



**Zimbabwe: Researched and compiled by the Refugee Documentation Centre of Ireland on 11 May 2010**

**Legal status of lesbians in Zimbabwe? Penalties if caught?  
NGOs assisting lesbians? What is the government's and society's attitude in relation to this issue?**

*Behind the Mask* states:

"status of homosexuality: illegal

age of consent: 12/16

laws covering homosexual activity: Although there is at present no Statutory law proscribing or prohibiting the activities of homosexuals in Zimbabwe, the Common Law does not allow gay men, and to a lesser extent, lesbians to give full expression to their sexual orientation. Common Law prohibitions are Sodomy and Unnatural Offences, and these are particularly repressive. These laws criminalise sex and even the display of affection between men. Sexual acts between consenting adults of the same gender are prohibited.

Other laws which may be enacted to harass homosexuals are the Miscellaneous Offences Act and the Censorship and Entertainments Control Act. This may all be about to change for the worse if the incredibly repressive Sexual Offences Bill becomes law." (*Behind the Mask* (Undated) *Zimbabwe*)

The *US Department of State* states under Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity:

"Over a period of years, Mugabe publicly denounced the LGBT community, blaming them for Africa's ills. Although there was no statutory law proscribing homosexual conduct, common law prevents homosexual men, and to a lesser extent, lesbians, from fully expressing their sexual orientation and, in some cases, criminalizes the display of affection between men. In 2006 the 2004 amended criminal code became effective, broadening the definition of sodomy to include "any act involving physical contact between males that would be regarded by a reasonable person to be an indecent act." Sodomy carries a penalty of up to one year in prison or a fine up to \$5,000. There were no known cases of sodomy charges being used to prosecute consensual homosexual activity.

There was one organization, Gays and Lesbians of Zimbabwe (GALZ), that was dedicated to advancing the rights of the LGBT community. GALZ experienced discrimination and interference in its operations during the year. The government censorship board continued to confiscate materials sent to GALZ from outside the country and refused to release the material, claiming that it was "indecent." In

2008 GALZ filed three lawsuits against the censorship board, seeking to release the materials. Due to the courts' refusal to act, three cases from 2008, three cases from 2007, and two cases from 2006 were pending at year's end.

General homophobia and restrictive legislation made it difficult for the LGBT community to feel safe about being open about their sexuality in public. Because of significant social pressure, some families reportedly subjected men and women to "corrective" rape and forced marriages to encourage heterosexual conduct; the crimes were rarely reported to police. Women in particular were subjected to rape by male members of their own families.

Members of the LGBT community reported widespread societal discrimination based on sexual orientation. Many persons who identified with the LGBT community did not seek medical care for sexually transmitted diseases or other health issues due to fear that health providers would shun them. In the 2006-07 Presidential HIV/AIDS Strategic Plan, the government agreed to address HIV/AIDS among gay men. However, by year's end the government had not made any effort to address the health needs of this population. Many LGBT persons reported leaving school at an early age, decreasing their capacity for economic gain. Coupled with socioeconomic discrimination, higher rates of unemployment and homelessness among the LGBT community were reported. (US Department of State (11 March 2010) *2009 Country Reports on Human Rights Practices – Zimbabwe*)

*International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)* states under Female to Female Relationships:

“Are female to female sexual relations legal?  
Legal” (International Lesbian, Gay, Bisexual, Trans and Intersex Association (Undated) *Law*)

The *UK Home Office* states:

”The Gay Times website (undated), accessed on 2 December 2008, noted that:

“Whilst here is no statutory legislation prohibiting homosexual activities in Zimbabwe, there are criminal offences under Common law which effectively make homosexuality illegal in Zimbabwe. Common Law prohibitions include Sodomy defined as the ‘unlawful and intentional sexual relations per annum between two human males’ and Unnatural Offences defined as the unlawful and intentional commission of an unnatural sexual act by one person with another person. The meaning of ‘Unnatural’ involves a value judgement which can be interpreted how you will. These offences are particularly repressive. Zimbabwean law therefore criminalise sex and even the display of affection between men and criminalises unnatural sexual acts between two persons which in theory could be applied to two women though in practice never has. Although these outdated laws are not always applied, the threat of being caught still hangs over the gay and lesbian community in Zimbabwe. S[ection] 11 of The Censorship and Entertainments has also been used to harass gay people in Zimbabwe. This provides that no person shall import, print, publish, distribute, or keep for sale

any publication which is undesirable. A publication is undesirable if it is 'indecent or obscene or is offensive or harmful to public morals or is likely to be contrary to public health.'" (UK Home Office (23 December 2009) *Country of Origin Information Report – Zimbabwe*)

BBC News reports:

"Although homosexual acts are illegal in Zimbabwe, Galz has an office in Harare and Mr Samba said the police generally left them alone." (BBC News (26 March 2010) *Zimbabwe PM Morgan Tsvangirai rejects gay rights move*)

## References

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[http://ilga.org/ilga/en/countries/ZIMBABWE/Law#lawsection\\_\[Category\]Female%20to%20Female%20relationships](http://ilga.org/ilga/en/countries/ZIMBABWE/Law#lawsection_[Category]Female%20to%20Female%20relationships)

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Refugee Documentation Centre Query Database  
UNHCR Refworld  
United Kingdom Home Office  
United States Department of State  
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