



Home Office

Country Policy and Information Note

Zimbabwe: Women fearing gender-based harm or violence

Version 2.0

February 2017

Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this note has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

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 make recommendations to him about the content of the Home Office’s COI material. 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. IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,

5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: chiefinspector@icinspector.gsi.gov.uk

Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Policy guidance

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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.

1.2 Other points to note

1.2.1 For the purposes of this note, gender-based persecution or serious harm includes, but is not limited to, domestic violence and sexual violence, including rape.

1.2.2 For further information and guidance on assessing gender issues, see the [Asylum Instruction on Gender issues in asylum claims](#).

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

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

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2.2 Particular social group

2.2.1 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.

2.2.2 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.

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

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2.3 Assessment of risk

a. Discrimination

2.3.1 Women are protected from discrimination under the constitution but discriminatory customary laws and traditions limit their access to education, healthcare, inheritance rights, child custody, and the labour market. Women do experience discrimination but it is unlikely to meet the high threshold required to constitute persecution or serious harm (See [Legal rights; Gender-based violence](#)).

b. Domestic violence

2.3.2 Domestic violence is illegal and punishable by a fine and a maximum prison sentence of 10 years but the authorities generally considered it a private matter and prosecutions have been rare. Domestic violence is reportedly widespread in Zimbabwe and potentially under-reported as women are reluctant to report such matters because, in some cases, the police have reportedly been reluctant to get involved in domestic violence incidents (see [Domestic violence](#)).

c. Rape and sexual violence

2.3.3 While the law criminalizes rape, including spousal rape, it remains a problem. Victims rarely reported incidents of rape due to social stigma and societal cultural attitudes (See [Rape and sexual violence](#)).

d. Trafficking

2.3.4 Zimbabwe is a source, transit, and destination country for women subjected to trafficking for sex and forced labour. Some women and girls from Zimbabwean towns bordering South Africa, Mozambique, and Zambia are subjected to forced labour, including domestic servitude, and sex trafficking.

2.3.5 Trafficking in persons is illegal in Zimbabwe. The government has made limited efforts to enforce the law and provide protection for the victims of trafficking. Corruption in the police and the judiciary affect the effectiveness of anti-trafficking efforts. Victims have also refused to report or pursue cases of trafficking due to fear their traffickers could bribe police or judges.

e. Forced and early marriage

2.3.6 Despite legal prohibitions, some families – primarily among the rural population and apostolic faith – continued to force girls to marry. 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 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. Several civil society campaigns or programmes to end child marriage have recently 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](#)).

2.3.7 Being female does not on its own establish a need for international protection. The general level of violence and discrimination against women

in Zimbabwe will not in most cases amount to persecution. The onus is on the person to demonstrate that she would be personally at risk of gender-based violence, with each case considered on its merits.

For further information and guidance on assessing gender issues, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.4 Protection

- 2.4.1 Women's rights are protected in law and gender-based violence is illegal, although the relevant laws are not always effectively enforced. Women are also sometimes reluctant to report abuses to the police due to social stigma and cultural reasons. Prosecutions of domestic violence incidents have been rare. The government's efforts to prevent, investigate and prosecute trafficking and protect victims are minimal. 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 (see [Gender-based violence](#); [Trafficking](#); [Forced marriage](#); [Child marriage](#)).
- 2.4.2 The police have, however, set up Victim Friendly Units to handle rape cases and there are reports of prosecutions of perpetrators of violence against women. Additionally, a number of NGOs provide support services for women who have experienced violence and discrimination, including counselling and shelters (see [Trafficking](#); [Forced marriage](#); [Child marriage](#); [State response to rape, sexual violence and domestic violence](#); [Support services for victims of rape and sexual violence](#)).
- 2.4.3 In general, the state is willing and able to provide protection from non-state agents. Each case will need to be considered on its particular circumstances taking into account factors such as their age, socio-economic circumstances, education and ethnicity. A person's reluctance to seek protection does not mean that effective protection is not available. The onus is on the person to demonstrate that the state is not willing and able to provide her with effective protection.
- 2.4.4 For further information on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.5 Internal relocation

- 2.5.1 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.
- 2.5.2 In general, it will not be unduly harsh 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 (See [Freedom of movement](#)).
- 2.5.3 For further information and guidance on considering internal relocation and factors to be taken into account, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.6 Certification

- 2.6.1 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.
- 2.6.2 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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3. Policy summary

- 3.1.1 Zimbabwe has a legal framework for addressing violence against women but the relevant laws are not always enforced effectively and sexual and gender-based violence remain serious and widespread problems. Patriarchal attitudes and discrimination are prevalent, and women and girls can be subject to harmful traditional practices.
- 3.1.2 The general level of violence and discrimination against women in Zimbabwe will not in most cases amount to persecution or serious harm. The onus is on the person to demonstrate that she would be personally at risk of gender-based violence amounting to persecution or serious harm.
- 3.1.3 State protection is likely to be available for women fearing gender-based violence. However, each case needs to be carefully considered on its facts.
- 3.1.4 Women are able to move throughout Zimbabwe freely and it is likely that internal relocation will be an option, depending on their individual circumstances, to escape localised threats from members of their family or other non-state actors.
- 3.1.5 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.

