



Home Office

# **Country Policy and Information Note**

## **Zimbabwe: Women fearing gender-based harm or violence**

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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: 17 October 2018

## 1. Introduction

### 1.1 Basis of claim

- 1.1.1 Fear of gender-based persecution or serious harm by non-state actors because the person is a woman.

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### 1.2 Other points to note

- 1.2.1 For the purposes of this note, gender-based violence includes, but is not limited to, domestic abuse and sexual violence, rape, child and forced marriage and modern slavery, including trafficking.
- 1.2.2 Domestic abuse is not just about physical violence. It covers any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members, regardless of gender or sexuality. It can include psychological, physical, sexual, economic or emotional abuse. Children can also be victims of, or witnesses to, domestic abuse. Anyone can experience domestic abuse, regardless of background, age, gender, sexuality, race or culture. However, to establish a claim for protection under the refugee convention or humanitarian protection rules, that abuse needs to reach a minimum level of severity to constitute persecution or serious harm.
- 1.2.3 For further information and guidance on assessing gender issues, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and [Gender issues in asylum claims](#).

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### 1.3 Trafficking claims

- 1.3.1 Only trained specialists in the UK's designated competent authorities can decide whether or not there are reasonable grounds to accept the person as a victim of trafficking for the purpose of the Council of Europe Convention on Action against Trafficking in Human Beings. However, both Home Office decision makers and the court are able to take factual matters into account when making their findings in an asylum claim. If it has not already been done, decision makers dealing with the asylum claim must make an appropriate referral to the National Referral Mechanism (NRM). The case will then be routed to a 'competent authority' (see [Victims of modern slavery - competent authority guidance](#)).
- 1.3.2
- 1.3.3 The conclusive grounds decision will be included in any outstanding asylum decision made after that decision as a finding of fact on whether the person was a victim of human trafficking or modern slavery or not, unless information comes to light at a later date that would alter the finding on human trafficking or modern slavery.

- 1.3.4 The outcome of the reasonable or conclusive grounds decision is not indicative of the outcome of any asylum claim. A positive or negative reasonable or conclusive grounds decision on modern slavery does not automatically result in asylum being granted or refused. This is because the criteria used to grant asylum are not the same as the criteria used to assess whether a person is a victim of modern slavery.
- 1.3.5 When a Competent Authority has issued a positive conclusive grounds decision in a case where the person has also claimed asylum, this should be afforded appropriate weight when considering future risk of persecution. Further, where there has been a negative finding by a Competent Authority, considerable weight can be placed on this. In these scenarios, because the Competent Authority's findings are subject to a higher standard of proof and are findings as to past treatment, it remains open to asylum decision makers to make different findings for the purpose of the asylum claim and future risk.
- 1.3.6 Guidance for Home Office staff who are trained specialists to help them decide whether a person referred under the National Referral Mechanism (NRM) is a victim of trafficking is available in [Victims of modern slavery - competent authority guidance](#).

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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](#).
- 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 Exclusion

- 2.2.1 Decision makers must consider whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts.
- 2.2.2 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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### 2.3 Refugee convention reason

- 2.3.1 Women in Zimbabwe constitute a particular social group within the meaning of the 1951 UN Refugee Convention because they share a common characteristic that cannot be changed – their gender – and based on an assessment of the country information, they have a distinct identity in Zimbabwe which is perceived as being different by the surrounding society.

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

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

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## 2.4 Assessment of risk

### a. Discrimination

2.4.1 Women experience discrimination and remain disadvantaged in society. They are also under-represented in public life. However, limited female representation in parliament is guaranteed by a 'quota' system implemented through the constitution ensuring a minimum of 60 seats for women out of 270 until the next set of elections in 2023. The most recent appointments to government in September 2018, saw six women appointed to a cabinet of 20, including the first female defence minister for Zimbabwe (see [Legal context](#); [Gender-based violence](#); [Zimbabwe Gender Commission](#)).

2.4.2 Women are disadvantaged in various aspects of their lives. However, their rights are protected by formal legislation and they retain access to work, education, healthcare, inheritance and land. The discrimination they face in general, does not by its nature and / or repetition amount to persecution or serious harm (see [Legal context](#); [Gender-based violence](#)).

### b. Domestic violence

2.4.3 Domestic violence is illegal and punishable by a fine and a maximum prison sentence of 10 years. However, the authorities generally consider it to be a private matter and prosecutions have been rare. 35% of ever-married women aged 15-49 have experienced spousal violence (physical or sexual violence committed by their husband/partner). Abuse by a husband or partner is the most common form of gender-based violence. Domestic violence is reportedly relatively common throughout Zimbabwe, but varies in prevalence between areas. Women with more than secondary education and those from the wealthiest households are least likely to report having experienced physical violence (see [Legal context](#); [Gender-based violence](#)).

### c. Rape and sexual violence

2.4.4 Whilst the law criminalises rape, including spousal rape, it remains widespread. Almost a quarter of married women who had experienced domestic violence reported sexual violence. Sexual abuse also remains a widespread problem among girls (see [Legal context](#); [Rape and sexual violence](#)).

### d. Trafficking

2.4.5 Trafficking in persons is illegal in Zimbabwe, However, Zimbabwe is a source, transit, and destination country for women subjected to trafficking for sex and forced labour. Some women and girls from border towns are



subjected to forced labour, including domestic servitude, and sex trafficking (see [Trafficking](#)).

#### e. Forced and early marriage

- 2.4.6 Despite constitutional prohibitions, some families – primarily among the poor, rural population and apostolic faith – have continued to force girls to marry. Some families have sold their daughters as brides in exchange for food, and younger daughters have at times married their deceased older sister’s husband as a “replacement” bride. Several civil society campaigns or programmes to end child marriage have been launched. Some women and girls are under family and societal pressure to marry against their will but this, in itself, does not meet the high threshold required to constitute persecution or serious harm (see [Forced marriage](#); [Child marriage](#)).

#### f. Conclusion

- 2.4.7 Being female does not on its own establish a need for international protection. Although women face broad societal tolerance of sexual and other violence against them, the general level of violence and discrimination against women will not in most cases amount to persecution. The onus is on the woman to demonstrate that she would be personally at risk of gender-based violence, with each case considered on its individual circumstances.
- 2.4.8 For general guidance on assessing gender issues, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and [Gender issues in asylum claims](#).

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## 2.5 Protection

- 2.5.1 Women’s rights are protected in law and gender-based violence is illegal, although the relevant laws are not always effectively enforced. Women are reluctant to report gender-based violence because of societal or cultural attitudes and in some cases, and there have been reports that the police have been reluctant to get involved in domestic violence incidents. Prosecutions of domestic violence incidents are rare (see [Gender-based violence](#)).
- 2.5.2 Victims rarely reported incidents of rape to the police due to social stigma and societal cultural attitudes. The police have, however, set up Victim Friendly Units in every police station to handle rape cases and there are reports of prosecutions of perpetrators of violence against women. The police referred for prosecution the majority of reported rapes where victims used the services of rape centres, although few were actually prosecuted. The government also continued a public awareness campaign against domestic violence (see [Forced marriage](#); [Child marriage](#); [State response to rape, sexual violence and domestic violence](#); [Support services for victims of rape and sexual violence](#)).
- 2.5.3 The government has made significant efforts to prevent, investigate and prosecute trafficking and protect victims. The US State Department raised Zimbabwe’s tier ranking (as outlined in Trafficking Victims Protection Act 2000) from three to two in 2017 reflecting the government’s work to address trafficking. Corruption in the police and the judiciary have, however,

undermined the effectiveness of anti-trafficking efforts. There have been reports that victims have refused to report or pursue cases of trafficking due to fear their traffickers could bribe police or judges. There is a lack of shelters and services for victims of trafficking which means that victims of trafficking returning to Zimbabwe may be at risk of re-trafficking in some cases (see [Trafficking](#); [Forced marriage](#); [Child marriage](#)).

- 2.5.4 In general, the state appears willing and able to provide protection. However, whether a person would be able to access assistance and protection must be carefully considered on the facts of the case. Decision makers must take account of past persecution (if any) and past lack of effective protection. In each case, decision makers must identify whether attempts were made to seek protection and what the response of the authorities was. A person's reluctance to seek protection does not necessarily mean that effective protection is not available. Each case must be considered on its facts, with the onus on the person to demonstrate why she would not be able to obtain protection.
- 2.5.5 For further general guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.6 Internal relocation

- 2.6.1 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person.
- 2.6.2 In general, it will be reasonable for a woman to internally relocate to escape localised threats from members of her family or other non-state actors, especially if single and without children to support, but the individual circumstances of each case will need to be taken into account. The onus is on the woman to demonstrate why she it would not be reasonable for her to relocate to avoid any risk (see [Freedom of movement](#); [Access to housing](#); [Access to employment](#)).
- 2.6.3 Support services are available from civil society and government organisations for victims of GBV. Decision makers must consider availability of support services when considering internal relocation options (see [Support services for victims of gender-based violence](#))
- 2.6.4 For further general guidance on considering internal relocation and factors to be taken into account, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and [Gender issues in asylum claims](#).

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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 the [Appeals Instruction on 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: 17 October 2018

## 3. Legal context

### 3.1 Constitutional provisions

#### 3.1.1 The Social Institutions and Gender Index, updated circa 2014, stated:

‘A new constitution was adopted approved in 2013 recognizing the rights of men and women to equal opportunities in political, economic, cultural and social spheres. It also guarantees the right to equal pay and voids all laws, customs, traditions and cultural practices that infringe on the rights of women. Finally it calls for the state to ensure gender balance and fair representation of marginalized groups and promote women’s participation in all spheres of society...’<sup>1</sup>

#### 3.1.2 The United States State Department (USSD) Country Report on Human Rights Practices for 2017 (USSD report 2017), published on 20 April 2018, stated: ‘The constitution provides for the same legal status and rights for women as for men. The constitution’s bill of rights, in the section on the rights of women, states that all “laws, customs, traditions, and practices that infringe the rights of women conferred by this constitution are void to the extent of the infringement.”’<sup>2</sup>

#### 3.1.3 An 18 January 2018 article in the Zimbabwe Electronic Law Journal Volume III, The Role of the Criminal Law in the Protection of Women Against Gender-Based Violence: Case note on S v Jeri HH-516-1, noted:

‘The Constitution has various important constitutional provisions on gender rights and protection against gender discrimination. Section 80(1) provides that “every women has full and equal dignity of the person with men.” Section 56 stipulates that everyone has the right to equal protection of the law and women have the right not to be discriminated against on the basis of their gender. Section 17 provides as a national objective that “the State must take positive measures to rectify gender discrimination and imbalances resulting from past practices.” Section 80(3) outlaws laws, customs, traditions and cultural practices that infringe upon the rights and personal safety of women.

‘More generally, section 51 of the Constitution accords every person the inherent right dignity and to have that dignity respected and protected, and section 52(a) provides that every person is entitled to freedom from all forms of violence from both public and private sources.’<sup>3</sup>

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<sup>1</sup> Social Institutions and Gender Index, Zimbabwe Country Profile, updated circa 2014, [url](#).

<sup>2</sup> USSD, USSD report 2017 (section 6), 20 April 2018, [url](#).

