



Home Office

Country Policy and Information Note

Zimbabwe: Sexual orientation and gender identity and expression

Version 4.0

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

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

Country of origin information

The country information 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 \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

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

All information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. 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, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 23 January 2019

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by the state and/or non-state actors because of the person's actual or perceived sexual orientation and/or gender identity or expression.

1.2 Points to note

1.2.1 This note provides analysis on the general situation of gay men, lesbians, bisexuals, trans and intersex persons, as well as those perceived as such. They are referred hereafter collectively as 'LGBTI persons', though the experiences of each group may differ.

1.2.2 Decision makers must also refer to the Asylum Instructions on [Sexual Identity Issues in the Asylum Claim](#) and [Gender identity and expression, including intersex issues in asylum claims](#).

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#). Decision makers must also refer to the Asylum Instructions on [Sexual Identity Issues in the Asylum Claim](#) and [Gender identity and expression, including intersex issues in asylum claims](#).

2.1.2 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](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Particular social group

2.2.1 LGBTI persons in Zimbabwe form a particular social group (PSG) 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 their identity or conscience that they should not be forced to renounce it, and have a distinct identity which is perceived as being different by the surrounding society.

2.2.2 Although LGBTI persons form a PSG, this does not mean that establishing such membership is sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their membership of such a group.

- 2.2.3 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Exclusion

- 2.3.1 Decision makers must consider whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts.
- 2.3.2 For further guidance on the exclusion clauses and restricted leave, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#) and the [Asylum Instruction on Restricted Leave](#).

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2.4 Assessment of risk

a. General points

- 2.4.1 Decision makers must establish whether or not an LGBTI person, if returned to their country of origin, will live freely and openly as such. This involves a wide spectrum of conduct which goes beyond merely attracting partners and maintaining relationships with them. Even if LGBTI persons who lived openly would not generally be at risk, decision makers must consider whether there are reasons why the particular person would be at risk.
- 2.4.2 If it is found that the person will in fact conceal aspects of his or her sexual orientation/identity if returned, decision makers must consider why.
- 2.4.3 If this will simply be in response to social pressures or for cultural or religious reasons of their own choosing and not because of a fear of persecution, then they may not have a well-founded fear of persecution. If a material reason why the person will resort to concealment is that they genuinely fear that otherwise they will be persecuted, it will be necessary to consider whether that fear is well-founded.
- 2.4.4 Decision makers should also consider if there are individual- or country-specific factors that could put the person at risk even if they choose to live discreetly because of social or religious pressures and/or whether the steps taken by them would be sufficient to avoid the risk of persecution. Some will not be able to avoid being known or perceived to be LGBTI whilst others will take some steps to conceal but would still be at risk.
- 2.4.5 For further guidance, see the Asylum Instructions on [Sexual Identity Issues in the Asylum Claim](#) and [Gender identity and expression, including intersex issues in asylum claims](#).

b. State treatment

- 2.4.6 The Constitution specifically prohibits same sex marriage. Common law prevents gay men and, to a lesser extent, lesbians from fully expressing their sexual orientation. Same-sex sexual relations between men are criminalised and can result in custodial sentences. However, prosecutions are very rare. Same-sex relationships between women are not criminalised. There is no legislation regarding gender identity and transgender people are not legally acknowledged. As a result, a transgender woman is likely to be prosecuted as if they were a man (see [legal context](#)).

- 2.4.7 Senior figures in the government, particularly former president Robert Mugabe, used anti-LGBTI rhetoric in public addresses. The authorities are also reported to commonly harass LGBTI persons on the grounds of loitering, indecency and public order offences. Additionally, there are reports of arbitrary detention and ill-treatment, as well as police extortion and intimidation. Some members of Gays and Lesbians of Zimbabwe, the lead LGBTI advocacy and support group, face harassment and discrimination (see [State treatment](#)).
- 2.4.8 In the country guidance case [LZ \(homosexuals\) Zimbabwe CG \[2011\] UKUT 487 \(IAC\) \(26 January 2012\)](#), heard on 13/14 October 2011, the Upper Tribunal held that although some gay men and lesbians suffer discrimination, harassment, intimidation, violence and blackmail from the general public and the police, there is no general risk to gays and lesbians, although personal circumstances may place some persons at risk (para 116).
- 2.4.9 Personal circumstances which may place some persons at risk include, but are not limited to, LGBTI rights activists and other persons who openly campaign for LGBTI rights in Zimbabwe as well as a positive HIV/AIDS diagnosis. Although not decisive on its own, being 'openly' gay may increase risk. Such people face the risk of arbitrary arrests by the police, and harassment by state agents and may be at increased risk of persecution (para 116 of [LZ](#) and [State treatment](#)).
- 2.4.10 The situation for LGBTI persons has not significantly changed since [LZ](#) was promulgated. In general, state treatment of LGBTI persons, even when taken cumulatively, is not sufficiently serious by its nature and repetition as to amount to persecution or serious harm.
- 2.4.11 Decision makers must consider each case on its facts. The onus will be on the person to demonstrate why, in their particular circumstances, they would be at real risk from the authorities.

c. Societal treatment

- 2.4.12 Politicians, traditional leaders, and religious leaders have publicly rejected LGBTI people. However, during the Harmonised elections in July 2018, a leading gay rights group noted the decline in the use of hate speech and harassment of the LGBT community, compared to past election periods. Public attitudes are generally intolerant, though there is some variation by geography, age and education. LGBTI persons generally do not openly express their sexuality or gender identity in their workplaces, or within their families. Zimbabwe is deeply religious and traditional, and sexuality generally (homo- or hetero-sexual) is inhibited and unlikely to be publicly expressed. LGBTI persons experience a climate of intimidation, stigma and discrimination which may exclude them from society, public services and job opportunities. Numerous LGBTI persons have lost their jobs, been expelled from education or been evicted once their sexual orientation has been revealed (see [Societal attitudes and treatment](#)).
- 2.4.13 Some persons may also be subject to physical assault, including 'corrective' rape, although the evidence does not indicate that such violence is frequent or widespread. However, victims rarely reported such crimes to the police, in part because a fear of being outed is a barrier to reporting abuse, and it is

difficult to find reference to the numbers and scale of violence against LGBTI persons generally, and in particular lesbians and bisexuals. Although underreporting may make it difficult to ascertain the scale of violence, it does not necessarily mean there is a significant increase in risk to LGBTI persons. Cases of violence against LGBTI persons which are reported, are infrequent and do not appear to follow a set pattern of victimisation. (see [State treatment](#) and [Societal attitudes and treatment](#)).

- 2.4.14 Privileged LGBTI persons may be able to be more open about their sexual orientation and identities, but still only within their like-minded social circles (see [Societal attitudes in general](#)).
- 2.4.15 LGBTI persons may also find it difficult to access information about and treatment for HIV and medical care for sexually transmitted diseases (see [General medical](#) and [HIV/AIDS](#)).
- 2.4.16 In the country guidance case of [LZ](#), the Upper Tribunal held that although some gay men and lesbians suffer discrimination, harassment, intimidation, violence and blackmail from the general public, there is no general risk to gay men or lesbians, and ‘corrective rape’ is rare, and does not represent a general risk (para 116).
- 2.4.17 However, the Tribunal went on to find that personal circumstances place some gay men and lesbians at risk. Lesbians, living on their own or together, may face greater difficulties than gay men. Although not decisive on its own, someone who is ‘openly’ gay may be at an increased risk. A positive HIV/AIDS diagnosis may also increase the likelihood of a person facing difficulties such as discrimination, harassment and intimidation (para 116).
- 2.4.18 The situation has not significantly changed since [LZ](#) was promulgated. In general, the societal treatment of LGBTI people in Zimbabwe, even when taken cumulatively, is not sufficiently serious by its nature and repetition as to amount to persecution or serious harm.
- 2.4.19 However personal circumstances may place some persons at risk; each case must however be considered on its facts. The onus is on the person to demonstrate why, in their particular circumstances, they would be at real risk from non-state actors.
- 2.4.20 For guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.5 Protection

- 2.5.1 Where the person’s fear is of persecution or serious harm at the hands of the state, they will not be able to avail themselves of the protection of the state.
- 2.5.2 Where the person’s fear is of persecution or serious harm from non-state actors, the Upper Tribunal in [LZ](#) found that the police and other state agents are not willing to provide protection (para 116).
- 2.5.3 For further guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 Homophobic attitudes are prevalent throughout the country. Where LGBTI persons do encounter local hostility they may be able to avoid this by moving elsewhere, but only if the risk is not present there and if it would not be unduly harsh to expect them to do so (see [Freedom of movement](#)).
- 2.6.2 The Upper Tribunal in [LZ](#) found 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 (para 116).
- 2.6.3 Special attention should be given where the person is a lesbian or perceived as a lesbian, as [LZ](#) found that lesbians 'on their own or together, may face greater difficulties than gay men' (para 116).
- 2.6.4 The country situation has not changed significantly since LZ was promulgated. In general, it may be reasonable for a LGBTI person to relocate depending on the facts of the case.
- 2.6.5 Internal relocation will not be an option if it depends on the person concealing their sexual orientation and/or gender identity in the proposed new location for fear of persecution.
- 2.6.6 For further guidance, see the Asylum Instructions on [Sexual Identity Issues in the Asylum Claim](#), [Gender identity issues in the asylum claim](#) and [Gender issues in the asylum claim](#).