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4. Legal rights

4.1.1 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... 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.’¹

4.1.2 The United States State Department ‘Country Reports on Human Rights Practices for 2015’, published on 13 April 2016, stated:

‘The law provides for the same legal status and rights for women as for men. Despite laws aimed at enhancing women’s rights and countering certain discriminatory traditional practices, however, women remained disadvantaged in society. Economic dependency and prevailing social norms prevented rural women in particular from combating societal discrimination.

‘The law recognizes a woman’s right to own property, but very few women did so because of patriarchal inheritance rights under customary practice. Less than 20 percent of female farmers were official landowners or named on government lease agreements, although there was improvement in the registration of women as landowners during the year. Divorce and maintenance laws were equitable, but many women lacked awareness of their rights. Women have the right to register their children’s births, although either the father or a male relative must be present. Discrimination with respect to women’s employment also occurred... Women and children were

¹ Social Institutions and Gender Index, ‘Zimbabwe Country Profile’, undated, <http://www.genderindex.org/country/zimbabwe>, date accessed 9 December 2016

adversely affected by the government's forced evictions, demolition of homes and businesses, and takeover of commercial farms. Widows, when forced to relocate to rural areas, were sometimes "inherited" into marriages with an in-law after the deaths of their spouses.'²

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5. Freedom of movement

5.1.1 The Social Institutions and Gender Index (undated) 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.'³

5.1.2 The United States State Department 'Country Reports on Human Rights Practices for 2015', 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 mounting checkpoints nationwide along most major routes.'⁴

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6. Gender-based violence

6.1 Rape and sexual violence

6.1.1 The United States State Department 'Country Reports on Human Rights Practices for 2015', published on 13 April 2016, stated:

'Victims reported few cases of rape due to social stigma and societal perceptions that rape was simply a "fact of life" that could not be challenged. A lack of services for rape victims also discouraged reporting. Victims reported even fewer cases of spousal rape because of fear of losing economic support, fear of reprisal, lack of awareness that spousal rape was 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. Chiefs of local jurisdictions usually handled gender-based violence in trials applying customary law...The media

² United States State Department, 'Country Reports on Human Rights Practices for 2015', Zimbabwe, 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745>, date accessed 9 December 2016

³ Social Institutions and Gender Index, 'Zimbabwe Country Profile', undated, <http://www.genderindex.org/country/zimbabwe>, date accessed 23 December 2016

⁴ United States State Department, 'Country Reports on Human Rights Practices for 2015', Zimbabwe, 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745>, date accessed 23 December 2016

frequently published stories criticizing rape and reporting convictions. In September the Chronicle newspaper reported that a Harare magistrate sentenced Greatness Tapfuma, a prominent local pastor, to 30 years in prison for raping a female minor. During the sentencing the magistrate expressed concern regarding the prevalence of rape cases committed by religious leaders. In May a man age 19 was sentenced to 210 hours of community service for impregnating a girl age 12...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.’⁵

- 6.1.2 A 263chat.com article, ‘Rape services in Zimbabwe in need of urgent redress’, dated 1 March 2016, stated:

‘According to statistics published by ZIMSTAT Third Quarterly Digest of 2015 under crime reports, 5588 (including attempts) cases of rape were reported in the country between January 2015 and September 2015, with 7 551 similar cases in 2014. Such figures only reflect the cases which were reported yet many go untold. Despite such figures which reflect thousands of vulnerable people, they are very few centres which support survivors.’⁶

- 6.1.3 The Zimbabwe National Statistics Office (ZimStat) in April 2016 reported:

‘At least 21 women are raped daily in Zimbabwe, translating to one woman being sexually abused every 75 minutes [...] The data shows a 42 percent increase in rape cases over the past six years, a trend that is worrying gender activists. According to the ZimStat’s quarterly digest of statistics for the fourth quarter of 2015, an average of 646 women were sexually abused monthly last year. A total of 7 752 cases of rape were recorded last year up from 7 551 cases that were reported the previous year.’⁷

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6.2 Domestic violence

- 6.2.1 The ‘Zimbabwe Demographic and Health Survey 2015’, published in November 2016, stated:

‘- Emotional violence: Thirty-two percent of ever-married women have experienced spousal emotional violence; 24 percent experienced spousal emotional violence in the 12 months preceding the survey.

