



Actus Reus:



An analysis of human rights
violations against LGBTI
persons in Zimbabwe

Contents

1. Executive Summary	1
2. About GALZ	3
3. Introduction	4
4. Terms & Expressions used in the LGBTI space	5
5. Categorisation of Violations in this Analysis	7
6. Methodology	9
7. The environmental context of LGBTI rights violations	10
8. Emerging key trends from recorded violations	15
9. The Media: means to an end or medium for amplifying Trans, bi, homo phobia.	37
10. Conclusion	39
11. Key recommendations to strategic actors	40
12. References	43
13. Annexes	44

1. Executive Summary

This report is an analysis of the trends emerging from the annual violations reports compiled by the Association of LGBTI people in Zimbabwe (GALZ) between the periods 2012 to 2017. The analysis extensively draws data from a total of 170 violations extracted from 104 actual cases compiled and categorized by GALZ into 12 types. The 12 types of violations recorded are assault, threats, outing, discrimination, police harassment, Unlawful detention, disownment, blackmail, displacement, unfair labour practice, hate speech and invasion of privacy.

In a number of the reported cases, experiencing one form of violation inevitably led to experiencing other violations as well. This analysis report traces the progression of these violations over time, placing them within the context of predisposing environmental factors that expose the Zimbabwean LGBTI persons to homo, bi, trans phobic violence.

A trend developing across all the reviewed reports shows that the most common categories of violations are assault (19%), threats (15%), blackmail (15%) and being outed (11%). It also emerged in the analysis that the government of Zimbabwe is a key actor in influencing change in terms of how issues of sexual orientation and gender identity are addressed both at state level and among the ordinary Zimbabweans. Participation of the Zimbabwe Republic Police, under the government's Ministry of Home affairs is noted with keen interest. The police can potentially play a role in reducing violations perpetrated against LGBTI persons by simply discharging their mandate without discrimination or prejudice.

The report notes that the family is one of the most central socialising institutions for individuals and can be instrumental in promoting tolerance to a multiplicity of sexual orientations and gender identities. If the default response of families to outing is disownment, this leaves very little hope for other institutions to behave differently. Furthermore, the analysis found that in some cases, the degree to which LGBTI individuals are vulnerable is in part influenced by their own behaviour and practices. Some LGBTI persons have involuntarily outed themselves following attendance

at public LGBTI events where pictures of them were taken and circulated in media accessible to the public resulting in their victimisation and limitation of their human rights. The analysis also found that civil society, as a key player, needs to maintain and accelerate the momentum around interventions that address the human rights of all people regardless of sexual orientation or gender identity.

Overall, the report paints a less than satisfactory picture of the LGBTI situation in the country. Clearly much more work will still need to be done to reach desired levels where LGBTI persons can live dignified lives as guaranteed by the various provisions in the constitution of Zimbabwe. The number of violations from which this analysis draws are just the tip of the ice-berg in relation to the many other incidences that go unreported within the communities where LGBTI live. If the public cannot immediately embrace non- heteronormative conforming individuals, at least let there be public knowledge that simply identifying as gay, lesbian, transgender, bisexual or intersex is not a criminal offence in and of itself and cannot be prosecuted; therefore the homophobic attacks are unwarranted and needless.

2. About GALZ

GALZ: an association of LGBTI people in Zimbabwe was established in 1990 to promote, represent and protect the rights and interests of lesbians, gays, bisexuals, trans-gender and intersex (LGBTI) community in Zimbabwe. GALZ's vision is to have a just society that promotes and protects human rights of LGBTI people as equal citizens in Zimbabwe.

The organization, through 28 years of resilience and development, at times under extremely hostile and violent circumstances has amassed considerable experience in community mobilization, advocacy, skills building and sensitization for the LGBTI cause. GALZ has shown great resilience within a homophobic environment and continues to build partnerships within civil society, traditional/religious groups, health care practitioners, journalists and policy makers, in addition to the broader society. GALZ is a member of many other consortiums and alliances locally, regionally and internationally from which it routinely draws technical support as well as encouragement to continue its mission despite external environmental challenges.

GALZ has been highly effective in providing evidence and other information around the needs, challenges and violations of the LGBTI community in Zimbabwe to a number of allies and stakeholders for improved advocacy and program outcomes.

GALZ has been able to reach out to the LGBTI community in Zimbabwe and provide support to this community over the years. As a result of this relationship GALZ has been able to mobilize the community to report violations and seek legal support from the organization and other partners such as the Zimbabwe Lawyers for Human Rights with whom GALZ has worked with closely addressing reported cases.

GALZ has documented violations directly from individuals and indirectly from other sources such as newspapers, online platforms and other whistleblowers. GALZ verifies the information given in the reports and does an assessment to determine the best response for every case. Each case is recorded separately and compiled into the violations report annually.

3. Introduction

The Universal Declaration of Human Rights, (UDHR) is explicit on the right of every person to life, privacy, health and equality before the law, inclusive of the right to freedom of expression and freedom from discrimination, violence and torture. The declaration extends these rights to every individual regardless of race, colour, creed, sexual orientation or gender identity. That said, LGBTI people continue to experience violations of these rights enshrined in the declaration. Homophobia in Zimbabwe is commonplace, mostly being fomented by high profile religious and political voices which have essentially led with the message that same-sex intimate relations are alien to the local culture and should not be permitted.

The Other Foundation notes¹ in their country report on the status of LGBTI people in Zimbabwe that over the last 25 years, the state has attempted to eradicate LGBTI organisations and movements through state sponsored homophobia. This resulted in wanton attacks on known and suspected members of the LGBTI community. However, the efforts for achieving equality have been sustained over time and through multiple channels, where some measure of success has been recorded. During the 34th session of the United Nation's Human Rights Council, the International Gays and Lesbians Association called for the decriminalisation of all sexual acts between consenting adults, regardless of their gender and align the Criminal Code with the new Constitution²

This report is a synthesis of trends in LGBTI human rights violations in Zimbabwe for the period 2012 to 2017. An in-depth analysis was carried out on four reports covering reported and other known cases or instances of human rights violations on LGBTI people in Zimbabwe.

1 Ref:
2 34th session of the Human Rights Council – Item 6 – UPR Outcome Zimbabwe Statement by

4. Terms & Expressions used in the LGBTI space³

Gender identity is a person's perception of their gender and how they choose to identify themselves. I.e. man, woman or gender neutral.

Gender expression is the outer manifestation of a person's gender identity, often expressed via clothing, haircut, voice, behaviour or body characteristics.

Sexual orientation relates to a person's physical attraction to another person. Gender identity and sexual orientation are not the same. Transgender people can be straight, gay or bisexual.

Homophobia is a general term for negative attitudes toward members of LGBT community. These attitudes often translate into discrimination, different forms of violence and hate crimes. The term extends to bisexual and transgender people, but terms like biphobia and transphobia are used to emphasise specific prejudices against bisexual and transgender people.

Lesbian is a term used to describe a woman attracted to the same sex and women who do not identify as heterosexual.

