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## DISCLAIMER

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. All COI Query Responses are compiled in line with the Common EU Guidelines (2008) and the EUAA Methodology (2023). This response is not and does not purport to be conclusive as to the merit of any particular claim to international protection. Please refer to all documents cited.

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## COI QUERY RESPONSE

### ZIMBABWE – INFORMATION ON WHETHER LESBIANS IN ZIMBABWE ARE AT RISK OF DISCRIMINATION, PERSECUTION AND/OR PROSECUTION; REPORTS OF ANY ARRESTS AND / OR PROSECUTION OF LESBIANS IN THE LAST 10 YEARS; REPORTS OF ANY ACTS OF VIOLENCE PERPETRATED AGAINST LESBIANS IN THE LAST 10 YEARS

The International Lesbian, Gay, Bisexual, Trans and Intersex Association –ILGA published in their *World Database* under the heading “Legality for Zimbabwe” that “Article 73(1) of the Criminal Law (Codification and Reform) Act (Act No. 23) (2004) criminalises anal intercourse between males as well as “any act involving physical contact other than anal sexual intercourse that would be regarded by a reasonable person to be an indecent act”. For these two types of conduct, the Code imposes a penalty of imprisonment for up to a year and/or a fine.”<sup>1</sup> In light of this, the *Database* further reports that “the adoption of the Criminal Law (Codification and Reform) Act (2004) led to widespread arrests throughout the country, with former-President Robert Mugabe calling for the “immediate arrest of anyone caught practicing homosexuality”. The former President was reported on several other occasions to have made inflammatory statements during his rule, such as in 2013 when he called for the castration of homosexuals, and in 2015 when he decried international pressure to decriminalise in a United Nations General Assembly speech, shouting to delegates: “We are not gays!” In 2022 during the third cycle of the UN’s Universal Periodic review, the head of the Zimbabwean delegation to Geneva reportedly indicated that the decriminalisation of consensual same-sex acts would not be considered at all, saying that “[o]n sexual diversity, the Constitution of Zimbabwe guides our laws on this subject. Sexual diversity is, therefore, outlawed in Zimbabwe. The Constitution was voted for by 98% of the Zimbabwean population”.<sup>2</sup>

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<sup>1</sup> ILGA World Database (undated) Legal Frameworks | Criminalisation of consensual same-sex sexual acts

<sup>2</sup> ibid

A report issued in January 2024 by *Human Rights Watch* states that “Lesbian, gay, bisexual, and transgender (LGBT) people have faced police harassment and sexual and physical assaults.”<sup>3</sup>

A report in January 2024 published by *Amnesty International* states “In 2023 the climate for LGBTI persons in Zimbabwe has been marked by diminishing space for civil engagement. This narrowing of civic space has made it increasingly difficult for LGBTI persons to organize and advocate for their rights. The introduction of the Criminal Law (Codification and Reform) Amendment Bill (Patriotic Bill) a piece of legislation signed into law by President Emmerson Mnangagwa on 31 May 2023, has worsened the situation. This law, ostensibly designed to protect the sovereignty and national interests of Zimbabwe, has raised significant concerns, especially among LGBTI persons who have long faced discrimination and persecution. The passage of the "Patriotic Bill" compounds existing challenges related to civil rights and personal freedoms of LGBTI persons. Zimbabwe has a history of discrimination against LGBTI persons, including laws criminalizing same-sex sexual activity.”<sup>4</sup> The report also notes that activists believe that the “growing influence of Pentecostal churches” have had an impact on the increase in discriminatory attitudes against members of the LGBTI rhetoric.<sup>5</sup>

A report from *Freedom House* published in March 2023 notes that “LGBT+ advocacy groups exist, but severe discrimination limits their ability to advance their interests in the political sphere.”<sup>6</sup>

The *US Department of State Country Report on Human Rights Practices* published in March 2023 notes that: “LGBTQI+ persons do not have legal protections against discrimination. Leading NGOs noted harassment and discrimination against LGBTQI+ persons seeking employment, housing, and health services.”<sup>7</sup> [...] Furthermore, “LGBTQI+ persons were vulnerable to blackmail because of the criminalization of and stigma against same-sex sexual conduct.”<sup>8</sup> [...] “LGBTQI+ persons often left school at an early age due to discrimination. Higher education institutions reportedly threatened to expel students based on their sexual orientation.” [...] “Health care workers commonly discriminated against and refused service to LGBTQI+ persons.”<sup>9</sup>

A report published by *GALZ (The Association of LGBTI People in Zimbabwe)* in December 2022 notes “On the 2nd of April 2021, Lynette was outed to her family. Her family knowing that she was a lesbian, gave her two ultimatums, either for her to change her sexual orientation or move out of the house the reason that her 'behaviour' would be a bad influence on her younger siblings. Lynette chose to move out... She also noted that her family members continuously called her, forcing her to 'amend her ways'.”<sup>10</sup>

