



**GALZ Submission to the Committee on Economic, Social and Cultural Rights  
Pre-Sessional Working Group (73<sup>rd</sup> Pre-Session)  
Review of the Republic of Zimbabwe**

## **About**

GALZ is a voluntary membership-based organization established in 1990 to serve the needs of the Lesbians, Gays, Bisexual, Transgender and Intersex [LGBTI] community in Zimbabwe. It is constituted primarily to provide a service to Lesbian women, Gay men, Bisexual, Transgender and Intersex persons (LGBTI Persons).

We write in advance of the 73<sup>rd</sup> pre-session of the Committee on Economic, Social and Cultural Rights regarding its review of Zimbabwe's compliance with the International Covenant on Economic, Social and Cultural Rights (ICESCR). This submission addresses the barriers lesbian, gay, bisexual and transgender (LGBT) people face in accessing their rights to work; education; health and social security.

## **Introduction**

1. Section 73 of the Criminal Law Act (Codification and Reform) Act criminalizes all sexual acts between men. A range of other criminal laws, including laws criminalizing disorderly conduct in a public place<sup>1</sup> and criminal nuisance<sup>2</sup> are also used to directly or indirectly police expressions of non-normative sexual orientation and gender identity.
2. These criminal laws further entrench an existing climate of stigma and discrimination against LGBT people limiting their access to work, education, health and social security. The barriers LGBT people in Zimbabwe face in access each of these guaranteed rights is discussed in greater detail below. This is against the commitment of "leaving no one behind" that ensures that the rights of all individuals, including LGBTI persons, are fully protected under the National Development Strategy.

## **Barriers to the right to work for LGBT people (arts 2(2), 3, 6, 7)**

1. Article 6 of the ICESCR guarantees the right to all forms of work and includes the right to be able to work allowing an individual to live in dignity.<sup>3</sup> Article 7 of the ICESCR further guarantees the right of everyone to the enjoyment of just and favorable conditions of work, in particular the right to safe working conditions. Section 56 of the Constitution of Zimbabwe provides for the right to equal protection and benefit of the law and prohibits unfair discrimination on the grounds of race, ethnicity, gender, age, religion,

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<sup>1</sup> Section 41 of the Criminal Law (Codification and Reform) Act.

<sup>2</sup> Section 46 of the Criminal Law (Codification and Reform) Act.

<sup>3</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 18: The Right to Work (Art. 6 of the Covenant)*, 6 February 2006, E/C.12/GC/18, available at: <https://www.refworld.org/docid/4415453b4.html>



among other grounds. Further, section 14 of the Constitution of Zimbabwe guarantees the right to freedom from inhuman or degrading treatment.

2. Despite this, LGBT people in Zimbabwe face significant barriers in accessing their right to work.<sup>4</sup> In one study of 220 transpeople, 83.9% reported that it was not easy to find a job and be valued like any non-trans employee. Almost half (43.9%) reported that someone refused to work with them because they were trans.<sup>5</sup>
3. In another study, 68% of LGBT people said they would fear discrimination when applying for a job and 83% claimed they would not disclose their LGBT status at work.<sup>6</sup>
4. This discrimination persists in the informal and self-employed sector as well. Over 2 out of 3 trans people said it was hard to start a business or income generating project as a trans person.<sup>7</sup>
5. These barriers to accessing work have a significant impact on the financial wellbeing of LGBT people. In one study, over half of the 238 LGBT respondents (58%) were unemployed with a majority not having enough money for their everyday needs.<sup>8</sup> Specifically for trans people, in a survey of 220 transgender people, 41% were unemployed with 61% reporting that they were unable to meet their basic needs due to their financial situation.<sup>9</sup>
6. These barriers to accessing work are due in large part to discrimination and stigma and a restrictive legal and policy environment. Currently, there is no law in Zimbabwe that expressly prohibits workplace discrimination on the basis of sexual orientation or gender identity.<sup>10</sup> Further, for trans people it can be harder to access a job because they are unable to obtain identity documents that correctly reflect their name and gender identity.<sup>11</sup>

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<sup>4</sup> See GALZ. LGBTI Violations Report 2021. Available at: <https://galz.org/wp-content/uploads/2022/12/LGBTI-VIOLATIONS-REPORT-1-2.pdf>

<sup>5</sup> TransSmart Trust & RFSL. Trans Inclusion in the Developmental Framework of Zimbabwe: A Spotlight Report Based on the National Trans Research Study, 2020;.