Gay is a term used to describe individuals attracted to the same sex, though more commonly refers to men who do not identify as heterosexual.

Bisexual is a person attracted to both men and women. This attraction may not be split equally between genders, and there may be a preference for one gender over others.

Transgender is an umbrella term for people whose gender identity and/or gender expression is dissimilar from the sex they were born with. Transgender people may identify as transwomen (male-to-female/MTF), transmen (female-to-male/FTM),

Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit - COC Nederland Joined by International Lesbian and Gay Association

³ Adapted from <http://www.glaad.org/reference/transgender>, <http://www.guidetogender.com>, [Gender Links](#).

transsexual or gender-variant.

Intersex is a term used to describe people whose biological sex is unclear. Thus, internal sex organs and genitals differ from the two expected patterns of male or female.

5. Categorisation of Violations in this Analysis⁴

Assault

Assault in this report refers to either physical or verbal attack on an LGBTI Person (s)

Blackmail

An act of coercion or extortion, where unjustified threats are made in order to gain or cause loss to another, unless a specified demand is met.

Detention (lawful and unlawful)

Detention in this analysis refers to arrest by the Zimbabwe Republic Police (ZRP) and being kept in custody. Unlawful detention is arrest without reasonable suspicion that an offence has been committed, and an individual being kept in custody for a period exceeding 48 hours without access to redress through the courts or subsequent release without charge. Lawful detention refers to arrest on reasonable grounds of suspicion that an offence has been committed.

Discrimination

In this report discrimination refers to treatment or making a distinction in favour or a person based on their gender identity or sexual orientation. In this report, discrimination encompasses issues such as unfair labour practices - which are actions taken by an employer that violate the Labour Act, denial of service or treatment in hospitals, workplace homophobia.

Disownment

Denial of relationship and condition of forcibly renouncing or no longer accepting an individual as one's kin or member of family.

Invasion of Privacy

Intrusion into the personal life or private affairs of an individual without just cause. This may include public disclosure of private information that may be considered embarrassing.

Outing

An act of disclosing a gay, lesbian, bisexual or transgender (LGBT) person's sexual orientation or gender identity without the individual's consent.

Police Harassment

In this report, police harassment alludes to police misconduct that leads to miscarriage of justice which sometimes involves discrimination, denial of service, unfair arrest, interrogation, accusation and unlawful detention on unreasonable grounds.

Threat

In this report, this refers to a declaration of intent to cause harm or inflict punishment, where some form of action is promised, e.g. threats of assault, detention, being 'outed' etc.

6. Methodology

The analysis draws extensively from a rich archive of seven years of recording human rights violations of LGBTI persons in Zimbabwe. Cross reference is made with other literature produced during the same period, to provide wider context of the violations and how they have progressed over time. The summaries and the conclusions given draw from a fairly limited data set of the reported cases of violations perpetrated against LGBTI persons.

The data-set that was used in the analysis was not exhaustive and constituted mainly of individuals' self-reported cases. Conclusions drawn from other researches have shown that LGBTI people in Zimbabwe and indeed other parts of the world live in very repressive environments where they are forced to live very private lives avoiding any public expression of their orientation. This inevitably makes data available about them scarce. The main outline of this overall analysis report follows generally the thematic outlines of the violations reports produced by GALZ during the period 2012 to 2017. The report makes an analysis of the reported cases and goes further to isolate the violations into 12 categories. The cases contained in the four reports, over a five-year period, are generally self reported incidents, investigated and recorded by the GALZ's Programmes Department. While the cases from each of the four reports are not wholly statistically representative of the LGBTI landscape in the country, the trends discernable over time give a fairly good picture of progression of the nature of violations over time. GALZ has taken care to test the veracity of the data from the annual violations reports through follow up investigations of all the reported and recorded cases, gathering additional supporting evidence such as photographs, case documents, police reports, corroborating witnesses and testimonies. The findings and trends documented in this report are thus limited to the complainants who filed reports of violations they experienced. However, these observations create enough basis from which to begin to draw inferences and develop an understanding of the lived experiences of LGBT people, that may warrant further investigation. Fictitious names have been used in this report to protect the identities of victims as well as to protect them from further violence, intimidation and possible recriminatory attacks.

7. The environmental context of LGBTI rights violations

7.1 LGBTI through the political and legal lens.

The Zimbabwean constitution has outlawed marriage between individuals of the same sex, while common law to some degree makes it difficult for gay men or lesbians from expressing themselves in their preferred sexual orientation. Lesbian relationships are not criminalised, though socially they have remained unacceptable, and are often frowned upon. What is most common and well understood is the criminalisation of sexual relations between two men. Such an 'offence' may attract some jail time if fully convicted. This however does not happen often and when it does, chances are that the prosecution is followed with keen interest.⁵ In many of the cases where persons from the LGBTI community have been arrested, the charges are usually unclear from the onset and at best individuals are charged with loitering, indecency or public order offences. This has resulted in many LGBTI people in Zimbabwe falling victim to police harassment, arbitrary detention, intimidation, and in some cases extortion.

Over the last five years public homophobia has been escalated by political and government leaders. Various government of Zimbabwe officials and other persons of influence often took the opportunity to paint any behaviour outside the heteronormative as unnatural and immoral. For the duration of the period 2012 to 2017 the same homophobic narrative was maintained by high level political offices, inclusive of the former President, Robert Mugabe, a strong critic of same sex marriages. Mugabe was quoted in several of his speeches denouncing homosexuality. Even when a small spectre of possible change came in the form of change of leadership from Mugabe to the current President Mnangagwa, all hope was quickly dashed when the latter declared that he would continue to uphold the Constitution and the laws of Zimbabwe as they were. Speaking however during one of his first international trips in Davos, Switzerland as the new president of Zimbabwe, Mr Mnangagwa was quoted saying that it was the responsibility of members of the LGBTI community to canvas for their interests.⁶ It was unclear whether that meant that the president was prepared to afford the LGBTI

5 Country Policy and Information Note Zimbabwe: Sexual orientation and gender identity Version 3.0. May 2018.

6 CNN speaking to President Mnangagwa 24 January 2018, url

movement a sympathetic ear or perhaps it was just a calculated move for political expediency ahead of the July 2018 general elections.

The late former political opposition leader Morgan Tsvangirai, of the MDC initially made some pro-gay sentiments in 2011, quoting provisions of the Zimbabwe constitution's enshrined rights for all people including sexual minorities. This turned out to be an electioneering gimmick, as he reversed his statements in 2013, reiterating that same sex marriage was banned by the law.

Following the trends developing from the reportage of violations against LGBTI in Zimbabwe, it would appear that in the majority of cases, the victims do not report their cases to the police for fear of stigmatization, detention, harassment, assault or other forms of victimisation. There is generally a belief among the members of the LGBTI community that the law and its enforcement structures are anti their preferences and chosen way of life.