<sup>3</sup> Zimbabwe Electronic Law Journal Volume III, The Role of the Criminal Law in the Protection of Women Against Gender-Based Violence, 18 January 2018, [url](#)

## 3.2 Gender-specific legislation

### 3.2.1 A Zimbabwe Electronic Law Journal 'The Role of the Criminal Law in the Protection of Women Against Gender-Based Violence' noted:

'Since 1980, apart from entrenching gender rights as constitutional rights, the Government of Zimbabwe and the courts have adopted various criminal law measures to protect and advance the rights of women and protect them against discrimination and gender-based violence. The objectionable marital rape exemption has been abolished, domestic violence has been criminalized, the law of rape has been strengthened and the higher courts have stressed that the courts must impose sentences that reflect the seriousness of rape, the physical chastisement by a man of his wife is now penalized as assault, and various cultural practices that violate the rights of woman and girls including child marriage have been prohibited. Under the law of rape, the courts have explained what is required for the defence of consent to apply [...]'<sup>4</sup>.

### 3.2.2 [The Domestic Violence Act No.24 of 2006](#) was passed in to law and published in the Government Gazette on 26<sup>th</sup> February 2007. It provided a definition of domestic violence including; physical, sexual, emotional, verbal and psychological, and economic abuse, intimidation, harassment and stalking. It also covered offences relating to property and household effects, abuse derived from certain cultural or customary rites or practices (including forced virginity testing, female genital mutilation, pledging of women or girls for purposes of appeasing spirits, forced or child marriage, forced wife inheritance and sexual intercourse between fathers-in-law and newly married daughters-in-law) and offences relating to a person's physical, mental or sensory disability<sup>5</sup>.

### 3.2.3 The same act outlined the penalties available for sentencing offences, the duties of a police officer, the issuance of protection orders and the role and remit of anti-domestic violence counsellors and the Anti-Domestic Violence Council<sup>6</sup>.

### 3.2.4 [The Sexual Offences Act](#) (Chapter 9:21) which commenced on 17 August 2001, provided the legislation in relation to sexual offences including rape and non-consensual sexual acts<sup>7</sup>. The sentences available for such offences were detailed in the [Criminal Law \(Codification And Reform\) Act](#) 2004 which commenced on 5 June 2005 (amended 2006 and 1 March 2007). The act prohibited sexual violence including marital rape and wilful transmission of sexually transmitted infections, including HIV<sup>8</sup>.

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## 3.3 Marriage

### 3.3.1 The Social Institutions and Gender Index, updated circa 2014, stated:

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<sup>4</sup> Zimbabwe Electronic Law Journal Volume III, The Role of the Criminal Law in the Protection of Women Against Gender-Based Violence, 18 January 2018, [url](#)

<sup>5</sup> Zimbabwe Government, Domestic Violence Act 2006, 26 February 2007 (para 3(1)), [url](#)

<sup>6</sup> Zimbabwe Government, Domestic Violence Act 2006, 26 February 2007, [url](#)

<sup>7</sup> Zimbabwe Government, Sexual Offences Act (para 8) [url](#)

<sup>8</sup> Zimbabwe Government, Criminal Law (Codification And Reform) Act (para 65 – 67), [url](#)

‘There are three types of marriage: civil, registered customary and unregistered customary. The legal minimum age for civil marriage under the Marriage Act in Zimbabwe is 18 years for men and 16 years for women. There is no minimum age of marriage for registered customary marriages under the Customary Marriages Act. The Domestic Violence Act of 2007 prohibits forced marriages, the practice of wife inheritance, and early marriage.’<sup>9</sup>

- 3.3.2 The USSD report 2017 stated: ‘The constitution declares anyone under age 18 a child. In 2016 the Constitutional Court ruled no individual under age 18 may enter into marriage, including customary law unions. The court also struck down a provision of the Marriage Act that allowed girls but not boys to marry at age 16.’<sup>10</sup>

See also [Zimbabwe Customary Marriages Act](#).

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### 3.4 Inheritance

- 3.4.1 The Social Institutions and Gender Index, updated circa 2014, stated:

‘There is no formal legal discrimination against women and girls with respect to inheritance rights. In 1997, the Administration of Estates Act was amended to make the surviving spouse and the children of a deceased person as his or her major beneficiaries, as opposed to their heir who was mainly the eldest son. Secondly, the Act provides that the matrimonial home, whatever the system of tenure under which it was held and wherever it may be situated, remains with the surviving spouse. This includes household goods and effects. In theory, the Act applies to all marriages, civil and customary. In practice, discrimination against women with regard to inheritance is prevalent. The Chronic Poverty Research Centre reports that only 37.31% of widows inherited majority of assets after their spouses in 2005/2006. According to the Food and Agriculture Organisation (FAO), widows often do not take legal action regarding inheritance rights, partly because of lack of support within the justice system, and partly due to discrimination within their families.’<sup>11</sup>

- 3.4.2 The United States State Department (USSD) Country Report on Human Rights Practices for 2017 (USSD report 2017), published on 20 April 2018, stated: ‘The law recognizes a woman’s right to own property, but very few women owned property due to the customary practice of patriarchal inheritance. Divorce and maintenance laws were equitable, but many women lacked awareness of their rights.’<sup>12</sup>

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### 3.5 Reproductive rights

- 3.5.1 Amnesty International, Zimbabwe: Revise colonial-era health law to ensure adolescent girls' rights, published on 8 May 2018 noted:

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<sup>9</sup> Social Institutions and Gender Index, Zimbabwe Country Profile, undated, [url](#).

<sup>10</sup> USSD, USSD report 2017 (section 6), 20 April 2018, [url](#).

<sup>11</sup> Social Institutions and Gender Index, Zimbabwe Country Profile, updated circa 2014, [url](#).

<sup>12</sup> USSD, USSD report 2017 (section 6), 20 April 2018, [url](#).



"For too long adolescent girls in Zimbabwe have suffered the consequences of inconsistent laws which are used to deny them their sexual and reproductive rights. This, combined with the shame and stigma around adolescent sexual health services, means young girls face an increased risk of unwanted pregnancies and HIV infection," said Muleya Mwananyanda, Amnesty International's Deputy Regional Director for Southern Africa [...]

'The government's delay in amending its laws to raise the legal age of marriage to 18, in line with the constitution, has led to widespread confusion around the right to access health services, in a context of entrenched taboos surrounding pre-marital sex. As a result, adolescents are often unable to access sexual and reproductive health services and information.'<sup>13</sup>

- 3.5.2 Freedom House, Freedom in the World 2018 – Zimbabwe noted: 'The Termination of Pregnancy Act makes abortion illegal except in very limited circumstances.'<sup>14</sup>

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### 3.6 National Gender Policy

- 3.6.1 The United States State Department (USSD) Country Report on Human Rights Practices for 2017 (USSD report 2017), published on 20 April 2018, stated 'In July the Ministry of Women Affairs, Gender, and Community, with support from the UN Development Program and UN Women, unveiled a revised National Gender Policy calling for greater gender equality and demanding an end to gender discrimination. Despite laws aimed at enhancing women's rights and countering certain discriminatory traditional practices, women remained disadvantaged in society.'<sup>15</sup>

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### 3.7 Zimbabwe Gender Commission

- 3.7.1 The Zimbabwe Gender Commission (ZGC) was established by Section 245 of the new Constitution and became operational in September 2015. At the keynote address by the Chairperson of the ZGC on 17 May 2017, the mandate and function of the ZGC was explained:

'The Zimbabwe Gender Commission is mandated with the overall responsibility of facilitating the promotion of gender equality and equity as well as ensuring that the gender related provisions of the constitution are implemented.

'Specifically the Gender Commission has the following functions:

- To monitor issues concerning gender equality to ensure gender equality as provided in this Constitution;
- To investigate possible violations of rights relating to gender;
- To receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate

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<sup>13</sup> Amnesty, Zimbabwe: Revise colonial-era health law ..., 8 May 2018, [url](#)

<sup>14</sup> Freedom House, Freedom in the World 2018 – Zimbabwe (section G3), 15 March 2018, [url](#)

<sup>15</sup> USSD, USSD report 2017 (section 6), 20 April 2018, [url](#).

- To conduct research into issues relating to gender and social justice, and to recommend changes to laws and practices which lead to discrimination based on gender;
- To advise public and private institutions on steps to be taken to ensure gender equality;
- To recommend affirmative action programmes to achieve gender equality;
- To recommend prosecution for criminal violations of rights relating to gender;
- To secure appropriate redress where rights relating to gender have been violated; and
- To do everything necessary to promote gender equality.<sup>16</sup>

3.7.2 In the same speech, the commissioner of the ZGC noted:

‘The adoption of the new Constitution in 2013 was a major milestone in the history of Zimbabwe as it brings parity between Zimbabwean men, women, boys and girls. However, this is still on paper and need to be brought to reality. This is why the Commission is here [...]

‘Our Government has also taken progressive steps by enacting and amending several laws to enhance the legal status of women. These include laws that protect women’s inheritance and property rights, protecting them from domestic and sexual violence, protecting them from discrimination in the labour market as well as promoting their participation in decision making positions [...]

‘In terms of women participation in decision making, the Constitution provides for a reserved quota for women in the lower house and proportional representation in the senate. Our national laws also promote the equal participation of women and men in public life; entitle them to vote in all elections, and are eligible for election to all publicly elected bodies established by national law.

‘The above initiatives are an acknowledgement that women have been disadvantaged in many respects and therefore need special attention to bring about parity with their male counterparts [...]

‘Statistics show that women constitute only 34% of the current parliament [...] The statistics also show that women are underrepresented at the highest levels in Government and in the corporate sector and other economic and social institutions. According to the research done out in 2015, out 64 Chief Executive Officers (CEOs) of companies listed on the stock exchange, only 3 CEOs were females. (4.68 %) and out of the 103 CEOs of state owned parastatals there were only 15 female CEOs. Out of 26 permanent secretaries, only 8 are females.

‘[...] the key role of the Gender Commission is to monitor and ensure that all the above gender related constitutional [sic] provisions and related laws and policies are implemented [sic]. The Commission however notes with concern

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<sup>16</sup> ZGC, Keynote Address by the Chairperson of the ZGC, 17 May 2017, [url](#)



that whilst the legal and policy framework is in place, structural barriers to gender equality and gender-based discrimination still persist in the country [...].<sup>17</sup>

### 3.7.3 The USSD report 2017 stated:

‘There is [...] an institutional framework to address women’s rights and gender equality through the Ministry of Women Affairs, Gender, and Community Development and the Gender Commission--one of the independent commissions established under the constitution. Despite the appointment of commissioners in 2015, the commission received only minimal funding from the government and lacked sufficient independence from the ministry’.<sup>18</sup>

### 3.7.4 The Zimbabwean newspaper, Newsday noted in an article published in February 2017 that ‘The Zimbabwe Gender Commission (ZGC) has been hit by staff shortages, amid reports that it has four of the required staff complement of 52 officers...committee chairperson, Biata Nyamupinga said...“The projected establishment for the commission is 52, however, currently, there are four officers, three of who are seconded from other ministries and one funded by a development partner”’.<sup>19</sup>

### 3.7.5 Newsday reported in an article published in November 2017 that ‘ZGC chairperson Margaret Sangarwe appeared before the Biata Nyamupinga-led Parliamentary Portfolio Committee on Women Affairs and Gender recently where she disclosed that her commission needed \$5 million for its programmes, but were promised \$1,4 million for 2018’.<sup>20</sup>

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Section 4 updated: 17 October 2018

## 4. Gender-based violence

### 4.1 Prevalence

#### 4.1.1 For the law surrounding gender-based violence see [Legislation](#).

#### 4.1.2 The United Nations Fund for Population Activities (UNFPA) noted that ‘about 1 in 3 women aged 15 to 49 have experienced physical violence and about 1 in 4 women have experienced sexual violence since the age of 15’.<sup>21</sup>

#### 4.1.3 The 2015 Zimbabwe Demographic and Health Survey, which surveyed 9,955 women aged 15-49 from across Zimbabwe, noted in its key findings published in 2016 that:

‘More than one-third (35%) of women age 15-49 have ever experienced physical violence since age 15. Fifteen percent of women have experienced physical violence in last 12 months. Women with more than secondary education and those from the wealthiest households are least likely to report having recently experienced physical violence.

