



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Zimbabwe - Researched and compiled by the Refugee Documentation Centre of Ireland on Wednesday 30 January 2019

Treatment of LGBTQ

In 2018 *Bertelsmann Stiftung* points out in a report that:

“There is no de jure discrimination against certain social, ethnic, sexual or religious groups. However, same-sex marriages are illegal, and the president publicly talks disdainfully about homosexuality. It is widely known that the police persecute homosexuals, while access to legal representation, education and health care for homosexuals is limited” (Bertelsmann Stiftung (2018) *BTI 2018; Zimbabwe Country Report*, p.30).

A report issued in April 2018 by the *United States Department of State* reviewing events of the preceding year notes that:

“The constitution does not prohibit discrimination based on sexual orientation and gender identity. According to the criminal code, “any act involving physical contact between men that would be regarded by a reasonable person to be an indecent act” carries a penalty if convicted of up to one year in prison or a fine up to \$5,000. Despite that, there were no known cases of prosecutions of consensual same-sex sexual activity. Common law prevents gay men and, to a lesser extent, lesbians from fully expressing their sexual orientation. In some cases it criminalizes the display of affection between men. President Mugabe and ZANU-PF leaders publicly criticized the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community, rejecting the promotion of LGBTI rights as contrary to the country’s values, norms, traditions, and beliefs. The police reportedly detained and held persons suspected of being gay for up to 48 hours before releasing them. LGBTI advocacy groups also reported police used extortion and threats to intimidate persons based on their sexual orientation. Members of Gays and Lesbians of Zimbabwe, the primary organization dedicated to advancing the rights of LGBTI persons, experienced harassment and discrimination” (United States Department of State (20 April 2018) *2017 Country Reports on Human Rights Practices: Zimbabwe*, p.32).

Pink News in May 2018 states that:

“Since Mugabe’s notoriously intolerant rule, Zimbabwean gay men and women have faced extortion, arrest and even physical torture – and sadly, altering such laws doesn’t seem like a priority to current leader Mnangagwa” (*Pink News* (21 May 2018) *Zimbabwe wants to rejoin the Commonwealth, but where does it stand on LGBT rights?*).

In July 2018 *Deutsche Welle* states that:

“The Lesbian, Gay, Bisexual, Transgender, intersex and queer people (LGBTI) have in the past been a target of systematic verbal and physical abuse in Zimbabwe. The hate speech often escalated during the election season when politicians would use sexual identities as ammunition to fuel campaign rallies. There have been fewer reports of such abuses in the lead up to this year’s election, on July 30, but members

of the LGBTI community still say they are faced with difficulties" (Deutsche Welle (17 July 2018) *Zimbabwe LGBTI community wants safe place to vote*).

GALZ/Gays and Lesbians of Zimbabwe in July 2018 commenting on a publication issued on LGBTI rights in Zimbabwe states that:

"...the report paints a less than satisfactory picture of the LGBTI situation in the Country" (*GALZ/Gays and Lesbians of Zimbabwe* (26 July 2018) *Actus Reus: An analysis of human rights violations against LGBTI persons in Zimbabwe*, p.2).

Reuters in September 2018 points out that:

"Zimbabwe considers sex between men an "indecent act" punishable with a prison term and gay marriage is banned under the 2013 constitution. Widely held conservative views mean that gay people face great stigma" (*Reuters* (28 September 2018) *Gay teacher says Zimbabwe not ready for debate on sexuality*).

BBC News in September 2018 states that:

"The issue of gay rights has always been both controversial and emotive within Zimbabwe's conservative society. It was one of the most contentious matters as a new constitution - adopted in 2013 - was being drawn up. The majority of Zimbabweans appeared to support the continued outlawing of homosexual acts - and a clause banning same-sex marriage was added to the country's laws. Zimbabwe's gay community is small and largely operates underground. Secret gay bars do exist and the Gay and Lesbians Association of Zimbabwe (Galz) is formally registered and recognised as a civil society group, but in the past it has been raided by police" (*BBC News* (27 September 2018) *Gay Zimbabwe teacher resigns after death threats*).