Activists have spoken about the poor interpretation of the law by law-enforcement agents particularly when it comes to LGBTI. As a result, the public ends up conflating what is legal and illegal. The Voice of America quoted leading gay rights activist Mojalifa Mokwele, citing that pronouncement of one's gay status is not itself a crime, but public expression of homosexual acts is. The legal provisions in such a situation are largely enshrined in the legal provision cited below as:

“any act involving physical contact between men that would be regarded by a reasonable person to be an indecent act” carries a penalty if convicted of up to one year in prison or a fine up to [US]\$5,000...

It is worth noting in this analysis that Zimbabwe is signatory to a number of regional and international treaties and instruments that seek to promote and uphold human rights in their totality. Such treaties include the International Covenant on Civil and Political Rights (ICCPR, which makes provision for equality before the law and the right to non-discrimination on the basis of sexual orientation and gender identity. At continental level there is the African Charter on Human and People's Rights (ACHPR) and ultimately the Universal Declaration of Human Rights (UDHR). It would therefore appear that Zimbabwe may be found wanting in terms of these provisions by upholding a law that

criminalises consensual sexual activity between two men.

7.2 Societal drivers of antagonism against LGBTI persons.

Large sections of the Zimbabwean population hold the predominant view that homosexuality is un-African and not consistent with the widely popular Christian religion. In their 2014 report, AfroBarometer noted that that 83% (8 out of 10) of Zimbabweans would strongly dislike having an LGBTI person as a neighbour⁷. The situation does not appear to have noticeably changed in the last four years. It must be noted however that this kind of intolerance is not exactly uniform across the board. The same report, identified the least intolerant provinces as Bulawayo and Midlands ⁸.

Additionally, evidence gathered by the British Home office ⁹ suggests that there are multi-level variations in terms of tolerance levels, segmented across demographic groups, controlled by education, age, political orientation and whether an individual is a rural or urban resident. Generally, it would appear that young people with post-secondary education, living in an urban setting and affiliated to the MDC party, ¹⁰have emerged with the highest tolerance for freedoms in sexual orientation and gender identity. The reverse proves to also hold true that the least tolerance is found among the more senior citizens, with education below secondary school level and are resident in the rural areas.

Often, at family level, family members do not know how to handle situations where another member's 'other' orientation is revealed. The common default reaction is to assume a negative stance, break ties and in some extreme cases, the police have been brought in to deal with the situation. This may possibly draw from the fact that deeply embedded, traditional and cultural factors also generally inhibit free expression of sexuality in any form, whether an individual identifies as homosexual, heterosexual or otherwise¹¹.

There are simply not enough spaces for engagement on sexual orientation and gender identity (SOGI) issues in the country despite notable efforts by a few activists and

7 Afrobarometer, Dispatch No. 124 (p7), November 2016, url

8 Ibid

9 Country Policy and Information Note Zimbabwe: Sexual orientation and gender identity (Country of origin information for purposes of assessing protection needs and human rights claims.

10 Movement for Democratic Change – Zimbabwe's largest and most formidable opposition political party to the incumbent ZANU-PF Party.

11 DFAT report 2016

organisations such as GALZ, Pakasipiti and VoVo (Voice of the Voiceless). Engaging with families presents a more sustainable opportunity for influencing negative community perceptions, and in the long run - national attitudes towards LGBTI persons. The family has been seen to be a very strong socializing structure and is therefore a viable entry point for interventions seeking to address anti-LGBTI attitudes and practices.

Sandfort and Reddy (2013) have made interesting observations about one of the major recurring themes in much of the recent literature on LGBTI. They note that religion does, almost invariably, contribute to the current high levels of homophobia in southern Africa, Zimbabwe included. They go on further to say that religion also offers an opportunity to address the problem, fostering acceptance and understanding or at the very least tolerance.

Curiously, non-mainstream SOGI is said to be a foreign import and un-African in every respect, while research shows that about 86% of the continent's population subscribes to the "imported religions" of Islam and Christianity. This exposes the irony in how those who condemn homosexuality as alien, rest their arguments on rationale from the 'foreign' religions of Christianity and Islam¹². Some religious leaders have been on the forefront of fuelling homophobia from the pulpit and working towards curing the 'spirit of Sodom and Gomorrah'. A case in point is the well known prolific religious leader Walter Magaya, who is known for conducting 'healing' sessions for LGBTI members.

A worrying trend is also emerging where intolerance to LGBTI persons has started manifesting more and more in corrective rape¹³. This is one of the extreme forms of violations perpetrated mainly against lesbians by men. Though no absolute figures are available as yet, urgent responses are required to arrest the behaviour before it escalates.

7.3 Contribution of the media to the environmental context.

Over the years, GALZ has noted with concern, the negative contribution to, and exacerbation of public prejudices by the media against LGBTI persons in Zimbabwe. There is an observable trend in the Zimbabwean media, both private and public, to report negatively in stories where sexual orientation or gender identity is the subject. Often the stories tend to portray homosexuality as linked to violence and crime¹⁴. The

12 Sandfort and Reddy,

13 GALZ Newsletter March 2017

14 GALZ 2011 Violation Report

negative influence of the media has mainly been twofold. Firstly, the general coverage of stories that involve known or suspected LGBTI persons can be damaging due to the adverse use of language and secondly, the provision of space to public officials and influential people to promote homo, bi, trans phobia and advance a heteronormative agenda.

At a turning point in the history of Zimbabwe, during the drafting of the country's new constitution, the media was central in shaping public opinion around issues of inclusion in the supreme law. The portrayal of stories represented LGBTI persons as inherently scandalous, immoral, criminal and involved in pedophilia, was dehumanizing and subsequently influenced the justification of excluding LGBTI issues from the reform process and the political space in general.

Similarly, reportage has been inclined towards representing homosexuality as a foreign element in Zimbabwean culture and deviant to the country's moral standing. Homosexuality has been viewed through the public media's weaponisation of sexuality and at the very least as part of neo-colonization¹⁵. The underlining tone during the Zimbabwean constitutional reform process from the ruling party was to reject any 'foreign elements' coming into the final constitution document¹⁶. The media onslaught was laden with myths and misconceptions that LGBTI individuals are politically divisive and that the very nature of their sexual orientation or identity inadvertently destabilizes political processes.

It must be noted, however, that there has also been positive coverage of LGBTI issues in the mainstream media. Some examples include opportunities for pro-LGBTI organisations such as GALZ to issue statements, generally through the print media, though of course a number of these are paid advertisements.