⁵ United States State Department, ‘Country Reports on Human Rights Practices for 2015’, Zimbabwe, 13 April 2016,

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745>, date accessed 9 December 2016

⁶ 263chat.com, ‘Rape services in Zimbabwe in need of urgent redress’, 1 March 2016, Pretty Chavango, <http://263chat.com/2016/03/rape-services-in-zimbabwe-in-need-of-urgent-redress/>, date accessed 9 January 2017

⁷ Zimbabwe Situation, ‘One woman raped every 75 minutes: ZimStat’, 3 April 2016, <http://www.zimbabwesituation.com/news/zimsit-m-one-woman-raped-every-75-minutes-zimstat-sunday-news/>, date accessed 3 February 2017

'- Violence during pregnancy: Six percent of women who have ever been pregnant experienced violence during one or more of their pregnancies.

'- Spousal violence: Overall, 35 percent of ever-married women age 15-49 experienced physical or sexual violence from a spouse, and of these women, 37 percent reported experiencing physical injuries.'⁸

6.2.2 The United States State Department 'Country Reports on Human Rights Practices for 2015', stated:

'Gender-based violence was prevalent in society. The law criminalizes domestic violence, which was a serious problem, especially intimate partner violence perpetrated by men against women. Although domestic violence is punishable by a fine and a maximum prison sentence of 10 years, authorities generally considered it a private matter, so prosecution was rare. Most cases of domestic violence went unreported due to traditional sensitivities, victims' fear of abandonment without support, police reluctance to intervene, and the expectation that perpetrators would not be tried or convicted. There were newspaper reports of wife killings and a few other media reports of prosecutions and convictions for such crime.'⁹

6.2.3 A Canadian Immigration and Refugee Board response to an information request, based on a number of sources, stated:

'A study on domestic violence in rural Zimbabwe by two lecturers at the Great Zimbabwe University in Masvingo - Maxwell Chuma of the Department of Sociology and Bernard Chazovachii of the Department of Rural and Urban Development - indicates that "[v]iolence perpetrated predominantly by men against women particularly in households is viewed as a normal part of gender relations" (Chuma and Chzovachii 2012, 3)...According to sources, female victims of domestic violence are commonly reprimanded by their families if they file a case with the authorities (Chuma and Chazovachii 2012, 12; Womankind 2011). In a 2015 paper on domestic violence experienced by Christian women in Zimbabwe, Excellent Chireshe, a lecturer within the Department of Philosophy and Religious Studies at Great Zimbabwe University whose research focuses on gender issues, similarly reports that when domestic violence cases are made public, there is often a stigmatization "of both the abuser and the abused" (Chireshe Jan. 2015, 267). Chireshe explains that this is especially the case in religious families: "[g]iven that homes of religious people are assumed to be safe spaces free from domestic violence, reports of violence in such homes would undermine this perception, hence the silence on the matter" (ibid.). She adds that "married women are regarded as more respectable than single or divorced women," and that divorce is often seen as "a failure on the part of the wife, resulting in her stigmatisation" (ibid.). Statistics published by the MWAGCD

⁸ 'Zimbabwe Demographic and Health Survey 2015', November 2016, <http://dhsprogram.com/publications/publication-FR322-DHS-Final-Reports.cfm>, date accessed 9 January 2017

⁹ United States State Department, 'Country Reports on Human Rights Practices for 2015', Zimbabwe, 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745>, date accessed 22 November 2016

and Gender Links study indicate that of the women surveyed who experienced domestic violence, 2.6 percent sought medical attention and 2.4 percent reported the incidents to the police.’¹⁰

6.2.4 The Social Institutions and Gender Index stated:

‘The Domestic Violence Act of 2007 prohibits domestic violence. The definition of domestic violence under the Act is very wide and includes abuse derived from any cultural or customary rites or practices that discriminate against or degrade women, such as forced virginity testing, female genital mutilation; malicious damage to property; forcible entry into the complainant's residence where the parties do not share the same residence; depriving the complainant of or hindering the complainant from access to or a reasonable share of the use of the facilities associated with the complainant's place of residence; the unreasonable disposal of household effects or other property in which the complainant has an interest; abuse derived from the following cultural or customary rites or practices that discriminate against or degrade women pledging of women and girls for purposes of appeasing spirits, abduction, child marriages, forced marriages, wife inheritance and other such practices.’¹¹

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6.3 State response to rape, sexual violence and domestic violence

6.3.1 The Social Institutions and Gender Index stated:

‘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. For instance, according to the US Department of State, authorities generally consider domestic violence to be a private matter. 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.