<sup>6</sup> Müller, A., & Judge, M. 2022. "From the Inside Out: Social Exclusion Linked to Sexual Orientation, Gender Identity and Expression, and Sex Characteristics in Eswatini, Malawi and Zimbabwe." Research Report. Out & Proud LGBTI Equality and Rights in Southern Africa

<sup>7</sup> TransSmart Trust & RFSL. Trans Inclusion in the Developmental Framework of Zimbabwe: A Spotlight Report Based on the National Trans Research Study, 2020

<sup>8</sup> Müller, A., & Judge, M. 2022. "From the Inside Out: Social Exclusion Linked to Sexual Orientation, Gender Identity and Expression, and Sex Characteristics in Eswatini, Malawi and Zimbabwe." Research Report. Out & Proud LGBTI Equality and Rights in Southern Africa

<sup>9</sup> TransSmart Trust & RFSL. Trans Inclusion in the Developmental Framework of Zimbabwe: A Spotlight Report Based on the National Trans Research Study, 2020

<sup>10</sup> Müller, A., & Judge, M. 2022. "From the Inside Out: Social Exclusion Linked to Sexual Orientation, Gender Identity and Expression, and Sex Characteristics in Eswatini, Malawi and Zimbabwe." Research Report. Out & Proud LGBTI Equality and Rights in Southern Africa

<sup>11</sup> Müller, A., & Judge, M. 2022. "From the Inside Out: Social Exclusion Linked to Sexual Orientation, Gender Identity and Expression, and Sex Characteristics in Eswatini, Malawi and Zimbabwe." Research Report. Out & Proud LGBTI Equality and Rights in Southern Africa



7. Even when LGBT people seek to obtain redress for violations of their right to work, most workplaces have no mechanism to report a hate crime.<sup>12</sup>

*We recommend the Committee ask the Republic of Zimbabwe the following:*

8. Please specify the worker rights protection LGBT people are currently able to access? What steps have been taken to ensure that LGBT people are aware of their labor rights?
9. Please indicate any specific legislative and/or policy framework adopted to protect LGBT people from discrimination. Please provide information on the measures taken to address the reported discrimination and marginalization faced by LGBT people in accessing health care, the labor market, education and other social services, and the effectiveness of such measures.
10. Please provide the measures currently in place to permit trans people to change their gender identity on official documentation. What steps have been taken to ensure trans people are able to change their gender identity on official documentation.
11. Please provide information on the mechanisms available for LGBT people to report violations of their right to work due to their sexual orientation and gender identity.

#### **Barriers to the right to education (2(2), 3, 10(3), 12, 13)**

12. Trans young people face significant discrimination in accessing education in violation of their right to education guaranteed under article 13 of the ICESCR and within the provisions of the constitution of Zimbabwe Constitution section 75. Furthermore section 4 of the Education Act of Zimbabwe guarantees the right to education without discrimination. Sixty-seven percent of LGBT people reported that they would be unlikely to attend school or other educational institutions without discrimination.<sup>13</sup> Transpeople report high levels of discrimination and bullying in schools. For instance, trans people have reported being forced to remove their clothes in the toilet by other learners who wanted to verify their gender; being left out of volleyball teams because they were transgender; and being chased out of school because they were wearing lipstick and earrings.<sup>14</sup>
13. This discrimination and stigma in education results in high levels of depression, feelings of isolation, poor attention span and performance in schools, drug abuse, violent and defensive behavior, and suicidal thoughts undermining the health and wellbeing of LGBT people.<sup>15</sup>
14. LGBT people have little recourse to address discrimination in education. Almost 2 out of 3 (59%) trans people noted that there was no channel or mechanism to report a hate crime

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<sup>12</sup> TransSmart Trust & RFSL. Trans Inclusion in the Developmental Framework of Zimbabwe: A Spotlight Report Based on the National Trans Research Study, 2020

<sup>13</sup> Müller, A., & Judge, M. 2022. "From the Inside Out: Social Exclusion Linked to Sexual Orientation, Gender Identity and Expression, and Sex Characteristics in Eswatini, Malawi and Zimbabwe." Research Report. Out & Proud LGBTI Equality and Rights in Southern Africa

<sup>14</sup> TransSmart

<sup>15</sup> TransSmart



at educational institutions in Zimbabwe.<sup>16</sup> Further, there is no law prohibiting discrimination based on sexual orientation or gender identity in schools and/or other educational institutions.<sup>17</sup>

*We recommend the Committee ask the Republic of Zimbabwe the following:*

1. Please specify the steps the Republic of Zimbabwe has taken or is planning to take, including training and sensitization of teaching staff, to address the discrimination and stigma young LGBT people face in schools and educational institutions.
2. Please provide information on the mechanisms available for LGBT people to report violations of their right to education due to their sexual orientation and gender identity.

**LGBT people face barriers to accessing quality, affordable healthcare services (articles 2(2), 3, 9, 12)**

3. LGBT people high levels of discrimination and stigma when accessing healthcare services resulting in their reluctance to access services. In one study, a vast majority of trans people (79.4%) reported being afraid to seek healthcare for fear of being stigmatized.<sup>18</sup> Another study found that more than half (54%) of LGBT respondents had been treated disrespectfully in a health facility, 43% had been insulted in a health facility, and more than one third (34%) had been denied healthcare because of their sexual orientation or gender identity.<sup>19</sup>
4. The high levels of stigma and discrimination facing trans people in accessing healthcare results in harm to their mental health. Almost 80% of trans people reported feeling depressed and isolated; over 50% reporting suicidal thoughts; and 23.1% hurting themselves due to stigma and discrimination at health institutions.<sup>20</sup>
5. Further, such stigma and discrimination also harm LGBT people's ability to obtain comprehensive health care. In one study, 36% of the LGBT people surveyed had hidden a SOGIE-related health concern from their healthcare provider.<sup>21</sup>
6. Even if LGBT people did not experience high levels of discrimination, public health facilities do not provide services that address the health needs of LGBT people. In one