15 Copac co-chairman complains of "neo-liberal" bias <https://bit.ly/2yrfAzf>
16 <https://www.herald.co.zw/copac-in-gay-storm/>

8. Emerging key trends from recorded violations

8.1 Summary statistics of recorded violations from 2012 to 2017

Violation	Year of Violation						Total
	2012	2013	2014	2015	2016	2017	
Threat	4	6	7	5	1	2	25
Disownment	1	5	3	1	0	1	11
Invasion of Privacy	2	3	6	1	0	0	12
Outed	1	5	10	1	1	1	19
Police Harrassment	0	10	3	0	0	0	13
Detention	1	5	3	3	0	0	12
Discrimination	1	7	3	0	0	0	11
Blackmail	0	6	3	8	5	3	25
Displacement	0	0	4	0	0	2	6
Unfair Labour Practice	0	0	2	1	0	0	3
Hate Speech	0	0	0	0	0	1	1
Assault	1	12	11	2	3	3	32
	Total						170

Table 1: Distribution of violations by year of occurrence

Shown above is a summary of the total recorded violations against LGBTI persons over a period covering five years. In total, 170 violations were recorded and categorized as given in the table above. The violations recorded were drawn from a total of 108 cases that were reported in the GALZ's violations reports of the years 2012, 2013, 2014, 2015 and 2017. The differences in the number of cases versus the number of violations, resulted from the fact that often one violation was associated with other violations against the same individuals. The trend developing across the reviewed reports shows that the most common categories of violations are assault (19%), threats (15%), blackmail (15%) and being outed (11%). Zimbabwe being a generally homophobic country - the trend building from the analysis of the reports indeed points to the picture obtaining on the ground as corroborated by other researches.

Distribution of cases by gender identity

	Lesbian	Gay	Bi-Sexual	Transgender	Intersex	Mixed	Total
Assault	6	16	0	7	0	3	32
Threat	5	14	0	6	0	0	25
Disownment	3	7	1	0	0	0	11
Invasion of Privacy	4	6	0	2	0	0	12
Outed	1	15	0	3	0	0	19
Police Harrassment	3	7	0	2	0	1	13
Detention	4	5	0	3	0	0	12
Discrimination	2	9	0	0	0	0	11
Blackmail	1	22	0	2	0	0	25
Displacement	2	2	0	2	0	0	6
Unfair Labour Practice	0	1	1	0	1	0	3
Hate Speech	0	0	0	0	0	0	1
Total	31	104	2	27	1	5	170

Table 2: Category of violation vs gender identity

Distribution of cases by Gender Identity

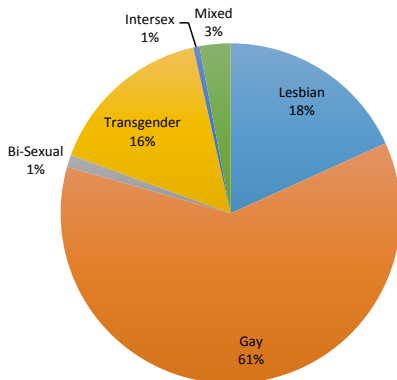


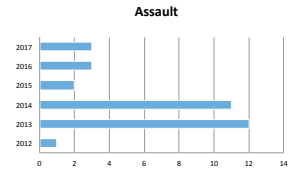
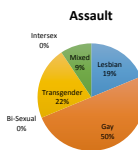
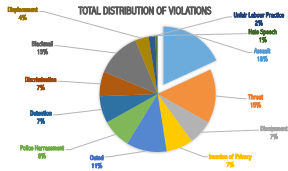
Figure 1. Distribution of recorded violations (2012-17)

There is an interesting result around the gender identities of the victims of the reported cases. Individuals who identify as gay have the highest number of recorded cases, with a 61% share of all the recorded cases, followed by those of lesbian identity with a 19% share. Coming in lowest at 1% each are individuals identifying as bisexual or intersex. It is difficult to confirm, with certainty, the reason for this distribution, though it is generally believed that gays and lesbians represent the greatest proportion of the LGBTI community in Zimbabwe. At the same time, it also plausible to conclude that this could be the function of vulnerability on the part of these particular LGBTI subgroups.



Assault & Threats

8.2 Prevalence of assault on LGBTI persons

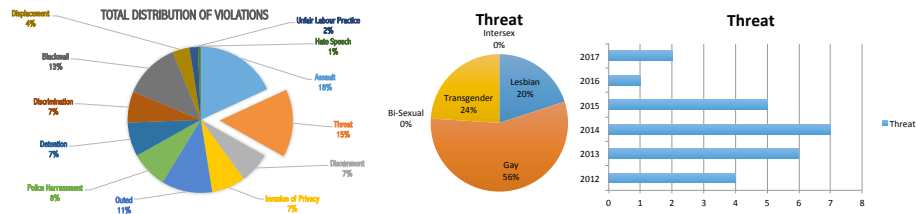


Assault has been the most prevalent category of violations of LGBTI persons, recorded over the period under review. About 20% of all the cases documented in the five reports have some form of assault. It is worrying that many of the cases have gone unreported and the perpetrators have not been brought to account for their actions. The reluctance to report cases of assault to law enforcement is generally influenced by other categories of violations discussed later in this analysis, which are Police Harassment and Detention. It was noted in some cases that, when an LGBTI person attempts to report assault to the police, often the focus would shift from the assault as the reported case to the sexual orientation or gender identity of the complainant. This discouraged many LGBTI persons from reporting assault, fearing stigmatization, humiliation and in some cases arrest and detention themselves.

Assault on LGBTI people took place in different contexts, though mostly in public spaces such as bars, commuter taxi ranks or gatherings. It would appear that vulnerability to assault was greatest where LGBTI are in the presence of a crowd, which would depend on the strength of the large numbers to initiate an attack. GALZ events were also targeted by homophobic mobs, who would most likely be acting on a tip off by either the venue staff or a member of the association attending the event.

A notable number of assault incidents also took place in the neighborhoods of the LGBTI persons, wherein following a tip off, mobs would gather outside the houses of the LGBTI persons and attack, more often than not resulting in eviction orders from the landlords. Another trend observed, involves police officers taking the law into their own hands and verbally and physically attacking LGBTI persons. Such occurrences were recorded as happening at police stations while the complainants were in custody and in public spaces.

8.3 Threats to LGBTI Persons



Threats to LGBTI persons came in many forms. Threat in the context of the analysis refers to situations where some form of punitive action is promised for non-compliance to a request. The range of threats against LGBTI persons spans almost across all the other violations. Individuals and groups of LGBTI persons have been threatened with being outed, arrest, detention, disownment, displacement as well as assault. There is a discernable link between the other forms of violations and the threats that were identified from the recorded cases. Specifically, blackmail as a violation hinged on threats of one form or another. Individuals would either be threatened with outing, assault, arrest etc, if they did not comply with the perpetrator’s request, usually for money.

Year on year figures of recorded cases of threats show a steady rise between 2012 and 2014 and slump in the succeeding two years, 2015 to 2017¹⁷. Gay men fell victim the most to threats, though however this is also proportionate to their larger numbers of recorded cases relative to other gender identities. On the other hand, transgender men and women - though with fewer recorded cases in the period under review - were victim to the second highest number on threats.

Threats recorded over the period have emanated mainly from close family members and law enforcement authorities, serving mainly to sustain blackmail or extortion or trying to force a conversion to a hetero normative identity. The most striking kinds of threats were found in cases of LGBTI person threatening another mainly with outing. These cases were generally associated with a motive for blackmail or extortion.