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2.7 Certification

- 2.7.1 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.
- 2.7.2 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

Section 3 updated: 22 January 2019

3. Legal context

3.1 Constitution

- 3.1.1 The Australian Department of Foreign Affairs and Trade (DFAT) Country Information Report 2016 published 11 April 2016 (DFAT report 2016), based on a range of sources, noted: 'While the Constitution guarantees rights to non-discrimination, privacy, and freedom of expression, thought and association, ZANU-PF firmly opposed the inclusion of constitutional rights for Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons. The Constitution specifically prohibits same sex marriage.'¹
- 3.1.2 The UN Committee on the Rights of the Child noted in its report dated 7 March 2016 that 'While welcoming the inclusive non-discrimination provision in the Constitution, the Committee is concerned that national legislation remains inconsistent with the non-discrimination provisions of the Convention. It reiterates its concern about high levels of discrimination against [...] lesbian, gay, bisexual, transgender and intersex children and children affected or infected by HIV/AIDS.'²

The Constitution of Zimbabwe is available [here](#).

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3.2 Legislation

- 3.2.1 Section 73 of the Criminal Law (Codification and Reform) Act which became effective from July 2006 criminalises same sex sexual behaviour between men.

'73 Sodomy

'(1) Any male person who, with the consent of another male person, knowingly performs with that other person anal sexual intercourse, or any act involving physical contact other than anal sexual intercourse that would be regarded by a reasonable person to be an indecent act, shall be guilty of sodomy and liable to a fine up to or exceeding level fourteen or imprisonment for a period not exceeding one year or both.

'(2) Subject to subsection (3), both parties to the performance of an act referred to in subsection (1) may be charged with and convicted of sodomy.

'(3) For the avoidance of doubt it is declared that the competent charge against a male person who performs anal sexual intercourse with or commits an indecent act upon a young male person –

'(a) who is below the age of twelve years, shall be aggravated indecent assault or indecent assault, as the case may be; or

¹ DFAT, DFAT Report 2016 (paragraph 3.58), 11 April 2016, [url](#).

² UN Committee on the Rights of the Child, 'Concluding observations on the second periodic report of Zimbabwe' (paragraph 26), 7 March 2016, [url](#).

'(b) who is of or above the age of twelve years but below the age of sixteen years and without the consent of such young male person, shall be aggravated indecent assault or indecent assault, as the case may be; or

'(c) who is of or above the age of twelve years but below the age of sixteen years and with the consent of such young male person, shall be performing an indecent act with a young person.'³

3.2.2 The US State Department (USSD) report 2017 (USSD report 2017) published 20 April 2018 noted:

'The constitution does not prohibit discrimination based on sexual orientation and gender identity. According to the country's criminal code "any act involving physical contact between men that would be regarded by a reasonable person to be an indecent act" carries a penalty if convicted of up to one year in prison or a fine up to [US]\$5,000... Common law prevents gay men and, to a lesser extent, lesbians from fully expressing their sexual orientation. In some cases, it criminalizes the display of affection between men.'⁴

3.2.3 An article from Voice of America (VOA) published 12 January 2017, cites a gay rights activist in Zimbabwe, Mojalifa Mokwele ' [t]here is no law that states that one cannot be gay. It only becomes a crime once you start committing homosexual acts in public... If you take a look at the constitution in Zimbabwe, it is not a crime to stand in the streets and publicly state that he or she is homosexual. It is not illegal to be gay in Zimbabwe. Being homosexual is only regarded criminal in Zimbabwe once you publicly commit homosexual acts.'⁵

3.2.4 The Avert website stated the following in relation men who have sex with men (MSM) and HIV in Zimbabwe: 'Homosexual acts are illegal in Zimbabwe for men who have sex with men (sometimes referred to as MSM), but legal for women who have sex with women. As a consequence of this punitive law, national statistics are rarely available.'⁶

3.2.5 The Joint submission by Sexual Rights Centre, GALZ and COC Netherlands to the United Nations Human Rights Council (UNHRC) Universal Periodic Review of Zimbabwe 26th Session October 2016, stated:

'In addition, the Constitution of Zimbabwe, which was gazetted as a law on the 22nd of May 2013 explicitly prohibits same sex marriages in terms of section 78 (3). Transgender individuals ...are unable to have their gender identity legally recognized.

'Further, transgender individuals' gender identity is not recognized in court proceedings or law enforcement, which can result in dehumanizing and

³ National Legislative Bodies, Zimbabwe: Act No. 23/2004 of 2005 on Criminal Law (Codification and Reform) [Zimbabwe], chapter 9:23, 3 June 2005, [url](#)

⁴ USSD, USSD Report 2017 (Section 6), 20 April 2018, [url](#)

⁵ VOA, Gay Zimbabweans Fight Stigma, Harsh Laws, 12 January 2017, [url](#)

⁶ Avert, HIV and Aids in Zimbabwe, last updated: 26 March 2018, [url](#)

unfair treatment under the law, leaving transgender women likely to be prosecuted under the “sodomy” law.’⁷

- 3.2.6 The Southern Africa Litigation Centre noted in its report dated 27 September 2016 that ‘Zimbabwe does not have a specific law that allows transgender people to change the gender marker on their birth documents, or other official documents’ and ‘There are no laws or policies that provide for hormonal treatment or any other gender-affirming healthcare for transgender people.’⁸

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Section 4 updated: 22 January 2019

4. State treatment

4.1 Government attitudes

4.1.1 The DFAT report 2016 noted that:

‘Official rhetoric on homosexuality is strongly homophobic. On 28 September 2015, [then] President Mugabe rejected calls from the UN to implement gay rights in Zimbabwe, saying “We (Zimbabweans) are not gays”’ Mugabe has previously described homosexuals as “worse than pigs and dogs.” Allegations of homosexuality are commonly used to sully the personal or professional reputations of business or political rivals, particularly men. On 18 October 2015, a ZANU-PF MP brought defamation proceedings against a ZANU-PF member aligned with a different party faction for allegedly calling him gay. Lesbians, bisexuals and transsexuals are also stigmatised.’⁹

4.1.2 The same report noted ‘DFAT assesses that there is a high level of official discrimination ... against LGBTI persons in Zimbabwe.’¹⁰

4.1.3 The Human Rights Watch World Report 2016 – Zimbabwe (HRW 2016 report) published 27 January 2016, stated that the authorities disparaged lesbian, gay, bisexual, and trans persons (LGBT) people. The report further noted that ‘Authorities continued to violate rights of LGBT people. A Zimbabwe Human Rights Commission report published in July showed continued hostility and systematic discrimination by police and politicians against LGBT people, driving many underground.’¹¹

4.1.4 The USSD report 2017 stated (regarding the then president) ‘President Mugabe and ZANU-PF leaders publicly criticized the LGBTI community, rejecting the promotion of LGBTI rights as contrary to the country’s values, norms, traditions, and beliefs.’¹²

4.1.5 Robert Mugabe, using a speech at a celebration of his 92nd birthday in 2016, spoke about his attitude to Western views of gay marriage: “If aid [to help

⁷ UNHRC, Universal Periodic Review of Zimbabwe 26th Session October 2016 Joint submission by: Sexual Rights Centre, GALZ and COC Netherlands (page 2-3), October 2016, [url](#)

⁸ Southern Africa Litigation Centre, Laws and Policies Affecting Transgender Persons in Southern Africa (p.50-1), 24 September 2016, [url](#)

⁹ DFAT, DFAT Report 2016 (paragraph 3.60), 11 April 2016, [url](#).

¹⁰ DFAT, DFAT Report 2016 (paragraph 3.62), 11 April 2016, [url](#).

