perennial risk of exposure to a hostile public, for example, when a gay couple went for HIV testing at mobile clinic, their privacy was not respected. They were in full view of staff members and members of the public, some of whom took pictures and filmed videos of them. The men were also given ART immediately without their consent, further testing or counselling.<sup>69</sup>

14.3.5 In a paper published in PLOS Glob Public Health, Lariat et al stated that, 'While Zimbabwe has surpassed the 95-95-95 targets in 2022, recent studies have illustrated persistent disparities in HIV outcomes for the country's marginalised populations. An acutely neglected group are LGBTQI+ young people living with HIV... Young people are currently ill-served by adult LGBTQI+ dedicated services, which ration their accessibility to young people due to a well-founded fear of negative community reactions. While there has been significant attention placed on improving tailored services for children, adolescents, and young people living with HIV (CAYPLHIV), there has been no attempt yet to understand the differentiated care needs of LGBTQI+ young people within this group. While this diverse group undoubtedly do access community-based HIV peer-delivered support services, attitudes surrounding adolescent sexuality, homosexuality and gender norms intersect to create a silencing that renders them invisible in practice, programming and research.

'There are important exceptions to this trend. A leading example of this, and a case study for this research, is Zvandiri ("As I Am"), a community-based HIV program operating at a national scale in Zimbabwe and in eleven other countries. Their services are delivered by trained and supported community adolescent treatment supporters (CATS), aged 18–24 years who are themselves living with HIV. Zvandiri, in Zimbabwe, have recently begun developing interventions to better meet the needs of LGBTQI+ young people accessing their program, including the establishment of a peer-led LGBTQI+ support group.'<sup>70</sup>

14.3.6 USSD 2023 report noted: 'Public medical services did not offer hormone treatment or gender-affirming care to transgender persons. A small number of private clinics provided testosterone therapy, but estrogen therapy required patients to purchase treatment privately and self-administer the drugs or travel to neighboring countries where treatment was available but expensive.'<sup>71</sup>

14.3.7 Bayethe Development Institute (BDI), described itself as a South African registered non profit organisation and a Zimbabwean registered Private Voluntary Organization that aims at empowering marginalized communities with life skills to strengthen their inclusion and participation in all development processes including humanitarian interventions.<sup>72</sup> In an undated entry on its website noted:

'The Zimbabwean context is characterized by stigma, discrimination and marginalization of key populations which creates barriers to access sexual

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<sup>69</sup> GALZ and SHRL, '[Situation of Human Rights for LGBT Persons](#)' (paragraph 16), January 2022

<sup>70</sup> Lariat J, Mavhu W, & others '[Leaving no one behind? Addressi ...](#)' Introduction), 25 January 2024

<sup>71</sup> USSD, '[2023 Country Report on Human Rights Practices: Zimbabwe](#)', (Section 6) 23 April 2024

<sup>72</sup> Bayethe Development Institute, '[Who we are](#)', no date

and reproductive health and rights services. These barriers materialise at various levels, including the individual, interpersonal, community and societal levels. Political leaders, state & non-state duty bearers are driven by religious fundamentalism in exercising their mandate, this further hinders key populations from accessing SRHR services. Stigma & socio-cultural values are the leading cause of inadequate comprehensive & contemporary SRH Education in Zimbabwe. This is evident with the high prevalence of HIV transmissions among key populations, this is exacerbated by 50.3% of Key Populations that avoid health care due to stigma & discrimination.<sup>73</sup>

14.3.8 The USSD report 2023 noted: 'LGBTQI+ persons faced discrimination in employment and reported higher rates of unemployment and homelessness. They were also less likely to seek medical care for sexually transmitted diseases or other health problems due to fear that health-care providers would shun them or report them to authorities. Health-care workers commonly discriminated against and refused service to LGBTQI+ persons.'<sup>74</sup>

14.3.9 USSD 2023 report noted:

'The government had a national HIV and AIDS policy that prohibited discrimination against persons with HIV, and the law prohibited such discrimination in the private sector and within parastatals. Despite these provisions, societal discrimination against persons with HIV remained a problem. Local NGOs reported persons with HIV faced discrimination in employment, health services, and education. Although there was an active information campaign to destigmatize HIV – organized by international and local NGOs, the Ministry of Health, and the National AIDS Council – ostracism and discrimination continued. In the 2015 Demographic Health Survey, 22 percent of women and 20 percent of men reported they held discriminatory attitudes towards persons with HIV.'<sup>75</sup>

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#### 14.4 Non government organisations and support

14.4.1 Freeform House, in their Freedom in the World 2024 (FH report 2024) noted: 'LGBT+ advocacy groups exist, but severe discrimination limits their ability to advance their interests in the political sphere.'<sup>76</sup>