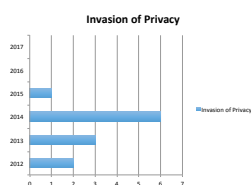
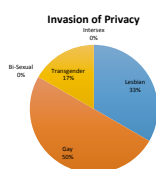
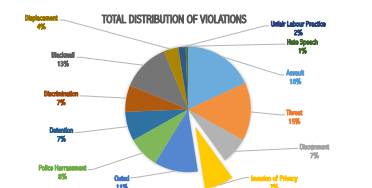


Disownment



Invasion of Privacy

8.5 Invasion of Privacy



In a homophobic society, LGBTI persons are forced to live private lives by protecting their sexual orientation and gender identity from becoming public knowledge. More often than not, breach of this privacy inevitably leads to being outed in one form or the other, opening the flood gates for other violations to take place. In the context of this report, invasion of privacy refers to intrusion into the personal life or private affairs of an individual without just cause. This may include public disclosure of private information that may be considered embarrassing¹⁸.

In a majority of the cases recorded on invasion of privacy, failure to adequately secure mobile phones and online accounts was the key weakness, leading to other people gaining access to private and confidential information. Such breaches resulted in unauthorised access to potentially damaging information about the LGBTI complainants. In three of the recorded cases, complainants had their digital mobile devices confiscated as the perpetrators argued that the devices contained pornographic material that could be used as incriminating evidence.

The convenience brought about by information communication technologies and social networking platforms also comes with vulnerabilities to some LGBTI persons, who may unwittingly expose themselves through over sharing information or neglecting to log out of online accounts ordinarily visible only to a select limited group of people.

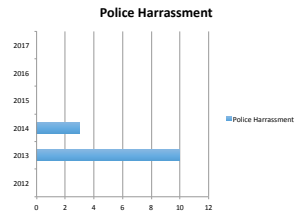
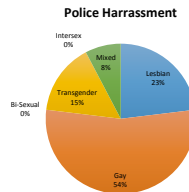
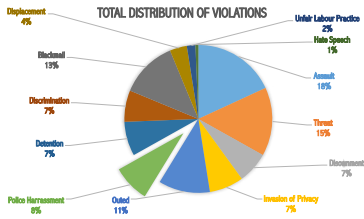
Poor on-line security behaviour was identified in previous violation reports as a gap contributing to the vulnerability of LGBTI persons. Recommendations were made to facilitate training on digital security. During one of such trainings in 2015 at a local hotel, a consultant brought in by GALZ to lead the process was arrested by plain clothes police

who stormed the meeting following a tip-off and detained at Harare central police for 4hrs before being released without charge. During the detention the consultant was harangued by the arresting police detail and accused of 'promoting homosexuality' in the country.

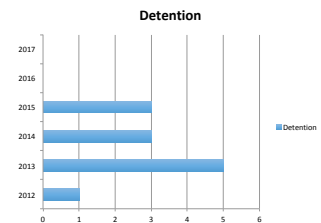
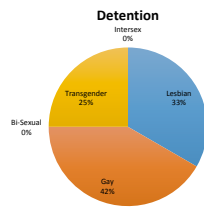
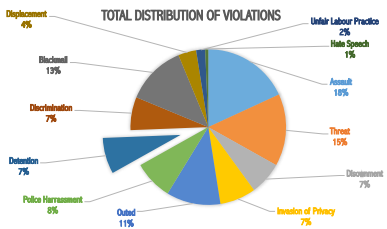


Police
Harrasment &
Detention

8.6 Police Harassment and Detention



The highest number of police harassment and detention cases were recorded in the 2012-13 violations reports totaling 25. Police harassment generally resulted from LGBTI persons having participated in a public event and subsequently identified by either law enforcement agents or being familiar members of the public. Police harassment experienced by most LGBTI persons, ranged from being denied service on the basis of sexual orientation, (illegal) detention, interrogation and assault.



The 2012-13 violations report noted allegations that some police officers had publicly circulated the names of individuals who attended commemorations of the International Day Against Homophobia and Transphobia (IDAHOT). This resulted in several LGBTI persons being targeted and receiving unwelcome visits from the police. Again in the 2013 report, a case was reported where an unidentified police officer based at Mabelreign Police station, had photo-copied and circulated a list of suspected LGBTI persons. The list had been compiled from 44 persons taken from GALZ offices in 2012 and briefly detained by the police. Zimbabwean law does not criminalise identification as an LGBTI person. In almost all cases where individuals are arrested and detained, there are usually alternative charges that are eventually laid or the individuals are released without charge. Successful prosecutions have been rare.

The homophobic law enforcement agency appears to deliberately harass or detain LGBTI persons to intimidate them possibly into shifting their orientation. The reports show a trend in the behaviour of law enforcement agents, who harass and detain LGBTI persons generally hoping to find incriminating evidence such as possession of pornographic material which is a prosecutable offence. In some cases where arrests were made but no substantial charge was raised, still the LGBTI persons ended up paying a bribe to the police to secure their release. Police harassment has also been recorded to be violent. It is worth noting one case in which the police raided the office of GALZ in Harare on 11 August 2012. The police arrested 44 individuals who were on the premises at the time and took them to Harare Central Police Station where the male detainees were allegedly subjected to beatings throughout the night¹⁹.

Harassment by members of the police has also taken place over the phone, with some LGBTI persons receiving phone calls harassing them. In one of the reported cases, GALZ called back on a number used to harass one of its members, and it was answered at Dzivarasekwa police station.

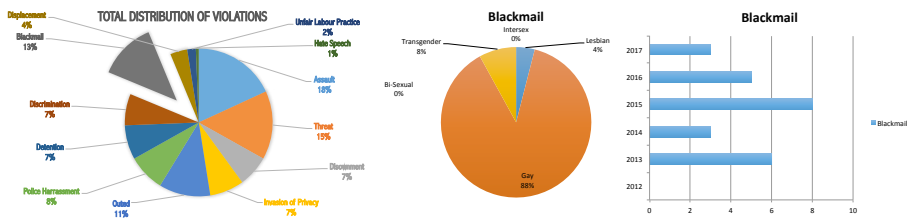
Over the period under review, some harassment cases have also included members of the military as well as youth militia, believed to be acting on behalf of the state. In several reported cases, the Zimbabwe Republic Police have detained LGBTI persons and interrogated them on the operations of GALZ. This is despite the fact that GALZ is not a secret underground organisation, and is legally registered with highly visible presence.

19 VIOLATIONS OF THE HUMAN RIGHTS OF LGBTI PERSONS, Excerpts from the Communications Reports of the UN Special Procedures September 2011 to September 2014.