In October 2022, *Breaking News* reported on a women’s personal; experience “...her hut was torched with fire by homophobic residents of her community in Zimbabwe. In her international protection application form the woman said that she fled Zimbabwe because her husband became physically violent to her and made death threats to her due to her lesbian identity, after she was

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<sup>3</sup> Human Rights Watch (11 January 2024) World Report 2024: Zimbabwe

<sup>4</sup> Amnesty International (9 January 2024) We are facing extinction: Escalating anti-LGBTI sentiment, the weaponization of law and their human rights implications in select African countries [Zimbabwe excerpt]

<sup>5</sup> ibid

<sup>6</sup> Freedom House (9 March 2023) Freedom in the World 2023: Zimbabwe

<sup>7</sup> US Department of State (20 March 2023) 2022 Country Reports on Human Rights Practices: Zimbabwe

<sup>8</sup> ibid

<sup>9</sup> ibid

<sup>10</sup> GALZ (The Association of LGBTI People in Zimbabwe) (14 December 2022) Zimbabwe: LGBTI Violations Report 2021

"involuntarily outed" by members of her community. This came about, she said, after her uncle discovered her relationship with a female partner."<sup>11</sup>

A report published by the *US Overseas Security Advisory Council (OSAC)* in July 2022 states that: "While there is no explicit legal prohibition against sexual relations between women, societal violence and harassment against LGBTI+ individuals is pervasive."<sup>12</sup> The report further states that: "The Equaldex Equality Index measures the status of LGBTI+ rights, laws, and freedoms, as well as public attitudes towards LGBTI+ people around the world. As of this report's publication date, Zimbabwe has a score of 29/100, ranking 153 out of 198 countries on the index."<sup>13</sup>

In April 2021, *University World News* reports that "The nature of harassment or discrimination varied from stigmatisation, insults, name-calling, gossip, outing, demonisation by preachers and cyberbullying as well as invasion of privacy.[...] The survey said some students bemoaned their exclusion from active student politics based on their sexual orientation. They said WhatsApp groups have been used during student annual elections to gain political currency by attacking gays and lesbians."<sup>14</sup> The report also states that: ""Some persons may also be subject to physical assault, including 'corrective' rape, although the evidence does not indicate that such violence is frequent or widespread.""<sup>15</sup>

A report published by *D+C* in August 2019 states "Most gays and lesbians in Zimbabwe have to hide their sexual identity. Discrimination, exclusion and violent attacks against them cause permanent fear and loneliness. Many suffer from poor mental health. A local civil-society organisation provides help, but ultimately policy must change."<sup>16</sup> Moreover, the report also notes that: "Many LGBTI people in Zimbabwe suffer from low self-esteem; they are isolated and often depressed. "I have no place in society," a young Lesbian in Harare says. "Where do I run to?"<sup>17</sup>

In November 2016, the *Adventist Today* states that "Zimbabwean news organization ZimEye reported that two girls at an Adventist high school in the country were allegedly beaten by their classmates after being discovered "in a compromising position in one of the school's dormitories." Hanke Adventist School located in the central region of Zimbabwe refused to comment on the incident and referred the behavior of the two students accused of lesbian behavior to Zimbabwe's Ministry of Primary and Secondary Education."<sup>18</sup>

The *Washington Blade* notes in December 2014 that "a man in one of the vehicles threatened the guards with a pistol after they refused to allow him inside the venue. Gays and Lesbians of Zimbabwe said between 12 and 15 men proceeded to enter the club and began punching those inside. The group said the assailants attacked people with logs, iron bars and empty beer bottles. Gays and Lesbians of Zimbabwe in their press release further noted the men also demanded money and electronics from its members as they attacked them. Gays and Lesbians of Zimbabwe said more

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<sup>11</sup> Breaking News (17 October 2022) African asylum seeker married at age 9 and 13 earns court reprieve to remain in Ireland

<sup>12</sup> US Overseas Security Advisory Council (OSAC) (6 July 2022) Zimbabwe Country Security Report 2022

<sup>13</sup> ibid

<sup>14</sup> University World News (22 April 2021) Mugabe's homophobia still haunts LGBTIQ community

<sup>15</sup> ibid

<sup>16</sup> D+C (1 August 2019) Homophobia: "I have no place in society"

<sup>17</sup> ibid

<sup>18</sup> Adventist Today (16 November 2016) Alleged Lesbian Couple "Beaten Up" by Classmates at Zimbabwean Adventist School

than 35 people were injured. The men also attacked five of the organization’s staffers and a female cashier who was working the bar during the party.”<sup>19</sup>

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<sup>19</sup> Washington Blade (24 December 2014) *Attack at Zimbabwe LGBT party leaves dozens injured*

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