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<sup>17</sup> ZGC, Keynote Address by the Chairperson of the ZGC, 17 May 2017, [url](#)

<sup>18</sup> USSD, USSD report 2017 (section 6), 20 April 2018, [url](#).

<sup>19</sup> Newsday, Staff shortages cripple Gender Commission, 6 February 2017, [url](#).

<sup>20</sup> Newsday, Gender commission bemoans underfunding, 27 November 2017, [url](#).

<sup>21</sup> UNFPA, Gender-based violence webpage, undated, [url](#)

‘Among ever-married women, the most common perpetrators of physical violence are current or former husbands and partners. Among never married women, the most common perpetrators are family members, including mothers and fathers, siblings, and other relatives, as well as teachers....

‘Fourteen percent of women age 15-49 report that they have ever experienced sexual violence; 8% have experienced sexual violence in the 12 months before the survey. Current and former husband/partner and current/former boyfriends are the most common perpetrators of sexual violence, followed by other relatives and strangers...

‘Six percent of women age 15-49 who have ever been pregnant have experienced violence during pregnancy. The youngest women (age 15-19) are most likely to have experienced violence during pregnancy (11%)....

‘More than one in three (35%) ever-married women age 15-49 have experienced spousal violence (physical or sexual violence committed by their husband/partner). Twenty percent of ever-married women have experienced physical or sexual violence by their partner in the year before the survey. Ever experience of spousal violence is relatively common throughout Zimbabwe, ranging from 20% in Matabeleland North to 45% in Mashonaland West....

‘Almost 40% of women age 15-49 who have experienced physical or sexual violence sought help to stop the violence. More than half of these women sought help from their own families while 37% went to their husband/partners family. Twenty-one percent sought help from the police.’<sup>22</sup>

4.1.4 The Department For Australian Trade (DFAT) Country Information Report Zimbabwe, published 11 April 2016 (DFAT report 2016) noted ‘Although the CLCRA [The Criminal Law (Codification and Reform) Act ] and the Domestic Violence Act criminalise rape and domestic violence, societal discrimination and domestic violence persist, and sexual abuse is widespread [...] Over 1,000 women registered domestic violence cases at a single women’s rights centre in Harare every month from January – November 2015. [...]’<sup>23</sup>

4.1.5 The International Federation of Red Cross and Red Crescent Societies (IFRC) report ‘Zimbabwe Country Case Study Effective law and policy on gender equality and protection’, in research conducted in December 2016 and published 27 October 2017 (IFRC 2017 report) noted:

‘In Zimbabwe, SGBV [sexual and gender-based violence] arises from social, cultural and religious practices that subordinate women, and may also make it unacceptable for men or women, girls or boys, to step outside socially assigned gender roles (including people who identify as lesbian, gay, bisexual, transsexual or intersex). It thrives in communities where violence is acceptable as a form of conflict resolution. It is facilitated by patriarchal (male controlled) social hierarchies, by acceptance of violence as a mode of social interaction and political interface, and by socioeconomic inequality and a breakdown in norms and social structures.’<sup>24</sup>

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<sup>22</sup> Zimbabwe National Statistics Agency, The 2015 Zimbabwe DHS Key Findings (page 16), 2016, [url](#)

<sup>23</sup> DFAT, DFAT report 2016, 11 April 2016 (para 3.51), [url](#)

<sup>24</sup> IFRC, Zimbabwe Country Case Study (page 13), 27 October 2017, [url](#)

- 4.1.6 The report from UN Resident Coordinator for Zimbabwe, Leave No One behind: End Violence Against Women and Girls, published 23 November 2017 noted: ‘Addressing the media in the capital Harare, UN Resident Coordinator, Mr. Bishow Parajuli said, “Some say cases of abuse and violence, especially against women are going up in Zimbabwe, others say that is only because reporting is getting better. It does not matter. There are still many thousands of gender based violence cases reported across the country [...]”<sup>25</sup>

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## 4.2 Rape and sexual violence

- 4.2.1 Freedom House, Freedom in the World 2018 – Zimbabwe noted that ‘sexual abuse is widespread, especially against girls.’<sup>26</sup>

- 4.2.2 The USSD report 2017 stated:

‘While the law criminalizes sexual offenses, including rape and spousal rape, these crimes remained widespread problems. Spousal rape received less attention than physical violence against women. Almost a quarter of married women who had experienced domestic violence reported sexual violence, while 8 percent reported both physical and sexual violence.

‘Although conviction of sexual offenses is punishable by lengthy prison sentences, women’s organizations stated that sentences were inconsistent. Rape victims were not consistently afforded protection in court.

‘Social stigma and societal perceptions that rape was a “fact of life” continued to inhibit reporting of rape. In the case of spousal rape, reporting was even lower due to women’s fear of losing economic support or of reprisal, lack of awareness that spousal rape is a crime, police reluctance to be involved in domestic disputes, and bureaucratic hurdles. Most rural citizens were unfamiliar with laws against domestic violence and sexual offenses. A lack of adequate and widespread services for rape victims also discouraged reporting.’<sup>27</sup>

- 4.2.3 A Sunday News article dated 30 April 2017, stated:

‘At least 22 women are raped daily in Zimbabwe, translating to almost one woman being sexually abused every hour as statistics from the Zimbabwe National Statistics Office (ZimStat) show an increase in sexual abuse in the country.

‘The data shows an 81 percent increase in rape cases between 2010 and 2016, a trend that has worried gender activists.

‘According to the Zimstat’s quarterly digest of statistics for the fourth quarter of 2016, 8 069 women were raped in 2016 up from 4 450 recorded in 2010....

‘Gender activists and women’s organisations are on record stating that more than 60 percent of rape cases recorded in the country yearly involve children

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<sup>25</sup> UN Resident Coordinator for Zimbabwe, Leave No One behind: ..., 23 November 2017, [url](#)

<sup>26</sup> Freedom House, Freedom in the World 2018 – Zimbabwe (section G3), 15 March 2018, [url](#)

<sup>27</sup> USSD, USSD report 2017 (section 6), 20 April 2018 [url](#).

below the age of 16. They contend that majority of perpetrators are relatives. Gender activist and director at Katswe Sistahood Ms Talent Jumo said the available statistics may just be a fraction of what is on the ground as a number of victims were not reporting their cases due to a number of circumstances.’<sup>28</sup>

- 4.2.4 For context, in relation to the statistics, the Central Intelligence Agency (CIA) World Factbook estimated the population of women in Zimbabwe in 2017 to be around 7 million<sup>29</sup>.
- 4.2.5 The USSD report 2017 noted: ‘The law requires victims of any form of violence to produce a police report to receive treatment without cost at government health facilities. This requirement prevented many rape victims from receiving necessary medical treatment, including post-exposure prophylaxis to prevent victims from contracting HIV.’<sup>30</sup>

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### 4.3 Domestic violence

#### 4.3.1 The DFAT report 2016 noted:

‘Prominent women’s rights organisations attribute a rise in the level of domestic violence throughout the country to Zimbabwe’s ongoing economic decline. Other causal factors include dowry payments, which give men a sense of ownership over their wives; cultural factors, including broad societal acceptance of domestic violence; and neglect by authorities, which treat domestic violence as a ‘private matter’ and are often ‘bought off’ by the perpetrators. Many women who experience domestic violence remain in abusive relationships because they are financially dependent on their husbands.’<sup>31</sup>

#### 4.3.2 The IFRC 2017 report noted:

‘In Zimbabwe, SGBV is seen particularly in acts of domestic violence related to gender roles. Spousal abuse is the most common form of SGBV. As a result of the patriarchal nature of Zimbabwean society, women are affected more by SGBV than men. Women face sexual violence, physical violence, emotional and psychological violence and also socio-economic violence in their homes, as well as violence outside the home.

‘Some of the contributing factors to SGBV in Zimbabwe include: societal norms on sexual rights and manhood; commercialization of ‘lobola’ or bride price; socialization processes that condone abuse; economic factors such as poverty, exploitation, access to and control over resources (e.g. land); variance between the modern and traditional/religious concepts of love by men and women; harmful traditional practices (e.g. girl child pledging for purposes of appeasing avenging spirits, forced marriage, child marriage,

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<sup>28</sup> Sunday News, One rape per hour: Zimstat, 30 April 2017, [url](#).

<sup>29</sup> CIA, CIA World Factbook, last updated September 2018, [url](#)

<sup>30</sup> USSD, USSD report 2017 (section 6) 20 April 2018, [url](#).

<sup>31</sup> DFAT, DFAT report 2016, 11 April 2016 (para 3.51), [url](#)

forced virginity testing and forced wife-inheritance); infidelity and polygamy; and limited participation of women in decision-making.’<sup>32</sup>

- 4.3.3 The USSD report 2017 stated ‘Despite the enactment of the Domestic Violence Act in 2006 that criminalized acts of domestic violence, domestic violence remained a serious problem, especially intimate partner violence perpetrated by men against women.’<sup>33</sup>

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Section 5 updated: 17 October 2018

## 5. State response to gender-based violence

### 5.1 Overview

- 5.1.1 The Social Institutions and Gender Index stated in its 2014 profile:

‘Following the adoption of the Domestic Violence Act, the government has introduced public awareness campaigns and an implementation strategy, including an Anti-Domestic Violence Council to monitor the implementation. Despite these efforts, the latest Demographic and Health Survey notes that, “there is widespread recognition in Zimbabwe that much remains to be done to protect victims”. Furthermore, discriminatory attitudes and practices of authorities place further barriers in women’s access to justice...With respect to prosecutions of marital rape, the government reports that the prosecution of marital rape requires the consent of the Attorney General, which may discourage women from reporting. Further, entrenched institutional and societal attitudes that deny marital rape as a form of violence against women also prevent women from seeking justice. And finally, in its final report on Zimbabwe in 2012, the CEDAW committee expressed concern that proper funds and resources had not been allocated by the State to effectively support the implementation of the Act and address the problem more broadly.’<sup>34</sup>

- 5.1.2 The UN Human Rights Council reported in August 2016 that ‘The Committee expressed concern about the high prevalence of violence against women, in particular domestic and sexual violence, which remained, in many cases, underreported, and also about the absence of an expressed political will to give priority to eliminating violence against women.’<sup>35</sup>

- 5.1.3 The IFRC report 2017 noted:

‘[...] during the focus group discussions, informants suggested there has been a lack of will by police to fully implement laws relating to violence against women. Examples given included: police choosing instead to administer mediatory efforts which at times lead to worse outcomes; or turning away female domestic violence victims, saying their cases should be settled within family circles. In some cases, respondents reported that the police also had an attitude that did not encourage them to follow through

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<sup>32</sup> IFRC, Zimbabwe Country Case Study (page 13), 27 October 2017, [url](#)

<sup>33</sup> USSD, USSD report 2017 (section 6), 20 April 2018, [url](#).