Blackmail

8.7 Blackmail of LGBTI persons

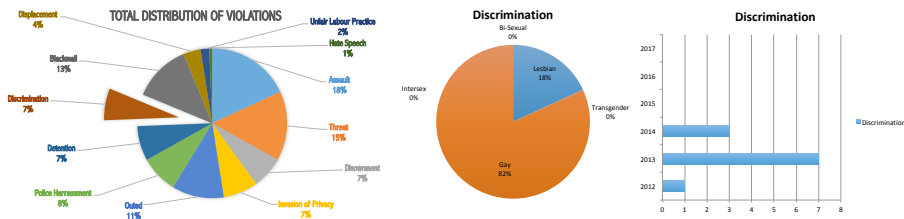


Blackmail registered as the third highest in the number of violations recorded (13%). Blackmailers took advantage of the fact that LGBTI persons are often reluctant to resist blackmail requests, for fear of being outed or reported to the police. In a number of cases, poor knowledge of their rights as LGBTI persons was also a pre-disposing factor to blackmail. A large number of cases of blackmail were perpetrated by individuals close to the complainants and in some instances, the complainants' partners. The trend across all of the blackmail cases is that once an initial payment is honoured in the blackmail instance, the requests would continue to come, until the matter is reported to the police or the complainant moves away from the reach of the blackmailer, either by changing contact numbers or physically relocating. In one incident the complaint fell victim to blackmail until they made a counter threat to falsely accuse and expose the blackmailer to his church as their sexual partner. Clearly compliance to one blackmail request inevitably leads to others. The key recommendation made to LGBTI persons in previous reports, was to never give in to blackmail. In an unusual case, a lesbian police officer gave in to blackmail, as she feared that being outed would instantly destroy her career. The police officer received counselling from GALZ, but refused legal assistance as she knew it would involve the law enforcement agents.



Discrimination & Unfair Labour Practices

8.8 Discrimination and Unfair Labour Practices



Discrimination suffered by LGBTI persons encompassed cases such as unfair labour practices - which are actions taken by an employer that violate the Labour Act, denial of service or treatment in public institutions based on one’s sexual orientation or gender identity. Although categorised differently in the source reports, unfair labour practice constitute a form of discrimination.

It is well worth noting that provisions under the Zimbabwean constitution guarantee gender equality as one of the key founding values and principles of the country’s laws²⁰. In particular, Section 56 (3)²¹ states that every person has the right not to be treated in an unfair and discriminatory manner on such grounds as their nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability or economic or social status. It is therefore not negotiable whether these provisions of the constitution provide for the protection and non-discrimination of LGBTI persons or not.

The 2012-13 GALZ Violations Report noted the continuation of discrimination with impunity on the grounds of sexual orientation due to persistent prejudicial views regarding homosexuality, coupled with failure of Zimbabwe’s legal system to protect sexual and gender minorities.

A review of the violations reports between 2012 and 2017 shows that a number of complainants experienced discrimination in public health care facilities simply because of their sexual orientation or gender identity. The adverse effects of such unfriendly

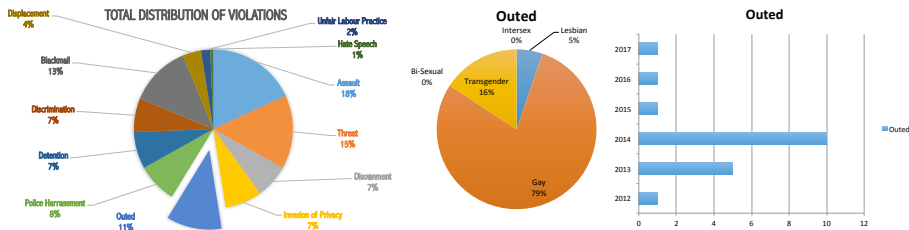
20 (Section 3) Constitution of Zimbabwe
 21 Section 56 (3) Constitution of Zimbabwe

environments were reduced health seeking behaviours among LGBTI persons, which resulted in poor health among some of them. Prejudice and lack of tolerance towards LGBTI individuals from health workers effectively interferes with their right to life and health and results in some individuals who are living with STIs going without treatment for long periods.²² In a particular case cited in the 2012-13 report, a 23-year old man was stigmatised at a local clinic whilst receiving STI treatment. The attending nurse openly told the gay man that the infection was punishment from God for his homosexual behaviour.



Displacement & Outing

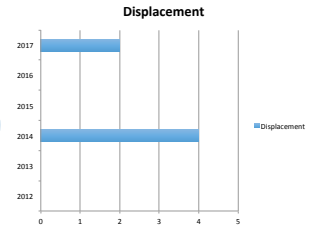
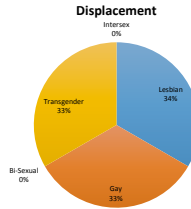
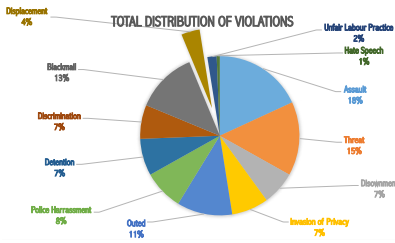
8.9 Displacement and Outing



Being outed commonly refers to one’s sexual orientation or gender identity being publicly revealed, usually as a way of inviting some form of punitive action. LGBTI persons are outed without their consent. In a number of the cases reported, outing occurred due to failure to properly secure their digital mobile devices or online accounts such as Facebook and email. In one case of outing, the complainant neglected to log out of his Facebook account, which resulted in the next user of the computer posting on the complainant’s wall a status that said ‘I am gay and I am Proud’. In another case, the complainant also forgot to log out of their online account, resulting in him being unwittingly outed to his employer. Across the period under review, outing was connected strongly to invasion of privacy whether through online accounts, unauthorised access to personal belongings or just simply eavesdropping.

The 2014 Violations report noted a disturbing trend where families of newly outed LGBTI persons dealt with their discovery by reporting their ‘deviant’ family member to the police. More often than not, the reports resulted in arrests and detentions. The LGBTI persons would endure dehumanising ridicule while in custody and were then usually released without any formal charge. In other cases, families responded to the discovery through disowning the family member and displacing them from their home. A considerable number of outings also occurred during public gatherings mostly associated with LGBTI themes, in which the media would pick up on the stories and publish them with videos and pictures.

It is worth noting however, that outing was most frequently experienced as a threat rather than an actual act of exposing one’s sexual orientation or gender identity. The current status quo, necessitates the need to keep an LGBTI identity a private matter, and this inevitably makes the threat of outing a grave issue.



9. The Media: means to an end or medium for amplifying Trans, bi, homo phobia.

One of the violations reported over the review period has been hate speech, which is the use of derogatory, demeaning or inflammatory language when making reference to LGBTI persons. Nowhere has this been more prominent than in the mainstream media, across both government owned and privately owned media. Activism by LGBTI persons in the country tended to generally attract media interest and attention with some issues covered being inflammatory stories about homosexuals and homosexuality, further exacerbating the isolation and in many cases the security of LGBTI persons.

What is clear however is that while the media platforms in themselves may be neutral, editorial policy is sometimes the deciding factor in how stories are preferred, angled and covered by the media houses. One trend that has been observed is that government owned media has tended to report more negatively about issues relating LGBTI persons compared to the privately owned media, which seemed to be more tolerant and objective in their reportage. Of all the media stories recorded by GALZ from the mainstream media, Government owned media accounts for very little by way of positive coverage of LGBTI issues.