¹⁰ Canadian Immigration and Refugee Board, ‘Zimbabwe: Domestic violence, including legislation; state protection and support services available to victims (June 2012- May 2015)’, 3 June 2015, ZWE105170.E, <http://www.refworld.org/docid/5587b7144.html>, date accessed 14 December 2016

¹¹ Social Institutions and Gender Index, ‘Zimbabwe Country Profile’, undated, <http://www.genderindex.org/country/zimbabwe>, date accessed 9 December 2016

'The Criminal Law Act (Codification and Reform) 2006 prohibits sexual violence, including marital rape. The Act also prohibits wilful transmission of sexually transmitted infections, including HIV.'¹²

- 6.3.2 An International Commission of Jurists (ICJ) report, 'Sexual and Gender Based Violence, Fair Trial Rights and the Rights of Victims Challenges in Using Law and Justice Systems Faced by Women Human Rights Defenders', published in November 2015, stated:

'On paper, the legal and institutional framework in place in Zimbabwe to respond to cases of sexual and gender based violence is impressive, but the reality is that most geographical areas do not have the resources to match. Police do not have resources to transport victims, so victims must use their own resources to arrange transport to the police station and the medical centres. Dedicated victim friendly units are usually only open during weekday office hours, so victims of attacks outside of these times may have to wait some time or even days for assistance. Where there are not dedicated units, police may not have had the training to deal with the matter appropriately and may give the victim contradictory advice about how to act next.'¹³

- 6.3.3 The same ICJ report also stated:

'Zimbabwe's Domestic Violence Act refers to the establishment of sexual violence counsellors and safe houses for victims of sexual violence, but these are not provided for. There are also failures to provide adequate training for those administering domestic violence cases. Without adequate training the legislation is used as a middle path between criminal remedies and civil solutions, which creates uncertainty and impacts negatively on justice delivery. With a claim of marital rape, many police officers encourage complainants to seek a protection order rather than a criminal trial. Whether this is because they lack the willingness or resources to actively investigate claims, the result is that too many civil cases overburden magistrates. When there are conflicting issues around allocation of State resources, gender issues consistently lose out. NGOs need to consider how to better advocate for the resources needed to support the effective implementation of gender specific legislation.'¹⁴

- 6.3.4 The 263chat.com article, 'Rape services in Zimbabwe in need of urgent redress', dated 1 March 2016, stated:

¹² Social Institutions and Gender Index, 'Zimbabwe Country Profile', undated, <http://www.genderindex.org/country/zimbabwe>, date accessed 9 December 2016

¹³ International Commission of Jurists, 'Sexual and Gender Based Violence, Fair Trial Rights and the Rights of Victims Challenges in Using Law and Justice Systems Faced by Women Human Rights Defenders', page 10, November 2015, <http://www.refworld.org/cgi-bin/txis/vtx/rwmain?page=country&docid=57ee7f724&skip=0&coi=ZWE&querysi=women&searchin=title&sort=date>, date accessed 9 January 2017

¹⁴ International Commission of Jurists, 'Sexual and Gender Based Violence, Fair Trial Rights and the Rights of Victims Challenges in Using Law and Justice Systems Faced by Women Human Rights Defenders', pages 19-20, November 2015, <http://www.refworld.org/cgi-bin/txis/vtx/rwmain?page=country&docid=57ee7f724&skip=0&coi=ZWE&querysi=women&searchin=title&sort=date>, date accessed 9 January 2017

'The Zimbabwe Republic Police have Victim Friendly Units which offer services to victims of rape, however the survivor is expected to produce an affidavit and have some form of evidence which holds them to their words somehow suggesting that survivors may be lying or misrepresenting facts.

'Some survivors have also complained of the poor level of training of the police officers in this department who tend to gape at victims and at times ask humiliating questions which make their counselling skills questionable.'

¹⁵

- 6.3.5 A 'Daily News' (Zimbabwean newspaper) report, 'Half of Zim women abused', dated 7 March 2016, 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 seek help from a doctor or medical institution, social services or a lawyer," Sandi Moyo said.