¹¹ HRW, HRW Report 2016 (section Sexual Orientation and Identity), 27 January 2016, [url](#)

¹²USSD, USSD Report 2017 (Section 6), 20 April 2018, [url](#)

pay for grain and other food], as I understand, is to be given on the basis that we accept the principle of gay marriages, then let that aid stay where it is. We don't want it. It is rotten aid, filthy aid and we won't have anything to do with it."¹³

- 4.1.6 Zimbabwe has rejected calls by European countries at the United Nations Human Rights Council Working Group meeting to embrace homosexuality, but accepted 142 other recommendations that are in line with the national Constitution. In an interview with The Herald after the United Nations Human Rights Council Working Group meeting in November 2016, the then Vice President, Emmerson Mnangagwa, said:

“With regards to areas that we felt we would not accept, it is issues of gays and homosexuality, which is unlawful in our country,” said VP Mnangagwa.

“We rejected all those. There are a few countries from Europe which recommended that we re-consider our position with regard to adults of same sex marrying each other. That we have rejected.”¹⁴

- 4.1.7 In the same report, The Herald noted that 142 recommendations in line with the constitution were accepted. Of the two rejected, the Permanent Secretary in the Ministry of Justice, Legal and Parliamentary Affairs Virginia Mabhiza was quoted: “We have rejected two broad categories of recommendations, that is the one to do with marriage between people of the same sex and another one to do with the Rome Statutes. Those are the two that we have outrightly rejected.”¹⁵

- 4.1.8 In November 2017 Robert Mugabe was replaced as president by Emmerson Mnangagwa ([CPIN Zimbabwe: Opposition to the government](#)). President Emmerson Mnangagwa gave an interview to CNN at the World Economic Forum in Davos in January 2018. In an article entitled ‘President Mnangagwa: “Zimbabwe is open for business”’ CNN stated:

‘Gay rights not changing any time soon. Same-sex marriage is banned in Zimbabwe, and that doesn't appear to be changing any time soon under Mnangagwa's leadership.

“Those people who want it are the people who should canvass for it, but it's not my duty to campaign for this,” he said. “In our constitution it is banned -- and it is my duty to obey my constitution.”¹⁶

- 4.1.9 HRW in the world report 2019, covering events of 2018 noted: ‘Ahead of the July 2018 national elections, representatives of the LGBT community in Zimbabwe met with top ruling ZANU-PF party officials. The Gays and Lesbians of Zimbabwe (GALZ) advocacy group thanked Mnangagwa for this unprecedented meeting and for “understanding” them better than his predecessor Mugabe and the opposition parties.’¹⁷

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¹³ Reuters, Mugabe birthday bash riles critics in drought-hit Zimbabwe, 27 February 2016, [url](#)

¹⁴ The Herald, Zimbabwe resists gay rights push, 7 November 2016, [url](#)

¹⁵ The Herald, Zimbabwe resists gay rights push, 7 November 2016, [url](#)

¹⁶ CNN, President Mnangagwa: Zimbabwe is open for business', 24 January 2018, [url](#)

¹⁷ HRW, World report 2019 (section Women's and girls' rights), 17 January 2019, [url](#)

4.2 Police / authorities

4.2.1 For general information on the function, role and effectiveness of the security services in Zimbabwe, see the country policy and information note on [Zimbabwe: Opposition to the government](#).

4.2.2 The USSD report for 2017 noted that ‘... there were no known cases of prosecutions of consensual same-sex sexual activity.’¹⁸ The USSD report 2017 repeated the assessment from the 2014¹⁹, 2015²⁰ and 2016²¹ USSD reports; that there were no known cases of prosecutions of consensual same-sex sexual activity.

4.2.3 The DFAT report 2016 stated ‘The authorities more commonly harass LGBTI persons using loitering, indecency and public order statutes, although violations are under-reported because of the stigma attached to the LGBTI community. In 2014, Gays and Lesbians Zimbabwe (GALZ) reported 41 cases of arbitrary arrest, violence, harassment, unfair dismissal and forcible displacement involving LGBTI persons.’²²

4.2.4 The Freedom House report covering events in 2016²³ and the Human Rights Watch report published in 2016²⁴ both noted that the police and security forces regularly harassed LGBT people.

4.2.5 The Joint submission by Sexual Rights Centre, GALZ and COC Netherlands to the United Nations Human Rights Council (UNHRC) Universal Periodic Review of Zimbabwe 26th Session October 2016, stated:

‘Transgender individuals [...] are subject to arbitrary arrests and detention, cruel, inhumane or degrading treatment, and torture. Trans women can be charged with sodomy despite their gender identity.

‘LGBTI individuals, and in particular, transgender women and men, highlighted how arbitrary detention and torture at the hands of law enforcement officials were frequent and harmful. In one case, a transgender woman, who had been arbitrarily detained for three days for having used a female bathroom, was stripped in front of four police officers, verbally mocked and degraded, and paraded around for the amusement of the police officers on duty. A number of LGBTI individuals have reported cases of police abuse, including being doused in cold water, verbally abused, and threatened with arms.’²⁵

4.2.6 In its submission to the Universal Periodic Review of Zimbabwe, GALZ documented that

‘[...] at police stations and detention facilities, LGBTI individuals are intimidated and physically assaulted by police officers. LGBTI individuals in Zimbabwe are often detained for hours at a time, without access to judicial

¹⁸ USSD, USSD Report 2017, 20 April 2018, [url](#)

¹⁹ USSD, USSD Report 2014, 25 June 2015, [url](#)

²⁰ USSD, USSD Report 2015, 13 April 2016, [url](#)

²¹ USSD, USSD Report 2016, 3 March 2017, [url](#)

²² DFAT, DFAT report 2016, (paragraph 3.59), 11 April 2016, [url](#).

²³ Freedom House, ‘Freedom in the World 2017 – Zimbabwe’, 16 May 2017, [url](#)

²⁴ HRW, ‘SADC: Reverse Downward Slide on Rights’, 30 August 2016, [url](#).

²⁵ UNHRC, Universal Periodic Review of Zimbabwe 26th Session October 2016 Joint submission by: Sexual Rights Centre, GALZ and COC Netherlands (page 2-3), October 2016, [url](#)

recourse. LGBTI individuals are frequently beaten, mocked, and forced to pay bribes in order to escape custody.

'[...] extortion with impunity against LGBTI individuals in Zimbabwe has been documented on both a state-based and privatized level. Extortion has taken the form of demands for money, personal belongings, or other valuables in order to keep the blackmailer silent. LGBTI individuals often succumb to such extortions due to a fear of being discriminated against, being disowned by their family, or being faced with the possibility of criminal charges due to Section 73 or other relevant laws which discriminate against LGBTI people.'²⁶

- 4.2.7 In an UN compilation report dated 25 August 2016 submitted to the UN Human Rights Council (UNHRC) it cited the Committee on the Elimination of Discrimination against Women's 2012 report which expressed concern about state perpetrated acts of violence against LGBT women, urging Zimbabwe to provide them with effective protection from discrimination and violence²⁷.
- 4.2.8 The DFAT 2016 report noted, 'The authorities are more sympathetic towards intersex persons; intersex issues ...are generally treated as medical rather than identity issues.'²⁸
- 4.2.9 The USSD report 2017 stated 'The police reportedly detained and held persons suspected of being gay for up to 48 hours before releasing them. LGBTI advocacy groups also reported police used extortion and threats to intimidate persons based on their sexual orientation. Members of Gays and Lesbians of Zimbabwe, the primary organization dedicated to advancing the rights of LGBTI persons, experienced harassment and discrimination.'²⁹
- 4.2.10 The Constitution of Zimbabwe states that any person arrested or detained who is not released, must be brought before the court as soon as possible and in any event not later than 48 hours. If this is not done, the person must be released immediately unless their detention has been extended by the court³⁰. For further information on the rights of arrested and detained persons see section 50 of the [Constitution of Zimbabwe](#).
- 4.2.11 In relation to prosecutions, the FCO noted in the Human Rights and Democracy: the 2017 Foreign and Commonwealth Office report that 'A court sentenced one LGBT person to 18 months in jail for "inappropriate conduct".'³¹ Among sources consulted (see [bibliography](#)), CPIT could find no further information on the nature of this case.

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²⁶ GALZ, Universal Periodic Review of Zimbabwe 26th Session October 2016, [url](#)

²⁷ UNHRC, Compilation prepared by the Office of the United Nations High Commissioner for Human Rights, 25 August 2016, paras 34-35, [url](#)

²⁸ DFAT, DFAT report 2016 (paragraph 3.61), 11 April 2016, [url](#).