In the period under review 2012-2017 GALZ monitored the media for coverage of LGBTI related issues. Through the five-year period 95 articles were documented from both the privately owned and government owned media. While the monitoring was not exhaustive, it gives give a good impression of the nature and extent of coverage of LGBTI issues. It is well worth noting that the private media provided a space for GALZ to publish numerous statements, positions and responses to public discourse of interest to the LGBTI community and population at large.

During the 2012-13 period GALZ issued 26 press statements and alerts, either commenting on public issues or commemorating important calendar dates of interest to LGBTI persons.

In 2014 GALZ published five statements, all in the private media mainly marking commemoration days such as Women's Day, IDAHOT and Youth Day.

In the same year 35 stories were recorded across both the private and government owned media which, could however not be classified as positive or negative coverage. This however shows the frequency with which LGBTI issues are of interest in public sphere. Fifteen stories were recorded by GALZ during their media monitoring covering LGBTI issues objectively, on average translating to at least a story a month. All the recorded positive stories were in the privately owned media, characterized by headlines such as 'GALZ wins case against cops' (Newsday, 21 January 2014) or 'Gays and lesbians also love God' (Daily News, May 2014).

It is concerning to note that in the same year 2014, 23 stories were recorded covering LGBTI persons in unfavorable light, and 9 of the stories were covered by the Government owned media houses. Sensationalist headlines were all too common like, 'Gay Shemale causes stir in court' (The Chronicle, 22 January 2014), 'GALZ fronting an intolerable cause' (The Herald 27 February 2014) or 'Residents bay for cross dressing gay guy's blood' (Sunday News 8 June 2014).

While the media offers an opportunity for advancing the LGBTI cause, it is also critical to remember that it would be impractical to expect full favourable coverage. Some stories or news items are reported accurately as observed and even with the highest possible objectivity, they may still be unfavourable.

10. Conclusion

The report paints a less than satisfactory picture of the LGBTI situation in the country. Clearly much more work will still be required to reach desired levels where LGBTI persons can be able to live free from violations and with the full recognition of their rights. The number of violations is just the tip of the iceberg in relation to the many other incidences that are taking place unreported within the communities where LGBTI persons live. What can be concluded with certainty from the analysis of the violations in this report is that the overly homophobic public is sadly ignorant of the law and what it says about sexual orientation and gender identity. At the very least, if the public cannot immediately embrace non-gender conforming individuals, at least let there be knowledge that simply identifying as gay, lesbian, transgender, bisexual or intersex is not a criminal and not a prosecutable 'offence'.

Pro-LGBTI rights defenders face a huge challenge in achieving the desirable end, while the spectre of harassment, arrest and detention from the police remains a real threat to well intentioned efforts and progress. Even so, merely taking remedial steps to address the the legal and policy environment will still not be enough and certainly will not result in the desired broad based social change. Change will ultimately be the sum of a cocktail of interventions that address deep-rooted cultural beliefs and attitudes that fuel homophobia. This will mean bringing together various actors across the divide to speak with one voice.

11. Key recommendations to strategic actors

The following proposal to strategic actors, draw largely from preceding violations reports compiled between 2012 and 2017, wherein GALZ recommended actions to government, civil society and the private sector to support an enabling, social, political, legal and economic environment for the full recognition of LGBTI rights.

(i) The Government of Zimbabwe

The government of Zimbabwe is a key actor in influencing change in how issues of sexual orientation and gender identity are addressed at both state level and among the ordinary population. Government, through its ministries and departments, has opportunity to enact policies that provide a conducive atmosphere to recognising the rights of LGBTI persons. At the level of the public, the government wields strong influence through its pronouncements, which are likely to get an ear. Such pronouncements must include openly condemning wanton violence against against other persons based on their sexual orientation and gender identity. Furthermore, there is value in introducing provisions that punitively address any actions that promote or result in violence against people based on their sexual orientation and gender identity. At policy level the government has the opportunity to ensure that all policies recognise LGBTI persons as a group within society and that their needs are just as important as any other minority group. Reference is made here to accessing public healthcare services, legal recourse, economic inclusion and freedom from political persecution. Ensuring that legislation such the Public Order and Security Act is not used to limit LGBTI right to association and fellowship is also essential. Article 73 of the criminal code needs to be repealed and this is long overdue as there is need to align with regional and international conventions and treaties that Zimbabwe is signatory to. Ultimately LGBTI persons and their representative groups equally deserve recognition in important public fora in the same way other vulnerable or minority groups such women, youth, people living with disability have been accorded.

(ii) Families of LGBTI Persons

Families are one of the most central socialising institutions for individuals. Families can be instrumental in promoting tolerance to a multiplicity of sexual orientations and gender identities. Families are discouraged from disowning members on the basis of sexual orientation and gender identity, as this may lead to destitution or homelessness. In the event that a family is faced with an outing, they should try to get professional help from a qualified Counsellor/Therapist. Support is key and engagement should ultimately lead to ideas on how to build a working family relationship. Disowning LGBTI persons from families and depriving them of familiar benefits may escalate their risk of alcohol/substance abuse and transactional sex.

(iii) LGBTI Persons

LGBTI persons are urged to report any kind of violations perpetrated against them to relevant authorities such as Police and LGBTI friendly organizations. It is essential that violated individuals seek help such as counselling, medical or legal support. The degree to which LGBTI individuals are vulnerable is in part influenced by their own behaviour and practices. For instance, it is known only too well that Zimbabwe is still generally homophobic and as such care must be taken when publicly expressing sexual orientation. LGBTI persons are therefore encouraged to be cautious about sexual encounters with unfamiliar individuals or spur of the moment hook ups, avoiding sharing too much personal information, storing and circulating pornographic information, and revealing their orientation only when ready to face possible social backlash.

(iii) Zimbabwe Human Rights Commission and the Parliamentary Portfolio committee on Human Rights

One of the key contentions in the SOGI debate in Zimbabwe is recognising LGBTI rights as human rights that are enshrined in the country's laws and recognised by regional and international conventions and treaties. Most desired will be the eventual recognition of LGBTI rights and the establishment of a monitoring and reporting mechanism within the Zimbabwe Human Rights Commission (ZHRC) to provide for systematic tracking of trends pertaining to LGBT issues and rights and recommending to the Government ways in which an enabling environment could be created. The ZHRC can create and regularly update a database of the various forms of violence based on sexual orientation and gender identity in order to ascertain the magnitude of the problem and continuously find ways of addressing it.

(v) Zimbabwe Republic Police

The police are a key institution in enforcing the law particularly in sections where the rights of LGBTI persons are clearly recognised just as any other ordinary citizen. The police can be part of the process of reducing violations perpetrated against LGBTI persons by simply discharging their mandate without discrimination or prejudice. This means committing resources to investigating violations and prosecuting perpetrators who are found guilty. The police needs to appreciate its responsibility as an institution towards education and awareness of its employees on issues of sexual orientation and gender identity. The police require training support in this area just as they do in other areas of enforcement like elections and peacekeeping efforts. More importantly police officers need to understand the provisions of the law and not wantonly arrest individuals simply for identifying as LGBTI.