'In view of these worrying statistics Sandi Moyo said government is stepping up efforts to fight gender-based violence.

"The anti-domestic violence council was set up to ensure the effective implementation of the Anti-Domestic Violence Act." ¹⁶

- 6.3.6 The United States State Department 'Country Reports on Human Rights Practices for 2015', stated:

'While the law criminalizes rape, including spousal rape, the law was not effectively enforced, and rape remained a widespread problem. Sexual offenses, including rape, are punishable by lengthy prison sentences, although women's organizations stated that the sentences of those convicted were inconsistent. Rape victims seldom received protection in court...Police sometimes did not act on reported rape cases if the perpetrators were aligned with ZANU-PF or if the rape was used as a political tool against non-ZANU-PF members, as occurred during the 2008 election. Unlike the 2008 elections, which resulted in numerous cases of

¹⁵ 263chat.com, 'Rape services in Zimbabwe in need of urgent redress', 1 March 2016, Pretty Chavango, <http://263chat.com/2016/03/rape-services-in-zimbabwe-in-need-of-urgent-redress/>, date accessed 9 January 2017

¹⁶ 'Daily News', 'Half of Zim women abused', 7 March 2016, <https://www.dailynews.co.zw/articles/2016/03/07/half-of-zim-women-abused>, date accessed 14 December 2016

politically motivated gang rapes, there were very few reports of rape used as a political weapon during the 2013 elections period.’¹⁷

6.3.7 The United States State Department ‘Country Reports on Human Rights Practices for 2015’, also stated:

‘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. The high turnover rate within the police force demanded a continuous level of training that could not be met. While public awareness increased, other problems emerged. For example, the form required to report domestic violence was difficult to complete, and victims were often required to make their own photocopies due to police budgetary constraints. 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 postexposure prophylaxis to prevent victims from contracting HIV.

‘A local NGO, Musasa Project, which provides emergency shelter and related services for women, handled a monthly average of 1,684 cases of violence against women. Musasa reported that 77 percent of their clients were girls under age 18.

‘The Judicial Service Commission established a Multi-Sectoral Protocol on Sexual Abuse in 2012 in partnership with 11 government bodies. The protocol details the respective roles and responsibilities of different government agencies in responding to adult and child sexual and gender-based violence cases. The government must rely upon external funding and assistance to implement the protocol.’¹⁸

6.3.8 An Immigration and Refugee Board of Canada response to an information request about the Domestic Violence Act stated:

‘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

¹⁷ United States State Department, ‘Country Reports on Human Rights Practices for 2015’, Zimbabwe, 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745>, date accessed 6 February 2017

¹⁸ United States State Department, ‘Country Reports on Human Rights Practices for 2015’, Zimbabwe, 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745>, date accessed 22 November 2016

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)...According to Chireshe, when a victim reports a domestic violence case to the police, the officers may either "arrest the perpetrator or advise the victim or his/her representative to apply for a protection order" (Chireshe Jan. 2015, 260). Article 5 of the Domestic Violence Act similarly states that police officers are supposed to advise victims of their rights and protections under the Act, as well as their right to lodge a criminal complaint against the abuser (Zimbabwe 2006, Art. 5). According to Article 6 of the same Act, a police officer may arrest "without warrant any person whom he or she reasonably suspects has committed or who is threatening to commit an act of domestic violence which, in terms of section 4, constitutes a criminal offence towards a complainant" (ibid., Art. 6).'¹⁹

- 6.3.9 In July 2016, Womankind published a report documenting the work of women's organisations providing support services in Ethiopia and Zimbabwe. As regards 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.'²⁰

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6.4 Support services for victims of rape and sexual violence

- 6.4.1 The 263chat.com article, 'Rape services in Zimbabwe in need of urgent redress', also stated:

'Zimbabwe [...] has only one establishment which deals specifically with Adolescent and Adult rape, the Adult Rape Clinic (ARC). The ARC is only functional in Harare, Norton and Chitungwiza.

'While there are other organisations like Family Support Trust (FST), Population Services International (PSI) and a few hospitals which offer services to rape victims in their casualty departments as well as Victim Friendly Unit spaces at police stations, these help to fill up the gaps. However much more still needs to be done as the above mentioned offer rape services as side service to their existing duties. In the case of FST only children are catered for as that is their target group leaving adults to look for other options...Other institutions like PSI also offer services to rape

¹⁹ Immigration and Refugee Board of Canada, 'Zimbabwe: Domestic violence, including legislation; state protection and support services available to victims (June 2012- May 2015)', 3 June 2015, ZWE105170.E, <http://www.refworld.org/docid/5587b7144.html>, date accessed 9 December 2016

²⁰ Womankind, 'More than a roof: Documenting the work of specialist women's organisations providing holistic shelter services in Ethiopia and Zimbabwe', July 2016, Zimbabwe, p.10, <https://www.womankind.org.uk/docs/default-source/resources/reports/womankind-report-more-than-a-roof.pdf?sfvrsn=0>, date accessed 3 February 2017

survivors, however this is offered alongside other health services focused on different areas like contraception, Malaria, Tuberculosis, HIV and sexually transmitted diseases which makes specific attention on counselling services divided.