14.4.2 SALC Report 2022 noted: 'NGOs were the most important source of support for LGBTQI Zimbabweans who answered the survey: 63% said that they could turn to NGOs as sources of support, compared to friends (41%), family members (24%) and mental health professionals (31%).'<sup>77</sup>

14.4.3 The BDI website in an undated entry stated:

'The Pink Economy initiative is an entrepreneurship development and support project focusing the youth LGBTIQA community in Zimbabwe. The Pink Economy provides an opportunity for the youth LGBTIQA community to become leaders in their lives and within their communities, and to equip

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<sup>73</sup> Bayethe Development Institute, '[Sexual & Reproductive Health Rights](#)', no date

<sup>74</sup> USSD, '[2023 Country Report on Human Rights Practices: Zimbabwe](#)', (Section 6) 23 April 2024

<sup>75</sup> USSD, '[2023 Country Report on Human Rights Practices: Zimbabwe](#)', (Section 6) 23 April 2024

<sup>76</sup> FH, '[Freedom in the World 2024 – Zimbabwe](#)' (Section B), published in 2024

<sup>77</sup> SALC, '[From The Inside Out- social exclusion linked to sexual...](#)' (page 30) 16 November 2022

them with skills that foster economic growth through entrepreneurship and advocacy for inclusion into the mainstream economy ... Bayethe Development Institute through its flagship program, The Pink Economy, launched a livelihood support initiative to equip LGBTI entrepreneurs with life skills, business support and access to markets for resilience in the economic space where they are traditionally marginalized and discriminated based on their sexuality.<sup>78</sup>

14.4.4 GALZ based in Zimbabwe 'is a membership based association that exists to promote, represent and protect the rights and interests of lesbians, gays, bisexuals, transgender and intersex people through:

- Advocacy;
- lobbying;
- Empowerment;
- Education;
- Research; and
- Provision of safe spaces;

in order to influence positive attitudes of the broader society.<sup>79</sup>

14.4.5 GALZ in their website notes a number of affinity groups that were set up to cater for LGBTI members living outside Harare it states:

'Since the introduction of the Affinity Group Programme in 2002, membership of GALZ has grown significantly in urban areas other than Harare and Chitungwiza, indicating that there is strong interest in lesbian and gay people organising at local level when services are readily accessible. By the end of 2004, 9 Affinity Groups had registered with GALZ:

- Bulawayo – Melga, Prime Times
- Chipinge – Harmony
- Chitungwiza – Rainbow
- Marondera – Eastlove
- Masvingo – Good Hope
- Mutare – Eastern Networking
- Penhalonga – The Edge
- Victoria Falls – Mosi oya Tunya<sup>80</sup>

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Section updated: 08 July 2024

## 15. Freedom of movement

15.1.1 USSD 2022 report noted 'The constitution and law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.'<sup>81</sup> However, FH report 2024 noted 'Movement is restricted by the extensive use of police roadblocks,

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<sup>78</sup> Bayethe Development Institute, '[The pink economy](#)', no date

<sup>79</sup> GALZ, '[Mission](#)', no date

<sup>80</sup> GALZ, '[Affinity Groups](#)', no date

<sup>81</sup> USSD, '[2022 Country Reports on Human Rights Practices:...](#)' (Sectionn2D), 20 March 2023

which are used to impede protests and opposition rallies.<sup>82</sup>

15.1.2 There was no specific information about the movement or local population groups of LGBTI people in the sources consulted (see [Bibliography](#)).

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## Research methodology

The country of origin information (COI) in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2024. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources

Commentary may be provided on source(s) and information to help readers understand the meaning and limits of the COI.

Wherever possible, multiple sourcing is used and the COI compared to ensure that it is accurate and balanced, and provides a comprehensive and up-to-date picture of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote.

Full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

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<sup>82</sup> FH, '[Freedom in the World 2024 – Zimbabwe](#)' (Section G), 2024



# Terms of Reference

The 'Terms of Reference' (ToR) provides a broad outline of the issues relevant to the scope of this note and forms the basis for the [country information](#).

The following topics were identified prior to drafting as relevant and on which research was undertaken:

## Legal context

- Constitution
- Legislation
- State treatment
  - Government attitude
  - Police/authorities
  - Enforcement
- Societal attitudes and treatment
  - Societal norms and acceptance
  - Violence, harassment and discrimination
  - Religious attitudes
- Access to treatment and services
  - Education
  - Employment
  - Healthcare
  - NGOs and support
- Freedom of movement

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# Version control and feedback

## Clearance

Below is information on when this note was cleared:

- version **5.0**
- valid from **July 2024**

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### **Official – sensitive: Not for disclosure – start of section**

The information on this page has been removed as it is restricted for internal Home Office use.

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## Changes from last version of this note

Includes updated COI and country guidance caselaw.

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## Feedback to the Home Office

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the [Country Policy and Information Team](#).

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