<sup>34</sup> Social Institutions and Gender Index, Zimbabwe Country Profile, undated, [url](#).

<sup>35</sup> UNHRC, Compilation ...Zimbabwe (para 34), 25 August 2016, [url](#)



their cases, for example, being told that they provoked the perpetrator. They said that such police attitudes discourage women from following through with the cases.<sup>36</sup>

5.1.4 The same report noted: ‘Overall, the case study research indicated that there is a significant legal and policy framework in place to combat SGBV, especially in the form of the DVA, but there remain significant challenges in its implementation in normal times, based on lack of resources and perhaps even more importantly, social attitudes and cultural beliefs about gender roles.’<sup>37</sup>

5.1.5 The Herald reported the progress made under the Zimbabwe UN Development Assistance Framework (ZUNDAF) in June 2018. Through the 2016-2020 ZUNDAF, the United Nations’ focus has been on six results, one of which is gender equality. The article listed the achievements to date and noted in relation to gender equality:

‘Our efforts have been on addressing the fundamental problems that underlie women’s limited representation in national decision-making bodies, low levels of education attainment, secondary school dropout rates, early pregnancy, child marriage and concerns around gender- based violence, and unacceptably high maternal mortality. For instance, 200 community dialogues were conducted to raise awareness on child marriage and other issues.

‘Joint programme to end gender-based violence was launched, and a multi-year multimillion-dollar new country programme is being designed to end violence against women and girls with support from the global EU-UN Secretary-General Spotlight initiative. The Gender Equality results group is co-chaired by the Permanent Secretary of the Ministry of Women Affairs, Gender and Community Development and the UN Women Representative.’<sup>38</sup>

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## 5.2 Domestic violence

5.2.1 A Daily News report of 7 March 2016, Half of Zim women abused, stated:

‘Almost half of all women in Zimbabwe suffer from gender-based violence and government is now stepping up efforts to curb the scourge, minister of State for Bulawayo province Eunice Sandi Moyo said.

‘Launching the International Women’s Day in Rukweza, about 30 km southwest of Rusape, Sandi Mayo said government has responded to the domestic violence cases by setting up an anti-domestic violence council.

“The Zimbabwe Demographic Health Survey showed that the prevalence of gender-based violence stood at 47 percent among women.

“Studies have also shown that only 13 percent of women who suffer from violence seek help from the police and a combined five percent of those

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<sup>36</sup> IFRC, Zimbabwe Country Case Study (page 21), 27 October 2017, [url](#)

<sup>37</sup> IFRC, Zimbabwe Country Case Study (page 24), 27 October 2017, [url](#)

<sup>38</sup> The Herald, Taking Stock of ZUNDAF, 29 June 2018, [url](#)

seek help from a doctor or medical institution, social services or a lawyer,” Sandi Moyo said...

“The anti-domestic violence council was set up to ensure the effective implementation of the Anti-Domestic Violence Act.”<sup>39</sup>

5.2.2 The Anti-Domestic Violence Council (ADVC) website (undated) provided detail of their composition and remit:

‘The Anti-Domestic Violence Council (ADVC) was established in terms of section 16 of the Domestic Violence Act (Chapter 5:16) of 2007. The ADVC was launched in October 2009 and has been operational since then though with very little resources and at very low capacity.

‘Membership of the Council includes the following: Government Institutions which are Justice and Legal Affairs, Health and Child Welfare, Department of Social Services, Zimbabwe Republic Police, Education, Women Affairs, Gender and Community Development, Council of Chiefs, Churches and Civic Society Organisations concerned with the welfare of children and women.

‘The functions of the ADVC among many others are: to keep under constant review the problem of domestic violence in Zimbabwe, to promote research into the problem of domestic violence, to promote the establishment of safe houses as well as promote provision of support services for complainants where the respondent who was the source of support for the complainant and his/her dependants has been imprisoned. The ADVC has also been tasked to take all steps to disseminate information and increase awareness of the public on domestic violence.’<sup>40</sup>

5.2.3 USSD report 2017 noted:

‘Although conviction of domestic violence is punishable by a fine and a maximum sentence of 10 years’ imprisonment, authorities generally considered it a private matter, and prosecution was rare.

‘The joint government-NGO Anti-Domestic Violence Council as a whole was ineffective due to lack of funding and the unavailability of information on prevailing trends of domestic violence, although its members were active in raising domestic violence awareness.

‘The government continued a public awareness campaign against domestic violence. Several women’s rights groups worked with law enforcement agencies and provided training and literature on domestic violence as well as shelters and counseling for women.’<sup>41</sup>

5.2.4 In an article in the Zimbabwe Electronic Law Journal Volume III, The Role of the Criminal Law in the Protection of Women Against Gender-Based Violence: Case note on S v Jeri HH-516-17, published 18 January 2018 it noted: ‘Police at local level may sometimes fail to take seriously and deal

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<sup>39</sup> Daily News, ‘Half of Zim women abused’, 7 March 2016, [url](#).

<sup>40</sup> ADVC, website, undated [url](#)

<sup>41</sup> USSD, USSD report 2017 (section 6) 20 April 2018, [url](#).

properly with complaints of domestic violence. There is a need for further training of the police to change their attitudes to such cases.<sup>42</sup>

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### 5.3 Protection Orders

- 5.3.1 The Immigration and Refugee Board of Canada response for information, dated 3 June 2015 citing various sources noted:

'Sources state that victims of domestic violence in Zimbabwe are entitled to apply for a protection order which mandates the abuser to stop abusing the victim [...]. Articles 7 through 14 of the Domestic Violence Act detail the process of applying for and receiving a protection order against domestic violence (Zimbabwe 2006). Sources further report that a protection order in Zimbabwe may: prevent the perpetrator from committing further violent acts; prevent the abuser from entering a victim's residence, workplace, or other areas which they frequent; mandate the perpetrator to pay emergency relief to the complainant for household expenses, medical bills, school fees, or mortgage bonds and rent payments; award temporary custody of children "to any person or institution" and regulate rights of access to said children by the perpetrator; and provide compensation for any physical injury, trauma, or loss suffered by the complainant (Zimbabwe 2006, Art. 11). The MWAGCD [Zimbabwean Ministry of Women Affairs, Gender, and Community Development] and Gender Links report indicates that, according to Harare Civil Court records, from 2011 to 2013, there were 3,014 applications for protection orders in Harare and 2,931 protection orders were issued....According to the Domestic Violence Act, protection orders are valid for five years and are issued with an attached warrant of arrest (Zimbabwe 2006, Art. 10). According to the National Coordinator of WLSA, "a protection order remains valid for 5 years and it will have attached to it a warrant of arrest such that if the perpetrator breaches the order, the warrant of arrest will be effected".'<sup>43</sup>

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### 5.4 Rape and sexual violence

- 5.4.1 The UN Human Rights Council (UNHRC) reported in August 2016 that 'The Committee welcomed the enactment of the Sexual Offences Act in 2003, which recognized marital rape as an offence, and was deeply concerned that its effectiveness had been hampered owing to a lack of financial and human resources...'<sup>44</sup>

- 5.4.2 The USSD report 2017 stated:

'Government officials sometimes acted on reported rape cases if the perpetrators were security force members or aligned with ZANU-PF. For example, in August police arrested police deputy commissioner Cosmas

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<sup>42</sup> Zimbabwe Electronic Law Journal Volume III, The Role of the Criminal Law in the Protection of Women Against Gender-Based Violence, 18 January 2018, [url](#)

<sup>43</sup> Immigration and Refugee Board of Canada Responses for Information Requests, 3 June 2015, [url](#)

<sup>44</sup> UNHRC, Compilation ...Zimbabwe (para 33), 25 August 2016, [url](#)



Mushore and Zimbabwe National Army lieutenant-colonel Rangarirai Kembo on charges of rape in two separate incidents.

‘According to a credible NGO, there were no official reports of rape being used as a political weapon during the year, but female political leaders were targeted physically or through threats and intimidation. On August 6, MDC-T supporters reportedly attacked MDC-T vice president Thokozani Khupe at MDC-T’s Bulawayo provincial headquarters, accusing her of convening an unsanctioned meeting. In September MDC member of parliament Priscilla MisihairabwiMushonga received death threats following a radio interview in which she appeared to attack MDC-T leader Morgan Tsvangirai...

‘The adult rape clinics in public hospitals in Harare and Mutare were run as NGOs and did not receive a substantial amount of financial support from the Ministry of Health. The clinics received referrals from police and NGOs. They administered HIV tests, provided medication for HIV and other sexually transmitted diseases, and provided medical services for pregnancy. Although police referred for prosecution the majority of reported rapes of women and men who received services from the rape centers, very few individuals were prosecuted.’<sup>45</sup>

#### 5.4.3 The IFRC report 2017 noted:

‘In Zimbabwe, an additional structure of policing has been added with the aim of ensuring that survivors of SGBV have access to justice, by trying to overcome some of the immediate barriers to making complaints. The police Victim Friendly Unit (VFU) was established in 1995 [...] is concerned about cases of violence against women and children, sexual and domestic violence offences. Having started as a pilot project, the Zimbabwe Republic Police (ZRP) reports that every police station in the country now has a VFU.

‘In accordance with the protocol, the police VFU investigators are responsible for investigation, arrest of offenders, and docket compilation. This framework has proven to be very important in dealing with cases of abuse and ensuring justice for the victims. However, from the key informant interviews, the framework was noted to be weak in that, at times, both victims and perpetrators are interviewed at the same time and this then causes the victim more fear. In some cases, the key informants highlighted that even though the processes of the VFU might start well, sometimes when cases get to court the dockets are lost or cases are withdrawn, and corruption was cited as the major cause of such occurrences.’<sup>46</sup>

#### 5.4.4 In an article in the Zimbabwe Electronic Law Journal Volume III, The Role of the Criminal Law in the Protection of Women Against Gender-Based Violence: Case note on S v Jeri HH-516-17, published 18 January 2018 it noted: ‘Although there has been some retraining of the police in the proper handling of rape complaints, cases still arise in which the police adopt a

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<sup>45</sup> USSD, USSD report 2017 (section 6) 20 April 2018, [url](#).