‘Those who live in Harare have the option of choosing between ARC, Family Support Trust, hospitals as well as Medecins Sans Frontiers/Doctors without Borders (MSF) located in Mbare and Epworth. These, with the exception of ARC offer post-rape services among other services offered in their institutions. However those who reside out of the capital are not spoilt for choice as there are some areas without such institutions and people rely on hospitals and police stations for post exposure prophylaxis.’²¹

See also [Zimbabwe Domestic Violence Act](#)

- 6.4.2 A United Nations Population Fund 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...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

²¹ 263chat.com, ‘Rape services in Zimbabwe in need of urgent redress’, 1 March 2016, Pretty Chavango, <http://263chat.com/2016/03/rape-services-in-zimbabwe-in-need-of-urgent-redress/>, date accessed 9 January 2017

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.’²²

6.4.3 The Womankind July 2016 report, ‘More than a roof: Documenting the work of specialist women’s organisations providing holistic shelter services in Ethiopia and Zimbabwe’, noted that:

‘Musasa was set up in 1988 and was the first women’s rights organisation in Zimbabwe to specifically focus on VAWG [violence against women and girls] and VAWG service provision...Musasa provides a variety of services to women affected by violence in Zimbabwe, including urban shelters, community shelters, One Stop Centres and a toll-free counselling line.

‘In 2013, Musasa supported 10,400 women and girls across all services. In 2014, Musasa supported 21,456 women and girls and in 2015, it supported 25,880 women. Of the 25,880 women, 2889 received shelter services across all nine shelters...The urban shelter in Harare was opened in 1998. The shelter is situated in an undisclosed location within the capital and has 27 beds. As of late October 2015, the shelter was providing services to 23 women clients and 13 children...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.’²³

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7. Forced and early marriage

7.1 Legal rights

7.1.1 The United States State Department ‘Country Reports on Human Rights Practices for 2015’, published on 13 April 2016, stated:

‘The legal age for a civil marriage is 18, but girls who are 16 and 17 may marry with parental approval. Customary marriage, recognized under the law, does not require a minimum marriage age for either boys or girls. The criminal code prohibits sexual relations with persons younger than age 18,

²² United Nations Population Fund (UNFPA), ‘UNFPA Zimbabwe and partners launch One Stop Centre for survivors of Gender Based Violence’, Bertha Shoko, 9 September 2016, <http://zimbabwe.unfpa.org/news/unfpa-zimbabwe-and-partners-launch-one-stop-centre-survivors-gender-based-violence>, date accessed 9 January 2017

²³ Womankind, ‘More than a roof: Documenting the work of specialist women’s organisations providing holistic shelter services in Ethiopia and Zimbabwe’, July 2016, p.4; p.18, <https://www.womankind.org.uk/docs/default-source/resources/reports/womankind-report-more-than-a-roof.pdf?sfvrsn=0>, date accessed 3 February 2017

however. According to the DHS study, 21.7 percent of girls between the ages of 15 and 19 were married. According to the 2014 MICS, 5 percent of girls and women ages 15-49 were married before 15, while 33 percent of women ages 20-49 were married before 18. Child welfare NGOs reported they occasionally saw 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.

'The constitution declares anyone under age 18 a child, but the Customary Marriages Act was not amended to reflect the constitutional change.

'On January 14, two women challenged the constitutionality of laws permitting child marriage before the Constitutional Court. During the hearing the chief justice indicated that the laws permitting the practice were clearly unconstitutional, but the court reserved judgement in the case and had yet to issue a formal ruling at year's end.