²⁹ USSD, USSD Report 2017, (Section 6), 20 April 2018, [url](#)

³⁰ Zimbabwe Government, The Constitution of Zimbabwe, 2013 [url](#)

³¹ FCO, The 2017 report (section Zimbabwe), updated 5 October 2018, [url](#)

4.3 Avenues for redress

- 4.3.1 Information on access to state protection for LGBT persons who were subjected to discrimination or violence was scarce among the sources consulted (see [Bibliography](#)).
- 4.3.2 The DFAT report 2016 stated: ‘Reported cases of violence against LGBTI persons are infrequent.’³²
- 4.3.3 In its submission to the Universal Periodic Review of Zimbabwe, GALZ stated that ‘Zimbabwe has failed to protect LGBTI individuals from numerous human rights abuses within its jurisdiction. By directly curtailing fundamental rights through state action, allowing others to abuse the fundamental rights of the LGBTI community with impunity, and by not protecting sexual minorities from discrimination or guaranteeing their equal protection under law, Zimbabwe is in direct violation of both its own constitution and its international human rights treaty obligations.’³³
- 4.3.4 The joint submission by SRC, GALZ and COC Nederland reports that ‘Law enforcement officials, healthcare service providers, and other institutions are reluctant to work with sexual minorities and sex workers as a result of criminalization and prejudice... Further, sex workers and sexual minorities have little access to recourse when they are subjected to violence, rape, torture, or other forms of mistreatment and abuse at the hands of service providers and law enforcement officials.’³⁴
- 4.3.5 The same report further added:
‘Sex workers and LGBTI individuals also reported a number of incidents in which law enforcement officials violated their right to remedies and redress on the basis of an individual’s profession, sexual orientation, and/or gender identity. Criminalization and stigmatization has meant that sexual minorities and sex workers are not only at much higher risk of experiencing violence within society; the perpetrators of violence and crimes against these individuals act with impunity. Therefore, sex workers and sexual minorities are reluctant to report cases, abuses and violations with the police and are unlikely to be taken seriously if they do. Lack of redress is particularly pressing for sex workers and for LGBTI women who are at extremely high risk of sexual violence at the hands of clients, family members, intimate partners, and others.’³⁵
- 4.3.6 The Southern Africa Litigation Centre website provided details of ongoing cases. In an entry dated 28 July 2017, Zimbabwe: Challenging unlawful arrest of trans woman they stated:
‘On 16 January 2014 a transgender activist was arrested in Bulawayo after entering a female toilet. At the police station she was forced to strip and examined by medical doctors to verify her gender. After spending two nights

³² DFAT, DFAT report 2016 (paragraph 3.62), 11 April 2016, [url](#).

³³ GALZ, Universal Periodic Review of Zimbabwe 26th Session October 2016, [url](#)

³⁴ UNHRC, Universal Periodic Review of Zimbabwe 26th Session October 2016 Joint submission by: Sexual Rights Centre, GALZ and COC Netherlands (page 3), October 2016, [url](#)

³⁵ UNHRC, Universal Periodic Review of Zimbabwe 26th Session October 2016 Joint submission by: Sexual Rights Centre, GALZ and COC Netherlands (page 5-6), October 2016, [url](#)

in a holding cell, she was charged with criminal nuisance. The criminal charge was later withdrawn. The civil trial on unlawful arrest and malicious prosecution took place from 25 to 27 July 2017. SALC and the Sexual Rights Centre is providing support in this case.³⁶

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Section 5 updated: 22 January 2019

5. Societal attitudes and treatment

5.1 Political opponents

- 5.1.1 On 30 April 2016 MDC-T president Morgan Tsvangirai said he had no intentions of persecuting gays and lesbians should he become the country's president. All Africa reported that 'Tsvangirai told journalists during a discussion at the Bulawayo press club on Friday [29 April 2016] that he was not gay and was not a personal admirer of gays but insisted the latter were entitled to their freedoms under the country's constitution.'³⁷
- 5.1.2 Morgan Tsvangirai died in February 2018. For more information regarding the political situation in Zimbabwe see the country policy and information note on [Zimbabwe: Opposition to the government](#).

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5.2 Societal attitudes in general

- 5.2.1 Afrobarometer reported that, based on data gathered in 2014, that '...many politicians, traditional leaders, and religious leaders have been vehement in their rejection of homosexuality. Public attitudes reflect this widespread intolerance: Nine in 10 Zimbabweans (89%) say they would "somewhat dislike" (6%) or "strongly dislike" (83%) having LGBT persons as neighbours'.³⁸
- 5.2.2 The same report noted that:
- 'Intolerance for homosexuals cuts across all walks of life, but some demographic sub-groups are somewhat more tolerant than others [...]. Tolerance levels (strongly like/somewhat like/would not care) are somewhat higher among urban residents (13%) than among rural residents (9%). Education seems to affect levels of tolerance: Citizens with post-secondary education are more likely to express tolerant attitudes toward homosexuals (17%) than respondents with secondary (10%), primary (7%), or no formal education (8%).
- 'Similarly, younger respondents are more likely to say they would like or not care about having LGBT neighbours: 13% of 18- to 39-year-olds vs. 10% of 40- to 64-year-olds and 7% of those aged 65 and older.

³⁶ The Southern Africa Litigation Centre, Zimbabwe: Challenging unlawful arrest of transgender woman Rights of LGBTI Persons, Ongoing Cases, 28 Jul 2017, [url](#)

³⁷ All Africa, Zimbabwe: Tsvangirai Says He Is Not Gay, Will Not Quarrel With Gays If He Becomes President, 30 April 2016, [url](#)

³⁸ Afrobarometer, Dispatch No. 124 (p7), November 2016, [url](#)

‘MDC-T supporters are more likely to express tolerance toward homosexuals (16%) than ZANU-PF adherents (6%).’³⁹

5.2.3 The report also noted that: ‘The least intolerant provinces are Bulawayo and Midlands, where 25% and 24%, respectively, say they would like or not mind having LGBT neighbours, whereas in Masvingo and Mashonaland Central, only one in 50 respondents express such tolerance [...]’⁴⁰

5.2.4 The DFAT report 2016, stated:

‘LGBTI persons generally do not openly express their sexuality or identity in their workplaces, or within their families. DFAT understands that more privileged LGBTI persons are possibly able to be more open about their sexual orientation and identities, but still only within their like-minded social circles. Deeply embedded, traditional cultural (and religious) factors also inhibit the free expression of sexuality in any form, whether an individual identifies as homosexual, heterosexual or otherwise.’⁴¹

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5.3 Harassment, discrimination and violence

5.3.1 The DFAT report 2016, stated: ‘DFAT assesses that there is ... a moderate degree of societal discrimination against LGBTI persons in Zimbabwe. Reported cases of violence against LGBTI persons are infrequent and do not appear to follow a set pattern of victimisation.’⁴²

5.3.2 The UN Human Rights Council gathered stakeholder submissions for the forthcoming November 2016 Universal Periodic Review, one of which was: ‘GALZ stated that... homophobia permeates Zimbabwean society unchecked and manifests itself in different forms, ranging from verbal and physical assault on, to discrimination of, lesbian, gay, bisexual, transgender and intersex people on the basis of their sexual orientation or gender identity. Refusal by duty bearers and policy makers to address this issue has resulted in the public intolerance of lesbian, gay, bisexual, transgender and intersex persons becoming deeply ingrained in the community and reinforces the general stigmatization of sexual minorities in society.’⁴³

5.3.3 Bridging the Gaps, in a 2016 report about its ‘LGBT People Project Zimbabwe’ stated: ‘This climate of criminalisation and intimidation has increased stigma and discrimination against LGBT people, excluding them from society, services and job opportunities.’⁴⁴

5.3.4 The FCO noted in the Human Rights and Democracy: the 2017 Foreign and Commonwealth Office report that ‘LGBT people faced discrimination, family disownment, displacement from lodgings, unfair labour practices, arrest and harassment by police, blackmail and bullying on social media.’⁴⁵

³⁹ Afrobarometer, Dispatch No. 124 (p8), November 2016, [url](#)

⁴⁰ Afrobarometer, Dispatch No. 124 (p9), November 2016, [url](#)

⁴¹ DFAT, DFAT report 2016 (paragraph 3.61), 11 April 2016, [url](#).

⁴² DFAT, DFAT report 2016 (paragraph 3.62), 11 April 2016, [url](#).