<sup>46</sup> IFRC, Zimbabwe Country Case Study (page 21), 27 October 2017, [url](#)

dismissive attitude to complaints of rape and decline to take the matters any further.<sup>47</sup>

See [Legal context](#)

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## 5.5 Prosecution of gender-based violence

- 5.5.1 The Population Council noted in a 2012 ‘Review Of Statutory Sentencing Provisions for Rape, Defilement, and Sexual Assault in East, Central, and Southern Africa’ that in addition to the district courts, Zimbabwe has established some specialized sexual offences courts nationally to handle sexual violence cases: ‘These courts have institutionalised “victim friendly” procedures and may have specially-trained prosecutors. Sexual offence courts do not have exclusive jurisdiction, however. Due to sheer volume, many more cases involving sexual offences are handled by regular magistrate’s courts, and sexual offences courts increasingly handle other types of matters as well.’<sup>48</sup>
- 5.5.2 In July 2016, Womankind published a report documenting the work of women’s organisations providing support services in Ethiopia and Zimbabwe. In relation to Zimbabwe, the report noted ‘Despite the adoption of legislation and policies, VAWG [violence against women and girls] remains widespread and perpetrators continue to benefit from impunity. The lack of training of law enforcement personnel, the lack of awareness of women’s human rights and the fear of social stigma and reprisal contribute to the ineffectiveness of such laws. Since the criminalisation of marital rape, only one case has been tried in court.’<sup>49</sup>
- 5.5.3 In the case of R v Jeri heard in the High Court Of Zimbabwe in June and July 2017, a man was convicted of the murder of a woman in a bar and sentenced to 15 years imprisonment. In that case the judge noted:
- ‘This is ... not a case of murder in a gender neutral context. The genesis of the attack that led to the killing of the deceased must be understood for what it was – a form of gender based violence. It would be truly amiss for this court to fail to make this connection to gender based violence from the onset because that is ultimately what the killing was about in this case...
- ‘The killing in this instance was unfortunately trivialised by the accused and his defence which sought to depict the deceased and her friend Tatenda Gwata as no more than prostitutes and drunkards... This demonising of women who do not fit society’s framework of the moral woman in society in fact shows the depth of patriarchal perceptions of women to which even counsel are often not immune.
- ‘As courts, it is our duty to be alive to the constitutional imperatives and to make the gender connections from the everyday cases that we deal with. The motivations for the assault were clearly gendered and to fail to speak to

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<sup>47</sup> Zimbabwe Electronic Law Journal Volume III, The Role of the Criminal Law in the Protection of Women Against Gender-Based Violence, 18 January 2018, [url](#)

<sup>48</sup> Population Council, Review of Statutory Sentencing...Zimbabwe..., 2012, [url](#)

<sup>49</sup> Womankind, More than a roof (page 10), July 2016, [url](#)

the gender dimensions of this case would be to legitimise gender based violence within the criminal justice system. Our efficacy as courts in addressing gender based violence rests in ensuring that the criminal justice system speaks to the lived realities and experiences of all its victims. Equally important is showing our appreciation and understanding of the manifestations of gender violence in the cases that we are confronted with. This trajectory is apparent in a number of court decisions that have addressed gender violence...

‘Such open recognition in the cases that we deal with, helps to put into gender violence into the consciousness of the law and society in general from the perspective of the courts thereby aiding the process of change.’<sup>50</sup>

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## 5.6 Support services for victims of gender-based violence

### 5.6.1 A UNFPA article, UNFPA Zimbabwe and partners launch One Stop Centre for survivors of Gender Based Violence, dated 9 September 2016, stated:

‘The United Nations Population Fund (UNFPA) and the Government of Zimbabwe (GoZ) have a launched a One Stop Centre (OSC) at Gwanda Provincial Hospital that will provide emergency medical treatment and other support services to survivors of Gender Based Violence in Zimbabwe’s Matabeleland South Province.

‘The One Stop Centre will provide much needed medical, legal and psycho social services to survivors at no cost under one roof. This intervention is under the Integrated Support Programme for Sexual and Reproductive Health (ISP) which is supported by the Governments of Britain, Ireland and Sweden. The OSC is being jointly implemented by the Ministries of Women’s Affairs, Gender and Community Development (MWAGCD) and Ministry of Health and Child Care (MoHCC).

‘The Gwanda OSC is the fourth to be launched in Zimbabwe with other centres in Harare at Musasa Project an implementing partner, Rusape District Hospital in Manicaland Province and Gweru Provincial Hospital in Midlands Province. In Harare a 24 Hour clinic has also been set up Wilkins Hospital for survivors of Sexual Gender Based Violence (SGBV). Plans are underway to establish more centres in at least every province in the country to bring more services to survivors.

‘Speaking at the launch of the OSC Minister of Women’s Affairs, Gender and Community Development Hon. Nyasha Chikwinya said the One Stop Centre model represents a promising model for providing comprehensive care and support for survivors by providing direct services under one roof. “In most communities, service providers are located in different physical locations thereby inhibiting timely and efficient responses and police stations and hospitals do not provide a conducive atmosphere to report cases of GBV,” she said “The environment accorded by One Stop Centres allows survivors to feel safe and to open up on their devastating experiences at the same time guaranteeing them maximum confidentiality.”

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<sup>50</sup> High Court of Zimbabwe, R v Jeri (Analysis of the factual evidence), 31 July 2017 [url](#)

‘Under the ISP programme, UNFPA has been working with partners to implement a wide range of interventions to reduce GBV and to increase availability and utilisation of GBV services by survivors and perpetrators. The key thrusts of the programme include increasing awareness of gender responsive laws and services, and women's rights; strengthening of the GBV referral pathway; provision of direct services, including legal aid and psychosocial support, and mobilising men and young people to support gender equality.

‘The health sector response component of the UNFPA Zimbabwe gender programme includes the programmatic interventions such as the launch and roll out of the clinical guidelines on the management of SGBV, training of GBV multi-sectoral teams on the referral pathway and provision of comprehensive services to survivors of GBV at One Stop Centres. To date, more than 17 000 GBV survivors have been reached with services through the One Stop Centres. Other service centers for survivors of GBV set up by UNFPA and partners include six safe shelters set up by implementing partner Musasa in Bubi, Marange, Chikomba Gutu, Harare and Gweru.’<sup>51</sup>

5.6.2 The Standard newspaper reported on 19 February 2017 that ‘[...] disclosure of SGBV to family, friends, or neighbours was low in rural areas — the majority of SGBV survivors don’t tell anyone. Shortage of SGBV clinics and police stations are some of the reasons why victims fail to report. In remote communities, victims have to walk long distances to seek medical and legal assistance. There are also cases where victims are raped by those who are supposed to safeguard them.’<sup>52</sup>

5.6.3 A UNFPA article published 2 March 2018 noted:

‘UNFPA is working with various government partners such as Ministry of Women and Youth Affairs, Ministry of Health and Child Care and Civil Society partners, Msasa Project, Zimbabwe Women Lawyers Association and Adult Rape Clinic to prevent GBV [Gender Based Violence] and provide services to survivors around the country such as medical treatment, psycho social support and legal services.

“Many survivors of GBV in Zimbabwe fail to access much needed services to help them deal with the trauma,” said UNFPA Country Representative Dr. Esther Muia. “We must spend sleepless nights to ensure we reach each and every survivor with essential services.”

‘[...] UNFPA has set up services throughout the country to reach survivors with various services. In Matabeleland South Province a One Stop Centre (OSC) was set at Gwanda Provincial Hospital that will provide emergency medical treatment and other support services to survivors. In Gweru, Midlands Province another OSC was set up at Gweru Provincial Hospital while in Manicaland province a centre has been set up at Rusape Provincial Hospital. In Harare a 24 Hour clinic has also been set up at Wilkins Hospital in Milton Park. The OSCs provide much needed medical, legal and psycho social services to survivors at no cost under one roof.

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<sup>51</sup> UNFPA, UNFPA Zimbabwe and partners launch One Stop Centre ..., 9 September 2016, [url](#).

<sup>52</sup> The Standard, SGBV a cause for concern in rural areas, 19 February 2017, [url](#).

'Other services in Harare are available at: Harare One stop Centre and Shelter at Msasa offices, 64 Selous Avenue, Harare, Edith Opperman Polyclinic in Mbare, Family Support Trust located at Harare Hospital in Southerton.

'Plans are underway to establish more centres in at least every province in the country to bring more services to survivors.'<sup>53</sup>

5.6.4 Musasa, a non governmental organisation (NGO), explained its function:

'Founded in 1988 [...] operations are based on Advocacy, Prevention, Peace building and provision of Direct Services to survivors of Gender Based Violence (GBV). The organisation works towards ending gender based violence against women and girls in Zimbabwe. Musasa operates from four regional offices which include Harare, Bulawayo, Gweru and Chiredzi.'<sup>54</sup>

'The counselling, shelters and legal services department is the heart of the direct services that Musasa offers to survivors of gender based violence. The department is made up of skilled personnel who interact with women and girls from all walks of life providing the following services:

'Counselling, Emergency Cash Support, Legal Aid, Toll Free Line Support, Shelter [...].'<sup>55</sup>

5.6.5 The website also noted:

'Musasa bought its first shelter in Harare in 1998 and since then eleven additional shelters have been set up in Gweru, Bubi, Buhera, Chikomba, Gutu, Gokwe, Marange, Mazowe, Bikita, Bulawayo and Mwenezi. While in our shelters, women are provided with on-going counselling and are able to access other services such clinics and hospitals, ante-natal care, police and courts [...] survivors are provided with life-skills trainings to equip them with income generating skills as well as trainings in self-esteem and confidence building. Resource centres such as computer centres, libraries, sewing and games rooms can be found as part of the shelter package.'<sup>56</sup>

5.6.6 The Womankind report published in 2016 noted, in respect of funding and service provision for Musasa 'In Zimbabwe, the reluctance of donors to fund the true costs of organisations like Musasa was felt acutely across all the services. Limited core cost funding has resulted in staff working excessively long hours to ensure clients can continue to access services. Dedicated and skilled staff members consistently raised concerns about the impact of lack of core costs on their ability to support women clients'.<sup>57</sup>

5.6.7 The UNFPA website stated:

'In an effort to reduce GBV, UNFPA works with the Ministry of Women Affairs, Gender and Community Development, sister UN agencies and civil

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<sup>53</sup> UNFPA, UNFPA hands over vehicle to partner, Adult Rape Clinic, 2 March 2018, [url](#)

<sup>54</sup> Musasa, website (Executive summary), undated, [url](#)

<sup>55</sup> Musasa, website (Direct Services), undated, [url](#)

<sup>56</sup> Musasa, website (Shelters), undated, [url](#)

<sup>57</sup> Womankind, More than a roof (page 36), July 2016, [url](#)



society towards increasing availability and utilization of GBV services by survivors as well as reducing tolerance for GBV in communities.

'The main thrust of the programme is increasing awareness of gender responsive laws and services; the provision of health care, psychosocial support and legal aid to survivors of GBV mobilizing men and young people to support gender equality; GBV prevention through community mobilization; and supporting GBV referral and coordination mechanisms at district and community level.'<sup>58</sup>

- 5.6.8 The report from UN Resident Coordinator for Zimbabwe, 'Leave No One behind: End Violence Against Women and Girls', published 23 November 2017, stated:

"Collective efforts are needed from all partners to ensure that survivors of Gender Based Violence have access to essential health services, psychosocial support and legal aid. For survivors of rape or sexual violence accessing medical services within 72 hours is highly critical to prevent pregnancy, HIV infection and Sexually Transmitted infections. It is an emergency as only 1% of the survivors access services and many of them are not aware of its importance," said UNFPA Deputy Representative Mr Yu Yu.<sup>59</sup>

- 5.6.9 Bantwana, an organisation that works with local organisations, clinics, schools, and local and national governments in Zimbabwe noted:

'Bantwana's Gender Based Violence Prevention and Response Program supports local Zimbabwean organizations and governments to prevent and respond to GBV against adolescent girls.