(vi) Civil Society Organisations

Generally civil society has been very supportive of the LGBTI movement over the years, particularly organisations with a strong orientation in public health, women or gender issues. For 28 years GALZ has been spearheading the LGBTI movement offering services and maintaining SOGI issues on the public agenda. GALZ has been a trailblazer for new organisations like Pakasipiti, Voice of the Voiceless (VoVo) and Sexual Rights Center (SRC). This momentum needs to be maintained as well through mainstream LGBTI awareness in programmes that address the human rights of all people regardless of sexual orientation or gender identity. This will include incorporating awareness on LGBTI rights within relevant programmes such as HIV, gender and human rights. Civil society as a whole needs to support sensitisation activities and initiatives targeting key partners such as churches, health personnel the police and other law enforcement agents

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13. Annexes

Case	Sex	Gender Identity	Year of Violation	Main Violation Category	Secondary Violation Category
1	Male	Gay	2015	Blackmail	.
2	Male	Gay	2015	Blackmail	.
3	Male	Gay	2015	Detention	.
4	Female	Transgender	2015	Detention	Assault
5	Male	Gay	2015	Blackmail	Threat
6	Male	Gay	2015	Outed	.
7	Female	Intersex	2015	Unfair Labour Practice	.
8	Male	Gay	2015	Invasion of Privacy	.
9	Male	Gay	2015	Assault	.
10	Male	Gay	2015	Threat	.
11	Female	Bi-Sexual	2015	Disownment	.
12	Male	Gay	2015	Threat	.
13	Male	Gay	2015	Blackmail	Threat
14	Male	Gay	2015	Blackmail	Threat
15	Male	Gay	2015	Blackmail	.
16	Female	Lesbian	2015	Blackmail	.
17	Male	Gay	2015	Detention	.
18	Male	Transgender	2015	Blackmail	.
19	Male	Gay	2014	Threat	.
20	Female	Transgender	2014	Threat	Outed
21	Female	Transgender	2014	Threat	Outed
22	Female	Transgender	2014	Threat	.
23	Female	Transgender	2014	Threat	.
24	Female	Lesbian	2014	Assault	Disownment
25	Female	Lesbian	2014	Assault	.
26	Female	Transgender	2014	Assault	.
27	Male	Gay	2014	Assault	.
28	Male	Gay	2014	Assault	.
29	Male	Gay	2014	Assault	.
30	Male	Transgender	2014	Assault	.

31	Female	Lesbian	2014	Assault	.
32	Male	Gay	2014	Assault	.
33	Female	Transgender	2014	Assault	Police Harrassment
34	Male	Gay	2014	Police Harrassment	.
35	Female	Transgender	2014	Detention	Displacement
36	Male	Transgender	2014	Detention	Police Harrassment
37	Female	Lesbian	2014	Detention	.
38	Male	Gay	2014	Discrimination	.
39	Male	Gay	2014	Discrimination	.
40	Male	Gay	2014	Disownment	.
41	Male	Gay	2014	Blackmail	.
42	Male	Gay	2014	Blackmail	Outed
43	Male	Gay	2014	Blackmail	.
44	Male	Gay	2014	Outed	Displacement
45	Male	Gay	2014	Outed	Disownment
46	Male	Gay	2014	Outed	Threat
47	Male	Gay	2014	Outed	Threat
48	Male	Gay	2014	Outed	.
49	Female	Transgender	2014	Invasion of Privacy	.
50	Male	Gay	2014	Invasion of Privacy	.
51	Female	Lesbian	2014	Invasion of Privacy	.
52	Female	Lesbian	2014	Invasion of Privacy	Outed
53	Female	Transgender	2014	Invasion of Privacy	Outed
54	Male	Gay	2014	Invasion of Privacy	Discrimination
55	Female	Lesbian	2014	Displacement	.
56	Male	Gay	2014	Displacement	.
57	Male	Bi-Sexual	2014	Unfair Labour Practice	.
58	Male	Gay	2014	Unfair Labour Practice	Assault
59	Male	Gay	2013	Assault	Outed
60	Male	Gay	2013	Assault	Threat
61	Female	Transgender	2013	Assault	.
62	Male	Gay	2013	Assault	.
63	Male	Gay	2013	Assault	Threat
64	Female	Transgender	2013	Assault	Threat

65	Male	Gay	2013	Assault	Outed
66	Female	Lesbian	2013	Police Harrassment	Detention
67	Female	Lesbian	2013	Police Harrassment	Threat
68	Male	Gay	2013	Police Harrassment	.
69	Male	Gay	2013	Police Harrassment	.
70	Female	Lesbian	2013	Police Harrassment	Detention
71	Male	Gay	2013	Police Harrassment	Outed
72	Male	Gay	2013	Police Harrassment	Detention
73	Male	Gay	2013	Detention	Police Harrassment
74	Male	Gay	2013	Discrimination	.
75	Female	Lesbian	2013	Discrimination	Invasion of Privacy
76	Male	Gay	2013	Discrimination	Police Harrassment
77	Male	Gay	2013	Discrimination	.
78	Female	Lesbian	2013	Discrimination	Assault
79	Male	Gay	2013	Discrimination	Assault
80	Male	Gay	2013	Disownment	Invasion of Privacy
81	Male	Gay	2013	Disownment	Discrimination
82	Female	Lesbian	2013	Disownment	Invasion of Privacy
83	Male	Gay	2013	Disownment	Assault
84	Male	Gay	2013	Disownment	Outed
85	Male	Gay	2013	Blackmail	.
86	Male	Gay	2013	Blackmail	Detention
87	Male	Gay	2013	Blackmail	Threat
88	Male	Gay	2013	Blackmail	Threat
89	Male	Gay	2013	Blackmail	.
90	Male	Gay	2013	Blackmail	.
91	Male	Gay	2013	Outed	.
92	Female	Lesbian	2012	Threat	.
93	Female	Lesbian	2012	Threat	Assault
94	Female	Gay	2012	Threat	Invasion of Privacy
95	Female	Lesbian	2012	Detention	Threat

96	Male	Gay	2012	Discrimination	Invasion of Privacy
97	Male	Gay	2012	Disownment	Outed
98	Male	Gay	2017	Blackmail	Outed
99	Female	Lesbian	2017	Displacement	Disownment
100	Female	Lesbian	2017	Assault	Threat
101	Male	Transgender	2017	Assault	Threat
102	Male	Transgender	2017	Displacement	.
103	Male	Transgender	2017	Blackmail	.
104	Male	Gay	2017	Blackmail	.
105	.	Mixed Group	2017	Hate Speech	.
106	.	Mixed Group	2013	Assault	.
107	.	Mixed Group	2013	Assault	Police Harrassment
108	.	Mixed Group	2014	Assault	.
109	Male	Gay	2016	Assault	.
110	Male	Gay	2016	Blackmail	Outed
111	Male	Gay	2016	Blackmail	Assault
112	Male	Gay	2016	Blackmail	.
113	Male	Gay	2016	Threat	Blackmail
114	Male	Gay	2016	Assault	Blackmail

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