⁴³ UNHRC, The UN Human Rights Council Stakeholder submissions for the forthcoming November 2016 Universal Periodic Review (paras 25 and 38), 23 August 2016, [url](#)

⁴⁴ Bridging the Gaps, LGBT People Project Zimbabwe, 2016, [url](#)

⁴⁵ FCO, The 2017 report (section Zimbabwe), updated 5 October 2018, [url](#)

5.3.5 The BBC in the article Zimbabwe election: Five things, published 23 July 2018 stated:

'The director of a gay rights group says there been "a sharp decline in use of hate speech and harassment of the LGBT community" during campaigning in Zimbabwe, where homosexual acts and gay marriage are banned. Mr Mugabe once infamously said gay people were "worse than pigs and dogs" and claimed homosexuality was unAfrican.

"LGBTI issues have been used as a tool to divert Zimbabweans from discussing other pressing issues affecting them and a convenient ploy for political leaders facing rampant unemployment, political unrest, and a downward economic spiral," Chester Samba, from Gays and Lesbians of Zimbabwe (Galz), told the BBC News website.

"Elections in the past have been characterised by scapegoating a largely invisible and unpopular minority, creating moral panic, which at times easily escalated into a witch-hunt."

'He admits that no party's manifesto has anything specific on gay rights, though Zanu-PF did invite Galz for a meeting to gauge the challenges the LGBT community faces.'⁴⁶

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5.4 Women

5.4.1 The UN Human Rights Council gathered stakeholder submissions for the forthcoming November 2016 Universal Periodic Review, one of which was: 'Joint submission 5 [The Sexual Rights Centre, Ottawa, Canada, GALZ – An Association of LGBTI People in Zimbabwe, Harare, Zimbabwe, COC Nederland, Amsterdam, Netherlands] stated that lesbian, bisexual and transgender women were particularly at risk of sexual violence in the form of "corrective" or "curative" rape, where those women were raped by family members under the erroneous belief that this will "cure" their sexuality.'⁴⁷

5.4.2 The USSD report 2017 stated that some families subjected their LGBTI family members to "corrective rape", particularly women. This treatment was rarely reported to the police.⁴⁸

5.4.3 The GALZ March 2017 newsletter stated: 'While in Harare, it was highlighted that there is an increase of correctional rape or sexual abuse cases.'⁴⁹ The same newsletter further noted: 'These cases and many more in which members are being violated, discriminated and verbally abused because of their choice in dressing and because of their body language are the tips of the iceberg. LBT women are compounded by societal expectations.'⁵⁰

5.4.4 The same source further noted that: 'There is still need to advance the rights of women as women face violence in public spaces and in their homes and

⁴⁶ BBC, Zimbabwe election: Five things, 23 July 2018, [url](#)

⁴⁷ UNHRC, The UN Human Rights Council Stakeholder submissions for the forthcoming November 2016 Universal Periodic Review (paras 25 and 38), 23 August 2016, [url](#)

⁴⁸ USSD, USSD Report 2017 (Section 6), 20 April 2018, [url](#)

⁴⁹ GALZ, Monthly Newsletter, March 2017, [url](#)

⁵⁰ GALZ, Monthly Newsletter, March 2017, [url](#)

for LBT women it is especially difficult to get justice as fear of being outed is a barrier to reporting abuse.⁵¹

- 5.4.5 In sources consulted (see [Bibliography](#)), CPIT was unable to find reference to the numbers or frequency of violence against LGBTI persons in general or lesbians and bisexual persons in particular.
- 5.4.6 For background information on the position and treatment of women generally see the country policy and information note on [Zimbabwe: women fearing gender-based harm or violence](#).

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5.5 Religious attitudes

- 5.5.1 The USSD report 2016 published 3 March 2017 stated: ‘Religious leaders in this traditionally conservative and Christian society encouraged discrimination against LGBTI persons. For example, Walter Magaya, leader of the Healing and Deliverance Ministries, continued to host shows on television and radio during which he “healed” members of the LGBTI community.’⁵²

- 5.5.2 In contrast to this, the OSF report 2016 stated:

‘One of the SRC’s most successful engagements has been with religious leaders. Sex workers specifically asked the SRC to target clergy because of how influential the church is in creating negative perceptions of them. In essence, they were “sick and tired of being labeled [sic] whores when they came to church.” The SRC organized trainings for 40-50 church leaders at a time, and identified 12 clergy who wanted to engage more deeply. The SRC recognized that if it wanted these individuals to step-up and champion sexual rights in Zimbabwe’s conservative environment, it needed to support them. It started monthly meetings to allow clergy to discuss challenges and ask questions. Since this work began, several clergy have spoken publicly to their congregations and at SRC events about sexual rights, and have provided support to parishioners whose children identify as lesbian or gay.’⁵³

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5.6 Media

- 5.6.1 The UN Human Rights Council gathered stakeholder submissions for the November 2016 Universal Periodic Review, which included: ‘Joint submission [JS] 5 [The Sexual Rights Centre, Ottawa, Canada, GALZ – An Association of LGBTI People in Zimbabwe, Harare, Zimbabwe, COC Nederland, Amsterdam, Netherlands] which stated that ‘political leaders and state-sponsored media regularly incited hatred towards gays and lesbians by depicting same-sex relations as immoral.’⁵⁴

⁵¹ GALZ, Monthly Newsletter, March 2017, [url](#)

⁵² USSD, USSD report 2016 (section 6), 3 March 2017, [url](#)

⁵³ Open Society Foundations (OSF), No Turning Back: Examining Sex Worker-Led Programs That Protect Health and Rights (p.27), 15 September 2016, [url](#)

⁵⁴ UNHRC, The UN Human Rights Council Stakeholder submissions for the forthcoming November 2016 Universal Periodic Review (para 25), 23 August 2016, [url](#)

5.6.2 The Daily News article, Call to discuss homosexual teachers, published 1 October 2018 reported on the need for dialogue on LGBTI issues:

‘Secretary-general of the Progressive Teachers Union of Zimbabwe (PTUZ) Raymond Majongwe said Hovelmeier’s [a gay teacher] resignation is an indication that there should be dialogue about homosexual teachers.

“As a country we must conduct dialogue over this issue of homosexuality because it is a reality in our country, so we can’t pretend that it’s not there.

“The resignation therefore means that wherever he is going to go, he is going to remain homosexual, so we are simply saying to our ministry let’s engage and lets dialogue because just like we have this teacher who is homosexual, there are children as well who are of that sexual orientation...

“We need policies in terms of how we handle these people because the moment when we identify somebody who is homosexual, we go after them with arrows and chase them away and that will not kill or deal with the problem...

“Let us engage as citizens and see how best we can handle this homosexual matter without calling anyone names, without chasing after them, let us dialogue and see how best we can handle the children and the teachers who are of this sexual orientation...”

‘Zimbabwe Teachers Association (Zimta) chief executive officer Sifiso Ndlovu said the resignation was a good decision as it relieved the tension from the school...

“Zimta respects the rights of individuals but we do not support the practice of homosexuality, we need to protect schools in terms of conflict,” he said.⁵⁵

See [Access to services](#)

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Section 6 updated: April 2018

6. Civil society and support services

6.1 Civil society (NGOs)

6.1.1 The [Zimbabwe Lawyers for Human Rights](#) (ZLHR) provided the following (undated) information on their website on the small projects they are involved in:

‘Human Rights and Key Populations Initiative. The key populations initiative has two target groups viz; sex workers and Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) groups. Opportunities exist to expand on this work in future to address rights of an expanded cohort.

‘LGBTI Rights Sub-Initiative: The initiative in partnership with Gays and Lesbians of Zimbabwe (GALZ) focuses on law and human rights responses to LGBTI rights violations and access to reproductive health rights. The initiative also looks at LGBTI as human rights defenders. ZLHR helps in the protection and promotion of LGBTI rights and seeks to increase their understanding of law and human rights including SRHR [sexual and

⁵⁵ The Daily News, Call to discuss homosexual teachers, 1 October 2018, [url](#)

reproductive health and rights]. The work also involves advocacy towards eradication of stigma in the general communities. The initiative also seeks improved awareness and understanding on legislation and the right to equal opportunities by both the government and the key populations communities.⁵⁶

- 6.1.2 On the [Zimbabwe Human Rights NGO Forum](#) website the following information was provided in relation to Gays and Lesbians of Zimbabwe (GALZ):

‘GALZ is an organization which strives for the attainment of full and equal human, social and economic rights in all aspects of life for Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI) persons...today, it remains unique in that it is the only organisation in the country specifically working with people who engage in same-sex sexual activity. Originally a small social club of mostly middle-class professionals, the association has grown over the years and now truly represents the broader LGBTI community in ten centres throughout Zimbabwe.