'On July 31, First Lady Grace Mugabe launched the Zimbabwean chapter of the AU Campaign to End Child Marriages. She called on the minister of justice and legal affairs to align marriage laws to the constitution and suggested stricter penalties for offenders. She also urged stakeholders to develop an action plan to end child marriages.'²⁴

See also [Zimbabwe Customary Marriages Act](#)

7.1.2 As at December 2016, the Social Institutions and Gender Index stated:

'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.'²⁵

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7.2 Child marriage

7.2.1 The GirlsNotBrides website, accessed on 20 December 2016, 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.

²⁴ United States State Department, 'Country Reports on Human Rights Practices for 2015', Zimbabwe, 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745>, date accessed 22 November 2016

²⁵ Social Institutions and Gender Index, 'Zimbabwe Country Profile', undated, <http://www.genderindex.org/country/zimbabwe>, date accessed 9 December 2016

'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.

'In 2014, two former child brides Loveness Mudzuru and Ruvimbo Tsopodzi filed an application asking the Constitutional Court to declare the Marriage Act and the Customary Marriage Act unconstitutional. In January 2016, the Constitutional Court ruled in favour of Loveness and Ruvimbo, recognising that the Marriage Act was unconstitutional.

'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).'²⁶

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

'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...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.

²⁶ GirlsNotBrides, 'Zimbabwe', undated, <http://www.girlsnotbrides.org/child-marriage/zimbabwe/>, date accessed 20 December 2016

'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.'²⁷

7.2.3 A theirworld.org 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.

'Loveness Mudzuru and Ruvimbo Tsopodzi asked for child marriage to be declared illegal and unconstitutional, saying it was a form of child abuse which trapped girls in lives of poverty and suffering.

'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.

²⁷ Human Rights Watch, 'Zimbabwe: Scourge of Child Marriage', 25 November 2015, <https://www.hrw.org/news/2015/11/25/zimbabwe-scourge-child-marriage>, date accessed 13 December 2016

"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 18.²⁸

- 7.2.4 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...Legislator Jessie Majome, who chairs the Justice, Legal and Parliamentary Affairs Portfolio Committee, said if the laws were amended, it 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.'²⁹

- 7.2.5 The Human Rights Watch 'World Report 2017' stated: 'The government has yet to amend or repeal all existing marriage laws that still allow child marriage. It also has not put in place structures to implement the court's decision and ensure that girls under 18 are not being forced into marriage.'³⁰

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7.3 Forced marriage

- 7.3.1 The United States State Department 'Country Reports on Human Rights Practices for 2015', stated:

'Early and Forced Marriage: Despite legal prohibitions, families primarily among the rural population continued to force girls to marry. Families gave 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 March 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 force marriage. In some instances family members forced a girl to marry a man

²⁸ theirworld.org, 'Former child brides force Zimbabwe to ban child marriage', 21 January 2016, <http://theirworld.org/news/former-child-brides-force-zimbabwe-to-ban-child-marriage>, date accessed 23 January 2017

²⁹ Thomson Reuters Foundation, 'Zimbabwe ramps up pressure on parents to stop child marriages', 18 March 2016, <http://news.trust.org/item/20160318000357-28eri/?source=fiOtherNews3>, date accessed 10 February 2017

³⁰ Human Rights Watch, 'World Report 2017', 2017, Zimbabwe section, <https://www.hrw.org/world-report/2017/country-chapters/zimbabwe>, date accessed 10 February 2017

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.’³¹

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8. Trafficking

8.1 Prevalence

8.1.1 The United States State Department (USSD) ‘Trafficking in Persons Report 2016,’ published on 30 June 2016, stated:

‘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. There are continuous reports of Zimbabwean women lured to China and the Middle East for work where they are vulnerable to trafficking. 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. Children are subjected to forced labor in the agricultural and mining sectors and are forced to carry out illegal activities, including drug smuggling. There were increased reports of children from Mozambique being subjected to forced labor in street vending in Zimbabwe, including in Mbare. Additionally, the practice of ngozi, giving a family member to another family to avenge the spirits of a murdered relative, creates a vulnerability to trafficking.

‘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.’³²

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8.2 Government efforts to tackle trafficking

8.2.1 The USSD ‘Trafficking in Persons Report 2016’ stated:

³¹ United States State Department, ‘Country Reports on Human Rights Practices for 2015’, Zimbabwe, 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745>, date accessed 22 November 2016

³² United States State Department, ‘Trafficking in Persons Report 2016’, 30 June 2016, Zimbabwe section, <http://www.state.gov/j/tip/rls/tiprpt/2016/>, date accessed 13 December 2016

