

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	102
Land:	Zimbabwe
Kilde:	Refugee Documentation Centre (Ireland).
Titel:	Information on whether homosexuals are openly at risk of police brutality and arbitrary arrest? What is the attitude of the Zimbabwean Government/Agencies of the State (Police etc) towards those who are homosexual?
Udgivet:	5. september 2012
Optaget på baggrundsmaterialet:	31. oktober 2012



Zimbabwe – Researched and compiled by the Refugee Documentation Centre of Ireland on 5 September 2012

Information on whether homosexuals are openly at risk of police brutality and arbitrary arrest? What is the attitude of the Zimbabwean Government/Agencies of the State (Police etc) towards those who are homosexual?

An *Immigration and Refugee Board of Canada* response to a request for information on the treatment of sexual minorities in Zimbabwe, in a section titled “Treatment of LGBT People by Authorities” (paragraph 3.1 “Government Attitudes”), states:

“Sources report that homophobia is prevalent in the government. According to GALZ, the government has ‘encouraged people to make citizens arrests of “gays” should they see them in the streets’. Similarly, the Global Press Institute reports that when activists demanded that LGBT rights be included in the constitution, President Mugabe called for the ‘immediate arrest of anyone “caught practicing homosexuality”’. Sources also indicate that President Mugabe has made derogatory comments about sexual minorities, such as that they are ‘worse than pigs and dogs’. Prime Minister Tsvangirai used to echo President Mugabe’s anti-gay sentiments; however, during an interview by the BBC in October 2011, he reportedly stated that gay rights are human rights, and that they should be included in Zimbabwe’s new constitution. The Zimbabwe Mail reports that the Prime Minister’s statement came as the lobby for LGBT rights is growing in the country and after the government agency, the National Aids Council, recommended that homosexuality be decriminalized to ensure that men who have sex with men have access to ‘safe-sex initiatives’. The BBC adds that Tsvangirai made his comments before a draft of the new constitution was expected to be put to a referendum and before elections. Tsvangirai reportedly stated that although there is a ‘very strong cultural feeling’ against homosexuality in Zimbabwe, he would ‘defend gay rights’ if he was president.” (Immigration and Refugee Board of Canada (14 May 2012) *Zimbabwe: Treatment of sexual minorities, including legislation, state protection, and support services (2009-March 2012)* [ZWE104069.E])

See also paragraph 3.2 “Police Treatment” of this response which states:

“The Global Press Institute states that police ‘often enforce’ the Criminal Law (Codification and Reform) Act, and that the result has been ‘widespread arrests’. Sources report that, in August 2010, several high school girls were arrested in Bulawayo for ‘engaging in homosexual activities’. The Zimbabwe Mail writes that the girls were held in jail for a day until being released into the custody of their parents, and that they were expected to appear in court. According to the Zimbabwe Broadcasting Corporation, in August 2011, five men were arrested for ‘committing acts of sexual immorality’. According to Country Reports 2010, there are ‘no known cases of sodomy charges being used to prosecute consensual homosexual activity’.” The Zimbabwe Mail

reports that 'some individuals have been prosecuted and convicted for their sexual orientation'. ILGA says that police constantly harass gays and lesbians through 'arbitrary arrests, beatings, and even assassinations'. Corroborating information about assassinations could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. Police ordered LGBT activists and sex workers to leave a demonstration in Bulawayo marking the '16 days of Activism' organized to protest violence against women, citing as the reason that homosexuality is illegal." (ibid)

A UK Home Office Border Agency report on a fact-finding mission to Zimbabwe in 2010, in a section titled "How do the police identify particular targets for persecution?" (paragraph 3.41), states:

"Gay rights activists may be targeted by the police, CIO and CID. This will generally be in the form of harassment - these agencies will typically approach an activist and try to impart a sense of fear that what they are doing is wrong, is not acceptable and they shouldn't be encouraging others. There have been isolated cases of arbitrary arrest of gay men and gay rights activists and searches of their properties and person, often in an attempt to find such things as membership lists. Detention following such arrests tends not to be for very long - when it hears of such cases GALZ works with Zimbabwe Lawyers for Human Rights . The longest that a GALZ activist has been detained is for 6 days. Ordinary gay men are as far as GALZ is aware never detained for longer than 48 hours. GALZ is not aware of any incidents of official violence against gay men since the formation of the GNU. GALZ attributes the police attitude to a misunderstanding of GALZ's role - they sometimes think it is an underground organisation and have suggested that it is used as a channel by the UK and USA. Much also depends on what the President has said - he hasn't made any anti-gay comments recently but had not distanced himself from comments made in the past." (UK Home Office Border Agency (27 October 2010) *Report Of Fact Finding Mission To Zimbabwe, Harare 9 – 17 August 2010*)

An article published by *ZimOnline* refers to the attitude of President Robert Mugabe as follows:

"President Robert Mugabe has vowed to 'punish severely' homosexuality that he said was un-Christian and un-African. Mugabe is known for his notoriously hostile stance against gay and lesbian people that he has described as worse than pigs and dogs. 'Do not get tempted into that (homosexuality). If you do fall for it we will punish you severely,' said Mugabe, warning Zimbabweans to stay away from same sex relationships. The Zimbabwean leader -- who has previously accused the West of wanting to use economic might to impose their liberal policies on homosexuality on Africa -- described as 'diabolic' recent suggestions by Prime Minister David Cameron to in future insist all recipients of British aid to uphold human rights including gay rights. 'It becomes worse and Satanic when you get a Prime Minister like Cameron saying countries that want British aid should accept homosexuality. To come with that diabolical suggestion to our people is a stupid offer,' said Mugabe, who was speaking in a mix of the vernacular Shona and English at the launch of a community trust by Anglo American Platinum (Amplats) at its Unki mine here. Homosexual acts are prohibited in Zimbabwe, as they are in most African countries. But there is a small homosexual community in Zimbabwe

that has however largely remained out of the limelight, largely because Mugabe and his law enforcement agents have fought hard to keep the community away from the public view.” (ZimOnline (24 November 2011) *We'll punish gay people: Mugabe*)

A Human Rights Watch report states:

“In the past decade, Zimbabwean authorities have intensified attacks against members of GALZ including intimidation, arbitrary arrests, and beatings. Mugabe, in office since 1980, has been at the forefront of anti-gay harassment, repeatedly using his office to insult and denigrate gay and lesbian Zimbabweans. He has vowed not to allow the inclusion of LGBT rights in Zimbabwe's new constitution, which is being drafted. The August 20 incursion was the second raid on GALZ this month. On August 11, police raided the group's office without a warrant after the group issued its 2011 LGBTI Rights Violations Report and a briefing on the draft constitution. During the raid, police briefly detained 44 GALZ members, assaulting them with batons, slaps, and punches. A number of injured members needed medical treatment. Police took the names and addresses of all 44 members before releasing them without charge. The following week, police went to some of the members' homes and took them to police headquarters for further questioning. In May 2010, police arrested two GALZ staff members on spurious charges, including 'insulting the president', after the group displayed a letter from the mayor of San Francisco criticizing Mugabe for being homophobic. Police assaulted the two and detained them for six days, pressing them to provide a list of GALZ members. Both were acquitted six months later. One has since fled the country out of concern for her safety.” (Human Rights Watch (27 August 2012) *Zimbabwe: End Attacks on LGBT People*)

An Amnesty International report states:

“At the time of the 11 August arrests, the GALZ activists had not committed any offence – they were simply exercising their rights to freedom of association and peaceful assembly. These rights are fully recognized in Zimbabwe's current constitution and in the African Charter on Human and Peoples' Rights and other international human rights treaties binding Zimbabwe. The latest police action is likely to force LGBTI people in Zimbabwe to go into hiding, as they fear arrest and exposure in a context where there is widespread discrimination against LGBTI individuals. Such a development could seriously compromise their human rights, including by severely limiting their access to healthcare and other services, and forcing them to live away from their families and social support systems. According to information received by Amnesty International, the individuals were initially arrested while attending the launch of a report by the organization and a briefing on the Second Draft Constitution of Zimbabwe. Four police officers attempted to gain entry to the offices, before being joined by approximately 15 riot police officers, who forcibly entered and proceeded to attack GALZ members with batons and fists. Thirty-one men and 13 women were detained overnight in Harare Central police station without charge, and were released the following morning.” (Amnesty International) (17 August 2012) *Zimbabwe: Halt police intimidation of LGBTI activists*)

A report from the UK-based *SW Radio Africa* states:

“Police in Harare have intensified a campaign against members of the Gays and Lesbians of Zimbabwe (GALZ), initiating a manhunt for the 44 members that were detained last week and attempting to raid their offices again on Monday. According to the Zimbabwe Lawyers for Human Rights (ZLHR), the activists are being visited at their homes and those that were not found have been ordered to report to their local police stations. Lawyer Kumbirai Mafunda said two truckloads with about 20 police officers raided the GALZ offices Monday afternoon, claiming they were searching for illegal data and offensive materials. No search warrant has been produced.” (SW Radio Africa (20 August 2012) *Police intensify campaign against gay activists*)

A report from the Zimbabwe-based *Radio Vop* states:

“ZANU PF has maintained its stance against the practice of homosexual and judging by the language the assaulters were in line with the party’s view on homosexuals. After some few minutes the victims escaped from the bar through the assistance of sympathizers but it was too late as they were bleeding. Radio VOP spoke to the leader of the youths who said they knew the group as being gays who regularly patronise up market bars in the city centre. ‘We are on a national blitz on gays. They are antagonising our culture. The President has on uncountable occasion said this practice should not be tolerated in this country. More these gays always patronise this beer garden. We are saying from today onwards we are going to track them down,’ the youths leader said. The issue of homosexuals has aroused emotions in the country with ZANU (PF) in forefront of denouncing the vulnerable group. Over the past two weeks in Harare the police have been harassing members of the Gays and Lesbian association of Zimbabwe until Thursday when they finally pressed charges against them.” (Radio Vop (26 August 2012) *ZANU(PF) Youths Launch Blitz Against Gays*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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