‘Today, the GALZ Resource Centre in Harare provides professional counselling, entertainment and educational activities for members. GALZ is also actively involved in broader human rights campaigning and in the fight for access to affordable treatment for all people living with HIV or AIDS.’⁵⁷

- 6.1.3 GALZ has a [website](#) and public facing accounts on [Twitter](#) and [Facebook](#) which provide information and regular updates on events and campaigns of interest to the LGBT community in Zimbabwe. Its Twitter page states, ‘Promoting, representing and protecting the rights and interests of Lesbians, Gays, Bisexuals, Transgender and Intersex people in Zimbabwe.’⁵⁸

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6.2 LGBT events

- 6.2.1 An undated entry on the GALZ [website](#) stated:

‘General homophobia and restrictive legislation make it difficult for LGBTI people in Zimbabwe to feel safe about being open about their sexuality in public spaces and so the community is not yet ready to march onto the streets in numbers and celebrate Pride. However, GALZ members frequently attend pride marches in South Africa, in particular Joburg Pride.

‘The traditional international Gay Pride month of June is generally observed in Zimbabwe by throwing a large party, but the homegrown ZimPride takes place in October in the week running up to the big event of the Zimbabwean gay and lesbian calendar, Miss Jacaranda Queen Drag Pageant, named after the exotic jacaranda tree which comes into vivid purple bloom around this time.

‘Drag pageants were a major part of the Zimbabwean gay and lesbian scene in the 1980s, but the first official Jacaranda Queen took place in 1995. For

⁵⁶ ZLHR, Special Projects, undated, [url](#)

⁵⁷ Zimbabwe Human Rights NGO Forum, Gays and Lesbians of Zimbabwe, undated, [url](#)

⁵⁸ Twitter, GALZ, undated (account created January 2013), [url](#)

the first five years, it was organised independently from GALZ but, in 2000, the association took over official control of the event.

‘Traditionally, Jacaranda Queen is held in a public hall although this is becoming increasingly difficult because of acts of violence perpetrated by homophobes, and last-minute cancellations by nervous venue managers.

‘Every year a Queen is chosen along with a First Princess, a Second Princess and a Miss Personality.’⁵⁹

6.2.2 The GALZ Newsletter from March 2017 stated:

‘International Women’s Day 2017 was celebrated in both Harare and Bulawayo. The management of GALZ decided to honor and host women within the organization and those from other partners’ organizations such as Trans Smart and Pakasipiti in Harare and VOVO in Bulawayo. The events saw a total of 86 participants with 64% being either, lesbian, bisexual women or transgender men. Transgender women and gender nonconforming individuals constituted 16.3% of the guests, the remainder were other invited community members.

‘It was an opportunity for the women and women membership to raise awareness of issues within the lesbian, bisexual and transgender (LBT) community.

‘In Bulawayo, the quorum discussed the opportunities available for women within the organization. Guests shared stories of their lives especially around gender and sexuality. The stories included the day to day challenges that women face and issues they have to deal with in the community (both mainstream and LGBTI).’⁶⁰

6.2.3 OutRight provided information on the work undertaken by the organisation:

‘In response to the challenging conditions facing LGBTIQ activists, OutRight runs security training workshops in the most affected regions of the world with the aim of providing activists with the tools to be able to handle the most complex environment. The training model is rooted in real experiences and addresses all aspects of security from digital to physical.

‘The most recent of these workshops took place in Johannesburg, South Africa, at the end of 2016 where 18 LGBTIQ activists from the Southern African Development Community (SADC) region came together to discuss concepts of security, raise their security concerns and seek solutions. Participants were also able to share experiences and exchange notes on how they dealt with specific security issues. Participants came from Zambia, Zimbabwe, Mauritius, South Africa, Malawi, Botswana, Lesotho and Tanzania.

‘Ricky Nathanson, a transgender activist from Zimbabwe, raised the issue that digital security and learning how to store documents safely was one of the major requirements of the activist community. She highlighted that police raids on LGBTIQ organizations resulted in the confiscation of computers and

⁵⁹ GALZ, Zimpride, undated, [url](#)

⁶⁰ GALZ, Monthly Newsletter, March 2017, [url](#)

with them confidential information that could expose organizations, and those they work with to undue harm. She stated, “It is really critical that all activists learn how to safeguard themselves and ensure their computers are secure.”⁶¹

- 6.2.4 Erasing 76 Crimes (a LGBT campaigning site) reported in March 2017 about people attending an open air auditorium:

‘They are Zimbabwe’s gay community, coming together for The Rainbow 263 Film Festival, a two-day event organised by local activists and attended by several international visitors. (Zimbabwe’s international calling code is 263.)

‘This two-day event is the culmination of a week-long program under the “Queer University” banner, where experts quietly flew in to teach film-making skills to select members of the gay community and to empower them financially to bring their own little projects to life.’⁶²

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6.3 Treatment of civil society

- 6.3.1 The USSD report 2016 stated in regard to civil society generally, not specifically groups that support and advocate on behalf of LGBT people: ‘The government arrested, detained, prosecuted, and harassed members of civil society, including members of nongovernmental organizations (NGOs).’⁶³

- 6.3.2 On 15 July 2016, GALZ published a report on their website, ‘An assessment of the impact of state sanctioned and unsanctioned raids on GALZ premises and gatherings’. The executive summary noted:

‘GALZ has been attacked by different kinds of adversaries including but not limited to uniformed police officers, officers in plain clothes, state security agents, youth militia and unidentified groups. GALZ members have been subjected to verbal and physical assaults, confiscation of personal belongings, detentions and arrests. This has had negative ramifications on GALZ and its members and affected the fulfilment of organisational objectives. Fear has been instilled and inculcated amongst its members to the extent that even when they were entitled to receive legal protection, they have preferred to abstain from reporting abuse or injustices perpetrated against them.’⁶⁴

- 6.3.3 A report by the Open Society Foundations (OSF), ‘No Turning Back: Examining Sex Worker-Led Programs that Protect Health and Rights’, published 15 September 2016, looked at the Sexual Rights Centre (SRC) in Bulawayo, set up in 2008 by Sian Maseko:

‘The SRC was originally to have a broader sexual rights mandate, but ended up prioritizing work with groups who experience violations and oppression related to sexual rights, including women living with HIV and AIDS, women

⁶¹ OutRight, African LGBTIQ Activists Trained on Safety and Security, 24 January 2017, [url](#)

⁶² Erasing 76 Crimes, ‘Under a hidden rainbow ...’, 14 March 2017, [url](#)

⁶³ USSD, USSD report 2016 (Executive Summary), 3 March 2017, [url](#)

⁶⁴ GALZ, An assessment of the impact of state sanctioned and unsanctioned raids on GALZ premises and gatherings, executive summary, 15 July 2016, [url](#)

with disabilities, sex workers, and the lesbian, gay, bisexual, queer, transgender, and intersex (LGBTI) community. Given the frequency and magnitude of the abuses these groups faced, Sian believed the organization could have a real impact...

'The SRC has also organized creative stunts to get people talking about sexual rights. In 2011, it donated 20 pink trash bins to the city of Bulawayo, causing a public sensation. The mayor accepted the gift declaring, "Gays have the right to donate to [the city] council and we have the right to receive from them," and vowing that anyone who vandalized the bins would be held accountable. While some citizens refused to use them, others expressed appreciation and said the donation was a noble gesture.'⁶⁵

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Section 7 updated: 22 January 2019

7. Access to services

7.1 Education, employment and housing

7.1.1 In a VOA article, Court Rules in Favour of Dismissed Zimbabwe Worker Linked to Gay Party, published 27 October 2015

'A Bulawayo man who had been fired from the civil service for allegedly engaging in homosexual activities has successfully appealed against his dismissal at the Labour Court.

'Some human rights defenders are welcoming the ruling.

'Labour Court president Justice Evangelista Kabasa on Monday ruled that Raymond Sibanda's appeal against dismissal was valid as no one should be dismissed from work on the basis of their sexual orientation.

'Justice Kabasa said the case against Sibanda had no merit as it involved a moral issue over which there is no absolute right or wrong.

'Sibanda was employed as a youth officer by the Ministry of Youth and Economic Empowerment and was fired last year after a disciplinary hearing found him guilty of misconduct.