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<sup>16</sup> TransSmart

<sup>17</sup> Müller, A., & Judge, M. 2022. "From the Inside Out: Social Exclusion Linked to Sexual Orientation, Gender Identity and Expression, and Sex Characteristics in Eswatini, Malawi and Zimbabwe." Research Report. Out & Proud LGBTI Equality and Rights in Southern Africa

<sup>18</sup> TransSmart

<sup>19</sup> Müller, A., & Judge, M. 2022. "From the Inside Out: Social Exclusion Linked to Sexual Orientation, Gender Identity and Expression, and Sex Characteristics in Eswatini, Malawi and Zimbabwe." Research Report. Out & Proud LGBTI Equality and Rights in Southern Africa

<sup>20</sup> TransSmart

<sup>21</sup> Müller, A., & Judge, M. 2022. "From the Inside Out: Social Exclusion Linked to Sexual Orientation, Gender Identity and Expression, and Sex Characteristics in Eswatini, Malawi and Zimbabwe." Research Report. Out & Proud LGBTI Equality and Rights in Southern Africa



study, 69% of LGBT people said that they failed to receive health services that were relevant to their needs at public health facilities.<sup>22</sup>

7. Women who have sex with women, lesbians and bisexual people are even less likely to obtain targeted healthcare services. Most health workers are not familiar with the needs of women who have sex with women, lesbians and bisexual people as they have had little training on their needs.<sup>23</sup>
8. In addition, there is no gender-affirming care available in public health facilities for trans people. For trans people to access hormone therapy, there must either obtain it outside of Zimbabwe, which is often unfeasible due to the expense, obtain it on the black market or take plant-based products.<sup>24</sup>
9. Finally, young LGBT people fail to obtain critical health-related information as most schools fail to teach comprehensive sexuality education, including information on sexual orientation and gender identity, limiting their access to health-related information.<sup>25</sup>

*We recommend the Committee ask the Republic of Zimbabwe the following:*

10. What steps have been taken or will be taken to reduce stigma and discrimination against LGBT people in healthcare services? In particular, what steps have been taken to build the capacity of healthcare workers on the needs of lesbians, bisexual women and other women who have sex with women?
11. Please provide information on the mechanisms available for LGBT people to report violations of their right to work due to their sexual orientation and gender identity.
12. Please provide the Committee with information on how many schools provide comprehensive sexuality education, what information is covered in the curriculum for comprehensive sexuality education and whether it covers sexual orientation and gender identity and the needs of LGBT young people.

### **LGBT people face barriers to social security (articles 2(2), 3, 9)**

13. Article 9 of the ICESCR guarantees the right to social security. The Constitution of Zimbabwe stipulates that the State must take all practical measures to provide social security and social care to those in need. However, due to high levels of discrimination and stigma, LGBT people are unable to access social security. In one study, of the 238

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<sup>23</sup> GALZ, Perceptions and Perspectives: Access to Facility-based Health Services for LGBT people in Harare and Bulawayo, Zimbabwe, 2018. Available at [https://galz.org/wp-content/uploads/2018/08/Zimbabwe-Situational-Analysis-REPORT-redesign\\_2.pdf](https://galz.org/wp-content/uploads/2018/08/Zimbabwe-Situational-Analysis-REPORT-redesign_2.pdf)

<sup>24</sup> Müller, A., & Judge, M. 2022. "From the Inside Out: Social Exclusion Linked to Sexual Orientation, Gender Identity and Expression, and Sex Characteristics in Eswatini, Malawi and Zimbabwe." Research Report. Out & Proud LGBTI Equality and Rights in Southern Africa

<sup>25</sup> Müller, A., & Judge, M. 2022. "From the Inside Out: Social Exclusion Linked to Sexual Orientation, Gender Identity and Expression, and Sex Characteristics in Eswatini, Malawi and Zimbabwe." Research Report. Out & Proud LGBTI Equality and Rights in Southern Africa



LGBT people surveyed, almost 3 out of 4 (74%) reported that they were unlikely to be able to access social welfare or grants without discrimination.<sup>26</sup>

*We recommend the Committee ask the Republic of Zimbabwe the following:*

1. Please provide information on the steps taken or that will be taken by the Government to ensure LGBT people have equal access to social welfare.

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<sup>26</sup> Müller, A., & Judge, M. 2022. "From the Inside Out: Social Exclusion Linked to Sexual Orientation, Gender Identity and Expression, and Sex Characteristics in Eswatini, Malawi and Zimbabwe." Research Report. Out & Proud LGBTI Equality and Rights in Southern Africa