'Bantwana integrates GBV and sexual abuse prevention material into relevant curriculum and program activities for girls and boys clubs at secondary schools and community-based centers for out-of-school youth.

'Bantwana trains teachers in psychosocial support (PSS) and child rights so they can respond to GBV-related issues in school. Family clubs address the roots of GBV by engaging men in discussions about harmful cultural norms, such as child marriage and widow inheritance. The program uses radio broadcasts and SMS messaging to further spread awareness about gender equality and GBV.

'Bantwana advocates for legal changes that allow certified nurses to become sexual assault nurse examiners, expanding survivors' ability to access services despite Zimbabwe's shortage of nurses. The project also supports GBV survivors with psychosocial and medical assistance. Children and their caregivers also receive legal representations, transport, food, and accommodation throughout the lengthy legal process.

'Bantwana works closely with Zimbabwe's Department of Child Welfare and Probation Services to establish community safe places for abused children and trains traditional leaders to guide GBV survivors to the justice systems.

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<sup>58</sup> UNFPA, Gender-based violence webpage, undated, [url](#)

<sup>59</sup> UN Resident Coordinator for Zimbabwe, Leave No One behind ..., 23 November 2017, [url](#)

Bantwana will also develop community resources maps so that survivors and their families can find support services.<sup>60</sup>

- 5.6.10 UN Women, Op-ed: The Spotlight Initiative: Eliminating violence and harmful practices against women and girls, published 7 June 2018 stated:

'[...] less than a year ago, something significant emerged: the Spotlight Initiative, an unprecedented, multi-year partnership between the European Union and the United Nations, with 500 million euros [global figure] in seed funding from the EU. Comprehensive in scope, targeted in focus, it is changing how we do business across the UN system and across countries and regions [...]

'Since its launch, the Spotlight Initiative has been working closely with countries in [...] Africa (with a focus on sexual and gender-based violence and harmful practices) [...]

'In Zimbabwe, we are using radio and other media to spread awareness on the issue. To ensure that services are accessible to all women and girls, including those with disabilities, we are introducing measures such as access ramps at service centres, sign language, braille and audio versions of information materials. [...]

'Violence against women has been ignored or kept in the shadows for far too long. The name of the Initiative – Spotlight –symbolizes the importance of driving this issue into the light so it can be seen, tackled and eliminated [...].<sup>61</sup>

- 5.6.11 The UNFPA surveyed 1820 people across Zimbabwe about GBV knowledge, attitudes and practices. The Baseline Survey Report was published in March 2018 and noted, in relation GBV incidents, 83% of community members surveyed believed there had to be a police report to access health services and 24% knew of shelters and PEP [Post-Exposure Prophylaxis] . Amongst Key Informants (multi sectoral service providers and religious leaders) 83% believed there had to be a police report to access health services, 44 % knew of shelters nearby and 56% knew of the hotline and 58% were trained on the referral pathway. 81% felt that the police offered adequate services to GBV survivors but other services needed improvement<sup>62</sup>.

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Section 6 updated: 17 October 2018

## 6. Forced and early marriage

### 6.1 Child marriage

- 6.1.1 For the law surrounding child marriage see [Legal context](#)

- 6.1.2 The Human Rights Watch report, 'Zimbabwe: Scourge of Child Marriage', dated 25 November 2015, stated:

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<sup>60</sup> Bantwana, GBV Prevention and Response Program, undated webpage, [url](#)

<sup>61</sup> UN Women, Op-ed: The Spotlight Initiative: ..., 7 June 2018, [url](#)

<sup>62</sup> UNFPA, Baseline Survey Report, March 2018, [url](#)

'Child marriage is common in indigenous apostolic churches, charismatic evangelical groupings which mix Christian beliefs with traditional cultures and have approximately 1.2 million followers across the country. The Zimbabwe Council of Churches and the Apostolic Christian Council of Zimbabwe acknowledge that the practice was more prevalent among apostolic followers than other religious groups. A midwife who is a member of the Johwane Masowe Shonhiwa apostolic church told Human Rights Watch that church doctrine requires girls to marry between ages 12 and 16 to prevent sexual relations outside marriage. "As soon as a girl reaches puberty, any man in the church can claim her for his wife," she said.

'Archbishop Johannes Ndanga, president of the Apostolic Churches Council of Zimbabwe, a coalition of over 1,000 indigenous apostolic churches, told Human Rights Watch that "virginity testing" – which includes the insertion of fingers into the vagina – of girls as young as 12, was widely practiced in the apostolic churches. "If found to be virgins they would get marks on their foreheads," he said. "Older men in the church will then choose these 'fresh girls' to become their wives, often joining polygamous unions. If a man marries a woman who is not a virgin, she is required to find a virgin girl for her husband to marry as compensation." The World Health Organization has determined that virginity testing is a discredited and abusive practice with no scientific basis...

'Zimbabwe has conflicting legal provisions on the minimum age for marriage. Zimbabwe's constitution does not expressly prohibit child marriage, and a number of laws effectively condone it. Section 78 of the constitution says that anyone who has attained the age of 18 has the right to found a family and that no one should be compelled to marry against their will. The government has said, however, that section 78 does not set 18 as the minimum age for marriage, but simply confers a right on those above 18 to found a family.

'Zimbabwe's Customary Marriages Act sets no minimum age for marriage, while the Marriage Act, which governs monogamous marriages, states that girls under 16 cannot marry without the written consent of the justice minister.

'The Criminal Law (Codification and Reform) Act makes it a criminal offense for anyone to promise a girl under 18 in marriage or to force a girl or woman to enter into a marriage against her will. It also makes it a criminal offense to use cultural or customary rites or practices to force a woman to marry. It provides that any adult man who has sexual relations with a willing child between ages 12 and 15 is guilty of statutory rape because children in this age group are considered too immature to make informed decisions about their sexual behavior, so the child's consent is no defense. However, the law says that if the person is married to a child under 16, having sexual relations with the spouse is not statutory rape.

'Zimbabwe has ratified international conventions that oblige it to protect children against child sexual exploitation and abuse, including child marriage. These include the Convention on the Rights of the Child; the Convention on the Elimination of All Forms of Discrimination against Women; the African Charter on the Rights and Welfare of the Child; and the



African Charter on Human and Peoples' Rights. But unless the government revises domestic laws to incorporate the requirements under these treaties, Zimbabwe's courts have little power to enforce these international legal obligations.'<sup>63</sup>

- 6.1.3 Plan International, a children's development organisation, noted in their report published in 2016 that:

'Currently as many as 31 per cent of girls under the age of 18 are married' [...] Child marriage is not uniformly prevalent in Zimbabwe: prevalence is highest in Mashonaland Central (50 per cent), followed by Mashonaland West (42 per cent), Masvingo (39 per cent), Mashonaland East (36 per cent), Midlands (31 per cent), Manicaland (30 per cent), Matabeleland North (27 per cent), Harare (19 per cent), Matabeleland South (18 per cent), and Bulawayo (10 per cent).'<sup>64</sup>

- 6.1.4 A Their World article, Former child brides force Zimbabwe to ban child marriage, dated 21 January 2016, stated:

'Zimbabwe's Constitutional Court outlawed child marriage yesterday after two former child brides took the government to court in a ground-breaking case to challenge the practice that is rife in the southern African nation...

'The court ruled that as of January 20 [2016] no one in Zimbabwe may enter into any marriage, including customary law unions, before the age of 18, and struck down a section of the Marriage Act which allows girls to marry at 16 but boys at 18.

'Nearly a third of girls in Zimbabwe marry before they are 18 and 4% before they turn 15, depriving them of an education, increasing the likelihood of sexual violence and putting them at risk of death or serious injury in childbirth.

"I really am happy that we have played an instrumental part in making Zimbabwe a safe place for girls," said Mudzuru, who was married at 16 and had two children before she was 18.'<sup>65</sup>

- 6.1.5 A Thomson Reuters Foundation report, Zimbabwe ramps up pressure on parents to stop child marriages, dated 18 March 2016, stated:

'For although Zimbabwe this year outlawed child marriage, many parents and guardians continue to sanction under-age traditional marriages and withdraw rape charges in exchange for a bride price but this is now putting them in the sights of the law...In January this year [2016] Zimbabwe's Constitutional Court ruled that no one in Zimbabwe may enter into any marriage, including customary law unions, before the age of 18. But with child marriage still entrenched in remote mining and farming areas, Vice President Emmerson Mnangagwa told parliament this week that amendments to legislation will now target parents and guardians who accept bride prices....Legislator Jessie Majome, who chairs the Justice, Legal and Parliamentary Affairs Portfolio Committee, said if the laws were amended, it

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<sup>63</sup> Human Rights Watch, Zimbabwe: Scourge of Child Marriage, 25 November 2015, [url](#).

<sup>64</sup> Plan International, Ending Child Marriage in Zimbabwe (pages 2-3), 2016, [url](#).

<sup>65</sup> Their World, Former child brides force Zimbabwe to ban child marriage, 21 January 2016, [url](#).

would be up to the courts to decide the appropriate sentence for parents and guardians fixing these agreements.

‘Legal amendments about 10 years ago set a maximum sentence for anyone accepting a bride price for an under-age girl at 10 years but campaigners want this to be increased.’<sup>66</sup>

6.1.6 Freedom House, Freedom in the World 2018 – Zimbabwe report noted: ‘Child marriages are illegal but factors such as poverty, religion and lack of strong enforcement mechanisms have prolonged the practice.’<sup>67</sup>

6.1.7 The GirlsNotBrides website, accessed on 6 July 2018, provided the following information (undated):

‘Approximately 1 in 3 girls in Zimbabwe are married before their 18th birthday...Child marriage predominantly affects girls who live in poverty and in rural areas. Girls from the poorest 20% of the households were more than 4 times as likely to be married/in union before age 18 than girls from the richest 20% of the households. The less education a girl has, the more she is likely to marry during her childhood.

‘Religion is also a driver of child marriage in Zimbabwe. For example, in the apostolic faith, religion combines with traditional culture, and girls are often encouraged to marry much older men at a very young age...In August 2015, Zimbabwe launched the African Union campaign to end child marriage [...].

‘Several civil society campaigns or programmes to end child marriage have recently been launched, including:

- The 18+ campaign, by Plan Zimbabwe
- The “Give us books, not husbands” campaign by Katswe SistaHood
- The “Not Ripe for Marriage” campaign by Real Opportunities for Transformation Support (ROOTS).’<sup>68</sup>

6.1.8 Both Amnesty International and Human Rights Watch noted in their reports published in 2018 that despite the Constitutional Court’s 2016 judgment that marriage under 18 was unconstitutional, the government has yet to amend or repeal all existing marriage laws that still allow child marriage.<sup>69 70</sup>

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## 6.2 Forced marriage

6.2.1 The USSD ‘Country Report on Human Rights Practices for 2017’ stated:

‘Despite legal prohibitions, mostly rural families continued to force girls to marry. According to the 2012 population census, almost one in four teenage girls were married. Child welfare NGOs reported evidence of underage marriages, particularly in isolated religious communities or among HIV/AIDS orphans who had no relatives willing or able to take care of them. High rates

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<sup>66</sup> Thomson Reuters Foundation, ‘Zimbabwe ramps up pressure on parents ...’, 18 March 2016, [url](#).