'This emanated from Sibanda's arrest and payment of an admission-of-guilt fine for a charge of allegedly performing an indecent act in a public place, following a police raid at a hotel in the outskirts of Bulawayo, where he was part of a crowd that attended a Christmas party hosted by the Gays and Lesbians Association of Zimbabwe, commonly known as GALZ, in 2013.

'Sibanda was dismissed on the basis of misconduct in terms of civil service regulations for, among other things -quote- "putting the name of the ministry into disrespect and disrepute" on the grounds that he was engaging in gay practices....

'Although they had argued in their heads of argument that Sibanda's payment of guilt fine to conduct associated with public indecency and gay activities was enough for the government to sack him, state lawyers from the

⁶⁵ OSF, No Turning Back: Examining Sex Worker-Led Programs That Protect Health and Rights, 15 September 2016, [url](#)

Attorney General's civil division, agreed with the court that the dismissal was invalid.

'The state lawyers said they agreed with the court that the case had no merit but had gone on to represent their client at the insistence of an unnamed departmental head who had wanted to have Sibanda fired as a way sending a message that -quote- "government does not support gay activities."⁶⁶

7.1.2 Amongst sources consulted (see [Bibliography](#)), CPIT was unable to find the publication of Justice Evangelista Kabasa's ruling on the Sibanda case in the Labour Court or any surrounding caselaw.

7.1.3 GALZ director Chester Samba reported in a November 2016 Standard newspaper article that:

'Numerous LGBTI individuals have reported having their employment discontinued after supervisors and colleagues discovered their sexual orientation. The LGBTI population in Zimbabwe has reported high rates of eviction and homelessness on account of landlords or families discovering their sexual orientation. LGBTI persons in Zimbabwe have reported expulsions due to their sexual orientation or gender identity at both secondary and tertiary education levels; even without expulsion, many LGBTI individuals withdraw from school at an early age due to the effects of discrimination.'⁶⁷

7.1.4 The USSD report 2017 stated 'LGBTI persons often left school at an early age due to discrimination. Higher education institutions reportedly threatened to expel students based on their sexual orientation. Members of the LGBTI community also had higher rates of unemployment and homelessness.'⁶⁸

7.1.5 In an April 2016 document Outright recorded that 'As a result of the harsh laws and public denunciation, particularly by President Robert Mugabe, members of the LGBT community are routinely stigmatized, discriminated against, denied access to services and benefits [...] in practice, state services are often not made available to members of the LGBT community.'⁶⁹

7.1.6 The same source stated 'With respect to housing, while there is no explicit legislation that directly promotes, or alternatively infringes upon, the rights of LGBT individuals when it comes to access to housing, it is likely that LGBT individuals open about their sexual orientation or gender identity would be at risk of being discriminated against due to the prevailing prejudices within Zimbabwean society.'⁷⁰

7.1.7 HRW in the World report 2019, covering events of 2018 noted: '...restrictive legislation contributes to stigma and discrimination against lesbian, gay, bisexual, and transgender (LGBT) people. In September, a teacher at a

⁶⁶ VOA, Court Rules in Favour..., 27 October 2015 [url](#)

⁶⁷ The Standard, Zim govt's same-sex marriages lie exposed, 27 November 2016, [url](#)

⁶⁸ USSD, USSD Report 2017 (Section 6), 20 April 2018, [url](#)

⁶⁹ OutRight Action International, A Survey of Laws Impacting on the Human Rights of LGBT Persons in Selected South African Countries, 1 April 2016, [url](#)

⁷⁰ OutRight Action International, A Survey of Laws Impacting on the Human Rights of LGBT Persons in Selected South African Countries, 1 April 2016, [url](#)

Harare school who came out as gay resigned after he received death threats from members of the public over his sexual orientation.⁷¹

See [State treatment](#) and [Societal attitudes and treatment](#).

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7.2 General medical

- 7.2.1 The UN Human Rights Council gathered stakeholder submissions for the November 2016 Universal Periodic Review, which included: ‘Joint submission [JS] 5 [The Sexual Rights Centre, Ottawa, Canada, GALZ – An Association of LGBTI People in Zimbabwe, Harare, Zimbabwe, COC Nederland, Amsterdam, Netherlands which in a joint submission to The UN Human Rights Council for their forthcoming November 2016 Universal Periodic Review stated that: ‘Lesbian, gay, bisexual, transgender and intersex persons have reported being threatened, ridiculed, and driven out of health institutions upon disclosing that they have engaged in same-sex relations. This stigmatization prevented sex workers and lesbian, gay, bisexual, transgender and intersex persons from fully disclosing their specific health needs.’⁷²
- 7.2.2 In an April 2016 document Outright recorded that ‘...consistent with the general public’s perception of homosexuality and transgenderism, many healthcare providers in Zimbabwe are homophobic or transphobic and fail to understand sexual orientation and the needs and concerns of LGBT individuals.’⁷³
- 7.2.3 The USSD report 2017 stated ‘Many persons who identified themselves as LGBTI did not 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. Since the completion of a nation-wide sensitization program for health-care workers, however, the LGBTI community reported an improvement in health service delivery.’⁷⁴
- 7.2.4 In March 2018 Erasing 76 Crimes reported that ‘Activists see Zimbabwe’s new Public Health Bill as progressive, though not as progressive as it should be. It explicitly mentions key populations (those most at risk of HIV infection) and calls for them to be involved in anti-AIDS planning. But Zimbabwe Lawyers for Human Rights notes that LGBT people are not explicitly included in the bill, unlike Ministry of Health documents about the anti-AIDS advisory board.’⁷⁵
- 7.2.5 A 2017 study by Hunt J, Bristowe K, Chidyamatare S, et al ‘They will be afraid to touch you’: LGBTI people and sex workers’ experiences of accessing healthcare in Zimbabwe, interviewed sixty individuals from key populations from across Zimbabwe (key populations included sex workers and sexual and gender minorities (LGBTI individuals and MSM)).

⁷¹ HRW, World report 2019 (section Women’s and girls’ rights), 17 January 2019, [url](#)

⁷² UNHRC, The UN Human Rights Council Stakeholder Submissions for the forthcoming November 2016 Universal Periodic Review (para 72), 23 August 2016, [url](#)

⁷³ OutRight Action International, A Survey of Laws Impacting on the Human Rights of LGBT Persons in Selected South African Countries (p.223), 1 April 2016, [url](#)

⁷⁴ USSD, USSD Report 2017 (Section 6), 20 April 2018, [url](#)

⁷⁵ Erasing 76 Crimes, Zimbabwe progress toward LGBT role in HIV fight, 14 March 2018, [url](#)

Participants were sampled by age (aged at least 18 years), gender, sexual orientation, gender identity and sex worker status from four centres in Zimbabwe. The study found:

‘Three distinct main themes emerged from the data: (1) illnesses have been caused by ‘bad behaviour’ and deserve blame, discouraging key populations from seeking health support: key populations were perceived to have brought illnesses on themselves through sexual behaviour; (2) equal access to healthcare is conditional on conforming to sexual norms: to receive the same access to health and palliative care services as the general population, key populations believed they must pretend, deny or lie about their sexual identity/behaviour and (3) perceptions that healthcare workers were ill-informed about needs of key populations, and personal attitudes impacted on their care delivery: the lack of understanding of, and disrespect for, key populations by health workers resulted in experiences of poor support and provision of care during chronic illness, significantly increasing morbidity and mortality.’⁷⁶

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7.3 HIV/ AIDS

7.3.1 The World Health Organisation (WHO) Consolidated Guidelines on HIV prevention, diagnosis, treatment and care for key populations. Updated version, July 2016, commenting on the situation of men who have sex with men generally, not specifically Zimbabwe noted:

‘Men who have sex with men (MSM) have a disproportionate burden of HIV in most countries in the world, even in many countries with generalized HIV epidemics. Worldwide, for MSM, the odds of being infected with HIV are 19.3 times higher than for men in the general population (Baral et al., 2007). Although there are a variety of existing efficacious HIV prevention interventions for MSM, they face political and structural barriers to accessing services in many settings due to their stigmatized and marginalized status. The disproportionate burden of HIV faced by MSM suggests that existing methods of HIV prevention are not sufficient and additional prevention modalities would be helpful.’⁷⁷

7.3.2 Avert stated the following in relation men who have sex with men (MSM) and HIV in Zimbabwe:

‘Criminalising men who have sex with men drives this vulnerable group away from HIV services. As a result, many do not know their HIV status, let alone access treatment.