In September 2018 the *Association of LGBTI People in Zimbabwe* notes in a report the:

"...intense climate of homophobia existing in Zimbabwe..." (*Association of LGBTI People in Zimbabwe* (28 September 2018) *Zimbabwe LGBTI Sector Statement on the coming out forced resignation of a teacher at St Johns College, Harare*).

A report released in January 2019 by *Human Rights Watch* commenting on events of 2018 notes that:

"Section 73 of the Criminal Law (Codification and Reform) Act, 2004 punishes consensual same-sex conduct between men with up to one year in prison or a fine or both. This restrictive legislation contributes to stigma and discrimination against lesbian, gay, bisexual, and transgender (LGBT) people" (*Human Rights Watch* (17 January 2019) *World Report 2019: Zimbabwe*, pp.2-3).

References

Association of LGBTI People in Zimbabwe (28 September 2018) *Zimbabwe LGBTI Sector Statement on the coming out forced resignation of a teacher at St Johns College, Harare*

<http://www.ein.org.uk/members/country-report/zimbabwe-lgbti-sector-statement-coming-out-forced-resignation-teacher-st>

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Accessed Wednesday 30 January 2019

BBC News (27 September 2018) *Gay Zimbabwe teacher resigns after death threats*
<https://www.bbc.com/news/world-africa-45665906>

Accessed Wednesday 30 January 2019

Bertelsmann Stiftung (2018) *BTI 2018; Zimbabwe Country Report*
https://www.ecoi.net/en/file/local/1427463/488353_en.pdf

Accessed Wednesday 30 January 2019

Deutsche Welle (17 July 2018) *Zimbabwe LGBTI community wants safe place to vote*

<https://www.dw.com/en/zimbabwe-lgbti-community-wants-safe-place-to-vote/a-44707244>

Accessed Wednesday 30 January 2019

GALZ/Gays and Lesbians of Zimbabwe (26 July 2018) *Actus Reus: An analysis of human rights violations against LGBTI persons in Zimbabwe*

<http://kubatana.net/wp-content/uploads/2018/07/Violations-Report-Final-Actus.pdf>

Accessed Wednesday 30 January 2019

Human Rights Watch (17 January 2019) *World Report 2019: Zimbabwe*

<http://www.ein.org.uk/members/country-report/world-report-2019-zimbabwe>

This is a subscription database

Accessed Wednesday 30 January 2019

Pink News (21 May 2018) *Zimbabwe wants to rejoin the Commonwealth, but where does it stand on LGBT rights?*

<https://www.pinknews.co.uk/2018/05/21/zimbabwe-rejoin-commonwealth-uk-urges-members-to-repeal-anti-lgbt-laws/>

Accessed Wednesday 30 January 2019

Reuters (28 September 2018) *Gay teacher says Zimbabwe not ready for debate on sexuality*

<https://www.reuters.com/article/us-zimbabwe-lgbt-education/gay-teacher-says-zimbabwe-not-ready-for-debate-on-sexuality-idUSKCN1M828B>

Accessed Wednesday 30 January 2019

United States Department of State (20 April 2018) *2017 Country Reports on Human Rights Practices: Zimbabwe*

<http://www.ein.org.uk/print/members/country-report/2017-country-reports-human-rights-practices-zimbabwe>

This is a subscription database

Accessed Wednesday 30 January 2019

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted

Amnesty International
BBC News/Monitoring
Electronic Immigration Network
European Country of Origin Information Network
Freedom House
Google
Human Rights Watch
Immigration and Refugee Board of Canada
Internal Displacement Monitoring Centre
International Crisis Group
IRIN News
Lexis Nexis
Minority Rights Group International
Online Newspapers
Refugee Documentation Centre E-Library
Refugee Documentation Centre Query Database
Reliefweb
Reuters
United Kingdom Home Office
United States Department of State
UNHCR Refworld