'The government made little anti-trafficking law enforcement effort. Inconsistent with international law, the 2014 Trafficking in Persons Act defines trafficking in persons as a movement-based crime and does not adequately define "exploitation"—a key element of effective trafficking laws generally defined under international law as forced prostitution or other forms of forced labor. The 2014 act criminalizes 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" leave Zimbabwe without comprehensive prohibitions of trafficking crimes. Zimbabwe's Labor Relations Amendment Act prohibits forced labor and prescribes punishments of up to two years' imprisonment; this penalty is not sufficiently stringent. The Criminal Law (Codification and Reform) Act prohibits and prescribes penalties of up to two years' imprisonment for procuring a person for unlawful sexual conduct, inside or outside of Zimbabwe; this penalty is not sufficiently stringent when applied to cases of sex trafficking. The act also prohibits coercing or inducing anyone to engage in unlawful sexual conduct with another person by threat or intimidation, prescribing sufficiently stringent penalties of one to five years' imprisonment. Pledging a female for forced marriage to compensate for the death of a relative or to settle any debt or obligation is punishable under the act, with penalties of up to two years' imprisonment. These penalties are not commensurate with penalties prescribed for other serious crimes, such as rape.

'The government reported investigating a case of over 200 trafficking victims identified in Kuwait; however, the government did not vigorously prosecute, or convict any trafficking offenders during the reporting period. The Zimbabwe Republic Police's Victim Friendly Unit (VFU) has responsibility for investigating cases involving women and children and referring victims to support services; however, the VFU did not report investigating trafficking cases during the year.

'Corruption in law enforcement and the judiciary 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. Anecdotal evidence indicated limited government involvement in, and tolerance of, trafficking on a local level and at border crossings. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. In October 2015, in partnership with an international organization, the government participated in a training of trainers for over 50 provincial criminal justice officials on the 2014 Trafficking in Persons Act, how to identify and investigate trafficking cases, and measures for assisting trafficking victims.'

³³

8.2.2 A 'Daily News' (Zimbabwean newspaper) report, 'Zim acts on human trafficking', dated 30 July 2016, stated:

³³ United States State Department, 'Trafficking in Persons Report 2016', 30 June 2016, Zimbabwe section, <http://www.state.gov/j/tip/rls/tiprpt/2016/>, date accessed 13 December 2016

'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.

'Initially, it was estimated that at most 200 women were trapped in the Gulf, but revelations by rescued victims suggested that the numbers were way higher.

'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.

'It also targets to educate vulnerable Zimbabweans on employment practices in various countries so that they become aware of possible slavery practices... Zimbabwe authorities also intend to monitor private employment agencies as part of measures to curb human trafficking.'

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8.3 Protection of victims of trafficking

8.3.1 The USSD 'Trafficking in Persons Report 2016' stated:

'The government made inadequate efforts to protect trafficking victims, and did not report the total number of trafficking victims it identified or assisted during the reporting period. The government has not developed formal guidelines to proactively identify or refer victims to protective services, and it relied almost exclusively on NGOs and an international organization to identify and assist victims. One NGO reported assisting 280 child victims of forced labor subjected to domestic servitude. Reports indicated that 39 victims of sex trafficking, including children, sought assistance. An NGO reported assisting 11 children exploited in street begging. Additionally, an estimated 200 trafficking victims were identified through the use of social media in Kuwait during the period. While the Trafficking in Persons Act required the government to establish centers in each of Zimbabwe's 10 provinces to provide counseling, rehabilitation, and reintegration services for trafficking victims, these centers had not been established at the end of the reporting period. Five existing government shelters offered long-term accommodation to vulnerable and orphaned children, including an unknown number of potential child trafficking victims. Children had access to health services, counseling, and some educational services at these shelters. The

³⁴ 'Daily News', 'Zim acts on human trafficking', 30 July 2016, <https://www.dailynews.co.zw/articles/2016/07/30/zim-acts-on-human-trafficking>, date accessed 13 December 2016

government may have detained and deported potential trafficking victims due to a lack of proactive victim identification procedures. The government did not provide foreign trafficking victims with legal alternatives to their removal to countries where they might face retribution or hardship.’³⁵

8.3.2 A ‘Standard’ (Zimbabwean newspaper) 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 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.’³⁶

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³⁵ United States State Department, ‘Trafficking in Persons Report 2016’, 30 June 2016, Zimbabwe section, <http://www.state.gov/j/tip/rls/tiprpt/2016/>, date accessed 13 December 2016

³⁶ ‘The Standard’, ‘Kuwait trafficking victims arrive’, 1 May 2016, Blessed Mhlanga, <https://www.thestandard.co.zw/2016/05/01/kuwait-trafficking-victims-arrive/>, date accessed 23 December 2016

Version Control and Contacts

Contacts

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Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **13 February 2017**

Changes from last version of this note

- updated country information and revision of policy guidance
- presented in a different style template

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