‘However, Zimbabwean organisations that support the rights of men who have sex with men and their access to HIV services do exist, such as Gays and Lesbians Zimbabwe (GALZ). Many are routinely punished and shutdown or have their members arrested.

⁷⁶ Hunt J, Bristowe K, Chidyamatatare S, et al, ‘They will be afraid to touch you’ 2017, [url](#)

⁷⁷ WHO, Consolidated Guidelines on HIV prevention, diagnosis, treatment and care for key populations, July 2016, [url](#)

‘UNAIDS reported in 2016 that just one in seven men who have sex with men in Zimbabwe (14.1%) are aware of their status.

‘International donors such as the Global Fund to Fight AIDS, Malaria and Tuberculosis and PEPFAR have attempted to ensure some of their funding is directed towards men who have sex with men. Government restrictions mean this has not materialised.’⁷⁸

7.3.3 Bridging the Gaps, in a 2016 report about its LGBT People Project Zimbabwe stated:

‘Zimbabwe’s HIV prevalence rate is estimated at 15.2% among the general population. HIV prevalence among men who have sex with men is high. The estimated HIV prevalence among MSM is 17%. Zimbabwe has developed a National HIV and AIDS Strategic Plan that recognises the need to prioritise the needs of key populations. However, the legal framework is not supportive for LGBT people which limits the access to HIV and SRHR (sexual and reproductive health rights) services.’⁷⁹

7.3.4 Bridging the Gaps went on to describe how their ‘project builds on the strong advocacy work of our partners GALZ and SRC to put LGBT people’s health issues on the political agenda and to provide rights-based health services.’ They listed their achievements:

- ‘3869 LGBT people are reached with good quality health services (2011-2015).
- 60 staff of health facilities in Harare and Bulawayo were trained to provide LGBT-friendly services (2011-2015)
- 11 community events were organized for LGBT people (2011-2015)
- 4 advocacy tools were developed, including shadow reports, fact sheets, statements (2011-2015)’⁸⁰

7.3.5 On 30 April 2016, All Africa News noted that the ‘government tried to stop foreign gays and lesbians attending the International Conference on Aids and STI’s in Africa (ICASA) in Harare, from displaying their wares, after suspected state security agents pulled down their displays. They were however, allowed to proceed with their exhibition after massive lobbying from local and international human rights organisations.’⁸¹

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7.4 Trans persons

7.4.1 A joint submission by the Sexual Rights Centre, Ottawa, Canada, GALZ –, Zimbabwe and COC Nederland, Amsterdam, Netherlands to The UN Human Rights Council, for their forthcoming November 2016 Universal Periodic Review stated: ‘With regard to transgender individuals, there was a lack of

⁷⁸ Avert, HIV and AIDS in Zimbabwe, Last updated: 02 February 2018, [url](#)

⁷⁹ Bridging the Gaps, LGBT People Project Zimbabwe, 2016, [url](#)

⁸⁰ Bridging the Gaps, LGBT People Project Zimbabwe, 2016, [url](#)

⁸¹ All Africa, Zimbabwe: Tsvangirai Says He Is Not Gay, Will Not Quarrel With Gays If He Becomes President, 30 April 2016, [url](#)

access to gender affirming services including access to hormones, medical equipment such as binders, and to medical procedures such as surgery.’⁸²

- 7.4.2 The Southern Africa Litigation Centre noted in its report dated 27 September 2016 that ‘Transgender people who want to access hormonal treatment usually look to the black market or travel outside Zimbabwe – mainly to South Africa – to access this medication.’⁸³

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Section 8 updated: April 2018

8. Freedom of movement

8.1 Demography

- 8.1.1 The Central Intelligence Agency (CIA) in the World Factbook, updated 26 March 2018, estimated in July 2017 that Zimbabwe has a population of around 13.8 million⁸⁴.
- 8.1.2 About a third of the population is in urban areas primarily Harare (population circa 1.5 to 2 million) and Bulawayo (population circa 600,000).^{85 86}
- 8.1.3 Encyclopaedia Britannica, last updated 22 February 2018, noted that ‘Among urban blacks there is a disproportionately large number of males of working age, leaving an excess of older people, women, and children in rural areas.’⁸⁷

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8.2 Legal rights

- 8.2.1 The USSD report 2017 stated ‘The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, but the government restricted these rights.’⁸⁸

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8.3 In-country movement

- 8.3.1 The USSD report 2016 stated ‘Police made in-country movement difficult by regularly mounting checkpoints nationwide along most major routes. In urban areas a single road could have several roadblocks in the span of a few miles. Despite court injunctions against “on-the-spot” fines, police levied fines for minor offenses ranging from five to several hundred dollars and demanded immediate payment.’⁸⁹

⁸² UNHRC, The UN Human Rights Council Stakeholder submissions for the forthcoming November 2016 Universal Periodic Review (para 72), 23 August 2016, [url](#)

⁸³ Southern Africa Litigation Centre, Laws and Policies Affecting Transgender Persons in Southern Africa, p51, 24 September 2016, [url](#)

⁸⁴ CIA, The World Factbook, updated 26 March 2018, [url](#)

⁸⁵ CIA, The World Factbook, updated 26 March 2018, [url](#)

⁸⁶ Zimbabwe Population Census Office, National Report – Zimbabwe Pop’n Census 2012’, 2012, [url](#)

⁸⁷ Encyclopaedia Britannica, Zimbabwe, (Demographic trends), last updated 22 February 2018, [url](#)

⁸⁸ USSD, USSD Report 2017 (Section 2d), 20 April 2018, [url](#)

⁸⁹ USSD, USSD Report 2017 (Section 2d), 20 April 2018, [url](#)

- 8.3.2 The Freedom House ‘Freedom in the World 2018’ report covering events of 2017 stated ‘Police roadblocks within and between cities, at which police frequently stop motorists to demand bribes, have become a serious inconvenience. In December 2017, the government issued a directive to reduce police roadblocks and abolish spot fines.’⁹⁰
- 8.3.3 The DFAT report 2016 stated ‘Women’s rights organisations have told DFAT that women in Zimbabwe are generally less able to relocate internally than men. This is because they have less access to financial resources, which impacts their ability to find shelter and food. They are also bound by cultural expectations that they will look after their children.’⁹¹
- 8.3.4 The same reported noted in relation to LGBTI persons ‘DFAT assesses that there are no major restrictions on internal relocation for...LGBTI persons.’⁹²

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8.4 Foreign travel

- 8.4.1 The USSD report 2017 stated ‘The constitution provides the right for citizens to enter and leave the country and the right to a passport or other travel documents. The Office of the Registrar General imposed administrative obstacles in the passport application process for citizens entitled to dual citizenship, particularly Malawian, Zambian, and Mozambican citizenship.’⁹³
- 8.4.2 The Freedom House report 2018 stated ‘Passport offices, which in the past were characterized by long queues and instances of bribery, have since become more efficient. However, in September 2017, the registrar’s office temporarily suspended applications for emergency passports, citing a backlog of over 2,000 applications.’⁹⁴

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⁹⁰ Freedom House, Freedom in the World 2018 Zimbabwe Profile, (section G1), 15 March 2018, [url](#)

⁹¹ DFAT, DFAT report 2016 (paragraph 5.17), 11 April 2016, [url](#).

⁹² DFAT, DFAT report 2016 (paragraph 5.18), 11 April 2016, [url](#).

⁹³ USSD, USSD report 2017 (section 2d), 3 March 2017, [url](#)

⁹⁴ Freedom House, Freedom in the World 2018 Zimbabwe Profile, (section G1), 15 March 2018, [url](#)

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context
 - Constitution
 - Legislation
 - Legal rights
- State attitudes and treatment
 - Government attitudes
 - Arrests and detention
 - Prosecution of same-sex acts
 - Arrest / prosecution of LGBT persons for other offences
 - State violence and discrimination
 - Avenues of redress
- Societal attitudes and treatment
 - Political
 - General societal attitudes
 - Violence and discrimination
 - Religious attitudes
 - Media
- Civic societies / NGOs
 - LGBT NGOs
 - LGBT activities
 - State treatment of LGBT NGOs / events
 - Societal treatment of LGBT NGOs / events
- Access to services
 - Healthcare
 - Accommodation
 - Employment
 - Education

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Version control

Clearance

Below is information on when this note was cleared:

- version **4.0**
- valid from **29 January 2019**

Changes from last version of this note

Update of country information and corresponding review of assessment section after an Independent Advisory Group on Country Information (IAGCI) commissioned review in December 2018.

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