<sup>67</sup> Freedom House, Freedom in the World 2018 – Zimbabwe (section G3), 15 March 2018, [url](#)

<sup>68</sup> GirlsNotBrides, Zimbabwe, undated, [url](#).

<sup>69</sup> Amnesty International, 2017/18 Report, (sexual and reproductive rights), 22 February 2018, [url](#)

<sup>70</sup> Human Rights Watch, World Report 2018, 2018, [url](#).

of unemployment, the dropout of girls from school, and the inability of families to earn a stable income were major causes of child marriage.

‘Families gave girls or young women to other families in marriage to avenge spirits, as compensatory payment in interfamily disputes, or when promised to others--to provide economic protection for the family. Some families sold their daughters as brides in exchange for food, and younger daughters at times married their deceased older sister's husband as a "replacement" bride. An NGO study published in 2014 found that because of the cultural emphasis placed on virginity, any loss of virginity--real or perceived, consensual or forced--could result in marriage, including early or forced marriage. In some instances family members forced a girl to marry a man based on the mere suspicion that the two had had sexual intercourse. This cultural practice even applied in cases of rape, and the study found numerous instances in which families concealed rape by facilitating the marriage between rapist and victim.’<sup>71</sup>

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Section 7 updated: 17 October 2018

## 7. Trafficking

### 7.1 Prevalence

#### 7.1.1 The United States State Department (USSD) Trafficking in Persons Report 2018, published on 28 June 2018, stated:

‘As reported over the past five years, Zimbabwe is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Women and girls from Zimbabwean towns bordering South Africa, Mozambique, and Zambia are subjected to forced labor, including domestic servitude, and sex trafficking in brothels catering to long-distance truck drivers on both sides of the borders. Zimbabwean men, women, and children are subjected to forced labor in agriculture and domestic service in the country's rural areas, as well as domestic servitude and sex trafficking in cities and surrounding towns. Family members recruit children and other relatives from rural areas for work in cities where they are often subjected to domestic servitude or other forms of forced labor; some children, particularly orphans, are lured with promises of education or adoption. Reports indicate that adults have recruited girls for child sex trafficking in Victoria Falls...

‘Zimbabwean women and men are lured into exploitative labor situations in agriculture, construction, information technology, and hospitality largely in neighboring countries; some subsequently become victims of forced labor, and some women become victims of forced prostitution. Women are exploited in domestic servitude, forced labor, and sex trafficking in Kuwait and Saudi Arabia. There were previous reports of Zimbabwean women lured to China and the Middle East for work, where they are vulnerable to trafficking. There were reports of Zimbabwean students being lured to Cyprus with false promises for education via scholarship schemes where they are exploited in forced labor and sex trafficking. Many Zimbabwean

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<sup>71</sup> USSD, Country Report on Human Rights Practices for 2017 (section 6), 20 April 2018, [url](#).

adult and child migrants enter South Africa with the assistance of taxi drivers who transport them to the border at Beitbridge or nearby unofficial crossing locations and are subject to labor and sex trafficking. Some of the migrants are transferred to criminal gangs that subject them to abuse, including forced prostitution in Musina, Pretoria, Johannesburg, or Durban. Some Zimbabwean men, women, and children in South Africa are subjected to months of forced labor without pay, on farms, at construction sites, in factories, mines, and other businesses.’<sup>72</sup>

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## 7.2 State response to trafficking

7.2.1 Zimbabwe has been rated as a tier two country by the USSD since being elevated from tier three in 2017<sup>73</sup>. Tier two definition: ‘The governments of countries that do not fully meet the TVPA’s minimum standards, but are making significant efforts to bring themselves into compliance with those standards.’<sup>74</sup>

7.2.2 The Foreign and Commonwealth Office, in the Human Rights and Democracy Report 2016, published 20 July 2017 noted: ‘There were reports that approximately 200 women were trafficked to Kuwait in 2014 and 2015. 40 women sought refuge at the Zimbabwean Embassy in Kuwait and were returned home in April 2016. An official at the Kuwait Embassy has been charged with trafficking of three of the victims.’<sup>75</sup>

7.2.3 A July 2016 Daily News report, Zim acts on human trafficking, stated: ‘Government yesterday unveiled an action plan targeted at combating human trafficking, amid concerns that more Zimbabwean women could be trapped in the Middle East. ‘This comes as 101 Zimbabwean women who had been trafficked to the Arab country of Kuwait were recently repatriated back to [sic] home... ‘Foreign affairs minister Simbarashe Mumbengengwi who read a speech on behalf of Vice President Emmerson Mnangagwa, yesterday said that government was going to work with development partners in implementation of the action plan – dubbed ‘Trafficking in Persons National Plan of Action’ - as well as rescuing the trapped women...The action plan which will run for two year[s] until 2018, will among other things establish a functional identification and referral system for reported cases, facilitate the provision of appropriate direct assistance to victims, and establish a rehabilitation programme...

‘Zimbabwe authorities also intend to monitor private employment agencies as part of measures to curb human trafficking.’<sup>76</sup>

7.2.4 The International Organization for Migration (IOM) noted:

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<sup>72</sup> USSD, Trafficking in Persons Report 2018, 28 June 2018, Zimbabwe, [url](#).

<sup>73</sup> USSD, Trafficking in Persons Report 2018, 28 June 2018, Zimbabwe, page 459 [url](#).

<sup>74</sup> USSD, Trafficking in Persons Report 2018, 28 June 2018, Intro material, page 40, Zimbabwe, [url](#).

<sup>75</sup> FCO, Human Rights and Democracy Report 2016 – Zimbabwe (Chapter VI), 20 July 2017, [url](#)

<sup>76</sup> Daily News, Zim acts on human trafficking, 30 July 2016, [url](#).

‘On 24 March [2017], IOM handed over office equipment and furniture to the Trafficking in Persons (TiP) Secretariat of the Ministry of Home Affairs in Zimbabwe. The items are intended to strengthen institutional capacity for the effective coordination and efficient functioning of the country’s Anti-Trafficking Inter-Ministerial Committee (AT-IMC).

‘The initiative falls under the framework of the Promoting Migration Governance in Zimbabwe project being implemented by IOM, in partnership with the Government of Zimbabwe [...]. The project aims to contribute to the establishment of a migration governance framework in Zimbabwe, which supports state actors to manage migration in dialogue with non-state actors in a migrant-centred, gender-sensitive, rights-based and development-oriented manner...

‘IOM will also reinforce the TiP Secretariat’s technical and administrative capacities by seconding a project officer to work closely with the Secretariat. The secondment support will strengthen the Government of Zimbabwe, to coordinate, and monitor TiP activities in the country through coordination meetings.

‘Zimbabwe is a source, transit and destination country for trafficking. The country was caught in a trafficking “storm” when over 150 women were trafficked to Kuwait between 2015 and 2016. The Kuwait trafficking case has brought the problem of human trafficking in the Zimbabwean population to the fore. This has spurred state and non-state actors to make concerted efforts to address the human trafficking scourge. The enactment of the Trafficking in Persons Act in June 2014 and the launch of the Anti-Trafficking National Plan of Action demonstrate the government’s commitment to fight human trafficking.’<sup>77</sup>

#### 7.2.5 The USSD Trafficking in Persons Report 2018 stated:

‘The government of Zimbabwe does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by securing its first convictions since 2007 and identifying and protecting more trafficking victims compared to the previous year. The government trained border and law enforcement officials, labor inspectors, social workers, and civil society organizations on victim identification and interview techniques...

‘However, the government did not demonstrate increasing efforts compared to the previous reporting period. It did not amend the 2014 Trafficking in Persons Act, which was inconsistent with international law. The government investigated and prosecuted fewer trafficking cases compared to the previous year. The government did not provide funding to its NGO partners on which it relied to provide protective services to victims and that struggled to operate without such support, and remained without formal identification and referral procedures. Therefore Zimbabwe remained on Tier 2 Watch List for the second consecutive year.

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<sup>77</sup> IOM, IOM Supports Zimbabwe’s Anti-Human Trafficking Efforts, 28 March 2017, [url](#)



'The government had mixed anti-trafficking law enforcement efforts. Inconsistent with international law, the 2014 Trafficking in Persons Act defined trafficking in persons as a movement-based crime and did not adequately define "exploitation." The 2014 act criminalized the involuntary transport of a person, and the voluntary transport for an unlawful purpose, into, outside, or within Zimbabwe. The focus on transport and the inadequate definition of "exploitation" left Zimbabwe without comprehensive prohibitions of trafficking crimes....

'Corruption in law enforcement and the judiciary may have impaired the effectiveness of anti-trafficking efforts. Victims reportedly refused to report or pursue cases of trafficking due to fear their traffickers could bribe police or judges. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.'<sup>78</sup>

7.2.6 IOM, in a report on its website entitled UN Migration Agency Facilitates Shelter Management Workshop on Human Trafficking, published in February 2018 noted:

'Zimbabwe has seen significant progress in the implementation of its National Trafficking in Persons Action Plan, and according to the Global Trafficking in Persons Report for 2016, the country has moved from Tier 3 [...] to Tier 2 [...].

'Tuso Mapala, Director of Social Welfare, Ministry of Labour and Social Welfare, alluded to the prosecution of a trafficking perpetrator in 2017; the establishment of Provincial Trafficking in Persons Task Forces; and setting up state-run protection shelters as examples of the government's achievements.

'[...] As a way forward, participants pledged to scale up coordination among state and non-state actors involved in counter trafficking. This would be achieved through information sharing on counter trafficking activities and issues. More importantly participants committed to cascading the concepts of human trafficking to colleagues in their organizations and key stakeholders as a way of increasing awareness of it.'<sup>79</sup>

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### 7.3 Protection of victims of trafficking

7.3.1 A Standard report, dated 1 May 2016, stated:

'Government last night dispatched four Cabinet ministers to the Harare International Airport to receive 32 victims of the over 200 Zimbabwean women who fell victim to human trafficking in Kuwait... The government last week came under fire after reports that it failed to raise \$12 000 to bring home the stranded women who had been holed up at the residence of Zimbabwe's ambassador to Kuwait for weeks after their escape from their captors.

'Addressing a press conference at the airport, Speaker of National Assembly Jacob Mudenda said the 32 women who arrived aboard Emirates Airlines

<sup>78</sup> USSD, Trafficking in Persons Report 2018, 28 June 2018, Zimbabwe, [url](#).

<sup>79</sup> IOM, UN Migration Agency Facilitates ... Workshop on Human Trafficking, 5 February 2018, [url](#)

had brought nothing but their bodies back to Zimbabwe... Mudenda, who was in the company of Health minister David Parirenyatwa, Foreign Affairs minister, Samuel Mumbengegwi, Labour minister Prisca Mupfumira and Women's minister Nyasha Chikwinya, said the women had been taken to a safe house where they would undergo psychological evaluation and health screening before being released to their families... Mumbengegwi said government had assisted nearly 40 women to return back home from Kuwait, although this has not been publicised.'<sup>80</sup>

### 7.3.2 The USSD Trafficking in Persons Report 2018 stated:

'The government increased its efforts to identify and protect trafficking victims. The government reported identifying 87 potential trafficking victims, compared with 72 victims identified by officials in 2016. The government repatriated 14 victims, all women between the ages of 22 and 45, including 13 from Kuwait and one from South Africa. The Ministry of Labor coordinated with a local NGO to identify and refer to care 73 potential child victims of sex trafficking from high-density areas in Harare. All potential child victims received protective services including counseling, medical care, and an education needs assessment by an NGO, which had 12 shelters throughout the country. The NGO did not receive funding from the government and struggled to operate without such support. Of the potential child victims, 10 girls were taken to a vocational training center to receive skills training and 46 children were placed in children's homes. In addition, the government assisted four foreign male victims of forced labor.

'Furthermore, a local NGO-operated hotline received calls from ...143 girls seeking assistance for exploitation in domestic service; many reported they were subjected to sexual, physical, and verbal abuse by their employers. ...53 girls called the hotline to report their exploitation in sex trafficking. The ministry established a system whereby each potential trafficking case reported was handled jointly by an NGO and a Department of Social Welfare case worker; however, the government did not provide financial support to the NGOs. The government paid the tuition for the children of trafficking victims. In coordination with an international organization, the government coordinated a two-day training for 80 female trafficking survivors on entrepreneurship and, following the training, the government purchased equipment to assist each participant in starting livelihood projects. The government supported monitoring activities to track the women's progress.

'The Immigration Department also developed standard operating procedures, which provided guidance to immigration officers responding to vulnerable groups including potential trafficking victims. In 2016, the Ministry of Public Service, Labor and Social Welfare (MPSLSW) established the technical steering committee on the protection of victims of trafficking to oversee the protection and provision of re-integration assistance and referral services to victims of trafficking. The government also developed and adopted a national referral mechanism for vulnerable migrants in Zimbabwe, which included standard operating procedures to guide front-line responders in identifying potential trafficking cases...While the 2014 Trafficking in

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<sup>80</sup> The Standard, Kuwait trafficking victims arrive, 1 May 2016, [url](#).

Persons Act required the government to establish centers in each of Zimbabwe's 10 provinces to provide counseling, rehabilitation, and reintegration services, these centers had not been established at the end of the reporting period.'<sup>81</sup>

- 7.3.3 IOM noted in February 2018 that they had run a training workshop in Harare for 30 management staff from various government and NGO shelters:

'This is the first of two workshops to be conducted during the first quarter of 2018, aimed at increasing understanding of the rights of trafficked victims and the ways that staff can provide them with specialized, victim-centred services to support their rehabilitation.

'[...] Regarding victim protection, participants were trained on techniques to identify and assist victims of trafficking with particular attention to skills for communicating with traumatized victims. The training also emphasized the guiding principles of shelter care and set-up, as well as taking the participants through the various tools for screening victims and capturing trafficking data.'<sup>82</sup>

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Section 8 updated: 17 October 2018

## 8. Freedom of movement

- 8.1.1 The Social Institutions and Gender Index stated:

'The law guarantees women's freedom of movement; however the fear of violence...particularly in the context of political violence, poses a threat to women's freedom of movement...With respect to decision making in the family over freedom of movement, the 2011-2012 Demographic and Health Survey found that 10.7% of married women reported that their husbands had the final say over decisions to visit friends and relatives, compared to 19.9% of women who reported that they had the final say themselves over such decisions, and 68.8% who reported they made the decision jointly.'<sup>83</sup>

- 8.1.2 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...

'Police made in-country movement difficult by regularly placing checkpoints nationwide along most major routes. In urban areas a single road could have several roadblocks in the span of a few miles.'<sup>84</sup>

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Section 9 updated: 17 October 2018

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<sup>81</sup> USSD, Trafficking in Persons Report 2018, 28 June 2018, Zimbabwe, [url](#).

<sup>82</sup> IOM, UN Migration Agency Facilitates ... Workshop on Human Trafficking, 5 February 2018, [url](#)

<sup>83</sup> Social Institutions and Gender Index, Zimbabwe Country Profile, updated circa 2014, [url](#).

<sup>84</sup> USSD, USSD report 2017 (section 2d), 20 April 2018, [url](#).



## 9. Access to services

### 9.1 Employment

9.1.1 The 2015 Zimbabwe Demographic and Health Survey Key Findings, published in 2016 noted that:

‘Just over half (55%) of married women age 15-49 were employed in the 12 months before the survey compared to 90% of married men. Among the women who were employed in the year before the survey, 75% of them were paid in cash only, while 5% were unpaid. In comparison, 77% of men received cash only, while 11% were unpaid.

‘More than two-thirds of women earning cash report that they earn less than their husbands.’<sup>85</sup>

9.1.2 The DFAT report 2016 noted:

‘The Constitution provides for the full participation and equal representation of women in all spheres of society, as well as equal access to resources. It also prohibits discrimination on the basis of sex, gender, marital status, pregnancy or culture. Section 124 of the Consitution provides for an additional 60 National Assembly seats reserved for women on a proportional representation basis for the first two terms of Parliament (i.e. until 2023). ...Women have served as ministers in the national and local governments. According to the US State Department, however, women remain under-represented at the national, provincial and local levels of government; men hold most senior positions in the public sector; and less than one-third of Supreme Court and High Court judges are women. There are only 38 women directly elected to the National Assembly and 36 elected to the Senate...

‘DFAT assesses that women face a moderate level of official discrimination given their limited access to senior bureaucratic and other official posts [...]’<sup>86</sup>

9.1.3 A report prepared for the International Labor Organisation (ILO) on June 2016 noted that:

‘Some commendable attempts have been made to increase women’s participation in some key positions in the civil service, however, statistically; women are still largely under-represented.... The number of women who eventually enter the formal job market remains very low due to the fact that fewer females complete secondary and tertiary education. Women end up being engaged in low paying jobs and in the informal economy where decent work deficits are prevalent with the result that their employment is precarious in a number of ways.’<sup>87</sup>

9.1.4 The USSD report 2017 noted that ‘The law prohibits employment or occupational discrimination based on race, color, gender, tribe, political opinion, creed, place of origin, disability, HIV status, or pregnancy...The

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<sup>85</sup> Zimbabwe National Statistics Agency, 2015 DHS Key Findings (page 15), 2016, [url](#)

<sup>86</sup> DFAT, DFAT report 2016, 11 April 2016 (para 3.48-3.49), [url](#)

<sup>87</sup> ILO, The Future of Work for Women in Zimbabwe, (page 16) July 2016, [url](#)

government did not effectively enforce the law. Discrimination in employment and occupation occurred with respect to [...] gender [...]’<sup>88</sup>

- 9.1.5 The same report stated ‘Labor legislation prohibits sexual harassment in the workplace, and an employer may be held liable for civil remedies if found to be in violation of provisions against “unfair labor practices,” including sexual harassment. The law does not specify penalties for conviction of such violations. Women commonly faced sexual harassment in the.’<sup>89</sup>

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## 9.2 Housing

- 9.2.1 The DFAT report 2016 noted ‘The Immovable Property (Prevention of Discrimination) Act prohibits discrimination in the sale, lease or disposal of immovable property. In practice, however, few women in Zimbabwe own property because of rigid patriarchal customary practices. Less than 20 per cent of female farmers are official landowners or have their names on government lease agreements.’<sup>90</sup>

See also [Inheritance](#)

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## 9.3 Finance

- 9.3.1 A Newsday article published 26 June 2018 reported the opening of the Zimbabwe Women’s Microfinance Bank:

‘HISTORY was made yesterday when the Zimbabwe Women’s Microfinance Bank (ZWMB) was unveiled, becoming the first bank in Southern Africa dedicated solely to transform and economically empower women.

‘The bank was launched by President Emmerson Mnangagwa. In his remarks at the launch, Mnangagwa said women should take advantage of the bank which “is bound to economically empower and transform the lives of the majority of our women who have over the years been marginalised”.

‘The bank was created by the ministry of Women Affairs, Gender and Community Development in order to alleviate poverty and give women access to financial services especially those in remote areas.

‘Mnangagwa implored the bank to desist from scaring away depositors with outrageous charges. “The new bank will, therefore, seek to champion women’s financial inclusion through availing affordable funding options to start their own enterprises, as established bank like this one I exhort all financial players to make numerous efforts to restore the depositors’ confidence,” Mnangagwa said. The bank was capitalised to the tune of \$10 million by government.’<sup>91</sup>

- 9.3.2 The UN Resident Coordinator’s statement made on 25 June 2018 noted:

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<sup>88</sup> USSD, USSD report 2017 (section 6), 20 April 2018, [url](#).

<sup>89</sup> USSD, USSD report 2017 (section 7d), 20 April 2018, [url](#).

<sup>90</sup> DFAT, DFAT report 2016, 11 April 2016 (para 3.56), [url](#)

<sup>91</sup> Newsday, Zim scores a first, launches women’s bank, 26 June 2018, [url](#)

'With only 27% of women having access to formal banking products and accounting only for 10% of total bank loans, a dedicated microfinance bank for women can significantly contribute to the empowerment of women.

'We [...] have been partnered in this important process along with the Ministry of Women Affairs, Gender and Community Development, the Ministry of Finance, and the Reserve Bank of Zimbabwe.

'The opening of the Zimbabwe Women 's Microfinance Bank under the theme, Leaving No one Behind, resonates well with the global, regional and national development priorities, attuned to on-going global commitments towards sustainable development goals and achievement of gender equality.

'I am sure this initiative would go a long way in facilitating women entrepreneurship, self-employment, creating job opportunities and breaking the vicious cycle of poverty.

'The launch of the bank will also greatly complement the global Spotlight initiative by the UN Secretary General and the European Union to end violence against women and girls. The multimillion dollar initiative includes Zimbabwe among other 22 countries in recognition of Zimbabwe's strong commitment to end violence against women and girls in partnership with UN and development partners. The bank will go a long way, in this regard, as economic emancipation surely will contribute to women's social and political emancipation.'<sup>92</sup>

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<sup>92</sup> UN Resident Coordinator for Zimbabwe , UN Resident Coordinator's Statement, 25 June 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 rights
  - Constitution
  - Legislation
  - Marriage
  - Inheritance
  - Reproductive rights
- Freedom of movement
- Gender-based violence
  - Rape and sexual violence
  - Domestic violence
  - State response to rape, sexual violence and domestic violence
  - Support services for victims of rape and sexual violence
  - Protection orders
- Forced and early marriage
  - The law
  - Child marriage
  - Forced marriage
- Trafficking
  - Prevalence
  - Government efforts to tackle trafficking
  - Protection of victims of violence
- Access to services
  - Employment
  - Housing
  - Finance

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# Version control

## Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from 25 October 2018

## Changes from last version of this note

Updated Country information and Analysis sections.

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