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Country Information and Guidance

Zimbabwe: Women

October 2014

Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of Zimbabwe as well as country of origin information (COI) about Zimbabwe. 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 guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Within this instruction, links to specific guidance are those on the Home Office's internal system. Public versions of these documents are available at <https://www.gov.uk/immigration-operational-guidance/asylum-policy>.

Country Information

The COI within this document 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 the guidance and information we provide. Therefore, if you would like to comment on this document, please email: CPI@homeoffice.qsi.gov.uk.

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. 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/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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1. Guidance

1.1. Basis of claim

- 1.1.1 Fear of gender-based persecution (where the type of harm is related to their gender).

1.2. Summary of issues

- Is the person's account a credible one?
- Do women in Zimbabwe form a particular social group (PSG)?
- Are women in Zimbabwe at risk of gender-based persecution?
- Is there effective protection for women?
- Is a woman able to internally relocate within Zimbabwe to escape that risk?

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1.3. Consideration of issues

Is the person's account a credible one?

- 1.3.1 Decision makers must consider whether the person's account of their experiences is reasonably detailed, internally consistent and credible as well as being externally credible (i.e. consistent with generally known facts and the country information).

See [country information](#)

Do women in Zimbabwe form a particular social group (PSG)?

- 1.3.2 Women in Zimbabwe constitute a particular social group (PSG) 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.
- 1.3.3 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.

See Asylum Instruction on [Considering the asylum claim and assessing credibility](#); and, where appropriate, [Gender Issues in the Asylum Claim](#)

Are women in Zimbabwe at risk of gender-based persecution?

- 1.3.4 There is widespread discrimination against women in Zimbabwe, especially in rural areas with discriminatory customary laws remaining in force and limiting their access to education,

healthcare, inheritance rights, child custody, and the labour market. Sexual and gender based violence is widespread, especially rape and domestic violence, but the crime is seriously underreported. Being female however does not on its own establish a need for international protection.

See [country information](#)

- 1.3.5 Women are subjected to internal and international human trafficking. 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 mean that victims of trafficking returning to Zimbabwe may, depending on their particular circumstances, be at potential risk of re-trafficking or retribution by the traffickers.
- 1.3.6 Female genital mutilation is not in general practiced in Zimbabwe, women and girls particularly in rural areas are however at risk of being subjected to harmful traditional practices, such as forced and early marriage, witch hunting, ritual killings, virginity testing, polygamy, and bride price (lobola), which can amount to inhuman and degrading treatment.

Is there effective protection for women?

- 1.3.7 Despite the existence of a legal framework for addressing violence against women, the poor understanding and implementation of legal provisions, scarcity of police resources, the unwillingness of the police to act on reports of rape and domestic violence, the serious lack of shelter for victims of domestic violence and the lack of legal aid, together with the government's very limited efforts to tackle trafficking and harmful traditional practices, suggests that many women fearing gender based persecution will not be able to obtain effective state protection.
- 1.3.8 Decision makers must therefore carefully assess whether effective protection is available in relation to the particular circumstances and profile of the person. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future.

See Asylum Instruction on [Considering the asylum claim and assessing credibility](#); and, where appropriate, [Gender Issues in the Asylum Claim](#)

See [country information](#)

Is a woman able to internally relocate within Zimbabwe to escape that risk?

- 1.3.9 A person may be able to escape persecution by internally relocating elsewhere in Zimbabwe where the risk is not present - for example from a rural to an urban area. Decision makers must however note that women, especially single women with no support network, are likely to be vulnerable and may be subjected to destitution. The relevance and reasonableness of internal relocation must be assessed on a case by case basis taking full account of the individual circumstances of the particular claimant, including their age, gender, health, ethnicity, religion, financial circumstances and support networks, as well

See Asylum Instruction on [Internal Relocation](#)

as the security, human rights and socio-economic conditions in the proposed area of relocation, including their ability to sustain themselves.

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1.4. Policy summary

Although Zimbabwe has a strong legal framework for addressing violence against women, laws are not effectively enforced and sexual and gender based violence remain serious and widespread problems. Patriarchal attitudes and discrimination are prevalent, particularly in rural areas, and women and girls can be subject to harmful traditional practices.

Effective state protection is, in general, unlikely to be available for women fearing gender based violence. However, each case needs to be carefully considered on its facts.

Internal relocation to avoid risk from gender based violence may be viable in some limited cases – particularly from rural to urban areas.

A woman who demonstrates a real risk or reasonable likelihood of ill-treatment on return to Zimbabwe on account of her gender and who is also able to show that she is unable to secure effective protection or relocate elsewhere in Zimbabwe to escape that risk, will qualify for asylum.

Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

See asylum process guidance on [Non suspensive appeals certification under section 94 of the NIA Act 2002](#)

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2. Information

2.1. Overview

2.1.1 Freedom House's Freedom in the World 2014 report, published in January 2014 recorded that:

"Women enjoy extensive legal protections, but societal discrimination and domestic violence persist. Women serve as ministers in national and local governments and the 2013 constitution mandates that for the two parliamentary elections following its adoption, at least 60 of the 270 House of Assembly seats be allocated to women. The World Health Organization has reported that Zimbabwean women's "healthy life expectancy" of 34 years is the world's shortest, largely due to the country's HIV prevalence rate, which remains one of the highest in the world. Sexual abuse is widespread, and past election periods have seen rape used as a political weapon. Female members of the opposition often face particular brutality at the hands of security forces. The prevalence of customary laws in rural areas undermines women's civil rights and access to education. About one-third of Zimbabwean girls do not attend primary school and two-thirds do not attend secondary school due to poverty, abuse, and discriminatory cultural practices."¹

2.1.2 The US State Department report covering 2013 noted that;

"Despite laws aimed at enhancing women's rights and countering certain discriminatory traditional practices, women remained disadvantaged in society. Economic dependency and prevailing social norms prevented rural women in particular from combating societal discrimination."²

"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. 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 in practice either the fathers or male relatives must be present."³

"Women and children continued to be 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."⁴

¹ Freedom House <http://freedomhouse.org/>, Freedom in the World 2014 - Zimbabwe, 23 January 2014. <http://freedomhouse.org/report/freedom-world/2014/zimbabwe-0> [date accessed 11 August 2014]

² US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>, 2013 Country Reports on Human Rights Practices - Zimbabwe, Section 6 Women. 27 February 2014 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 11 August 2014]

³ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>, 2013 Country Reports on Human Rights Practices - Zimbabwe, Section 6 Women. 27 February 2014 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 11 August 2014]

⁴ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>, 2013 Country Reports on Human Rights Practices - Zimbabwe, Section 6 Women. 27 February 2014

2.1.3 In its shadow report to the UN Committee on the Elimination of Discrimination against Women (CEDAW), published in January 2012, Zimbabwe Civil Society's joint report produced by the Zimbabwe Women Lawyers Association stated that :

"The state has not taken sufficient measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women[...] Wives occupy a subordinate role to their husbands and this subordinate status manifests in abuses of various forms such as domestic violence, economic deprivation and exploitation. Discrimination is evident in the way men and women are treated in the laws relating to the rights of guardianship and custody over their children, in the existence of polygamy and lobola [dowry] and in the rules regulating division of property upon divorce.⁵

2.1.4 UN Women reported in January 2014 on a UN Women supported comprehensive study conducted by Gender Links, a Southern Africa NGO, Zimbabwe's Ministry of Women Affairs, Gender and Community Development (MWAGCD) and Musasa, a local NGO, on violence against women in Zimbabwe. The study revealed that 68% of Zimbabwean women, have experienced some form of gender-based violence in their lifetime, and one in four women reported an experience of violence in the 12 months prior to the study carried out in October-November 2012.⁶ The study was based on 6,600 interviews.⁷

2.1.5 The UK Department for International Development's 2011 Gender and Social Exclusion Analysis Report found that women experienced extensive economic discrimination, including in access to employment, credit, pay, and owning or managing businesses, despite being responsible for 53 percent of all economic activity in the country, including 75 percent of all agricultural labor. As a result three-quarters of households headed by a woman were "poor" or "very poor".⁸ The Committee on the Elimination of All Forms of Discrimination Against Women noted in 2012 that it was "concerned about the concentration of women in the informal sector where there are no social security or other benefits".⁹

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dldid=220176> [date accessed 11 August 2014]

⁵ Zimbabwe Civil Society <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>, Zimbabwe Civil Society's Shadow Report to the CEDAW Committee, Executive Summary and Areas of Concern para 5 and 13, January 2012, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ZCS_Zimbabwe51.pdf [date accessed 11 August 2014]

⁶ UN Women <http://www.unwomen.org/en> - UN Entity for Gender Equality and the Empowerment of Women (replaces UNIFEM, DAW, INSTRAW, OSAGI): New research paints poignant picture of intimate partner violence in Zimbabwe, 02 January 2014. <http://www.unwomen.org/en/news/stories/2014/1/zimbabwe-evaw-baseline-study> [date accessed 11 August 2014]

⁷ Gender Links <http://www.genderlinks.org.za/> Violence Against Women Baseline Study Zimbabwe, 20 November 2013, Ch 2: Scope and methodologies http://www.genderlinks.org.za/attachment.php?aa_id=17817 [date accessed 11 August 2014]

⁸ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>, 2013 Country Reports on Human Rights Practices - Zimbabwe, Section 6 Women, 27 February 2014 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dldid=220176> [date accessed 11 August 2014]

⁹ UN Committee on the Elimination of All Forms of Discrimination against Women <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>, Concluding observations of the Committee on the Elimination of Discrimination against Women. <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ZWE-CO-2-5.pdf> [date accessed 11 August 2014]

- 2.1.6 According to Zimbabwe Women Lawyers Association director Emilia Muchawa, although 86 percent of the country's women earn a living farming communal land allocated to their husbands by traditional chiefs, legislation is silent on the issue of women's rights to inherit this land. "Customarily chiefs allocate land to male heads of households, but women do not automatically inherit this upon their husband's death. "They may be evicted from the land when widowed, regardless of the years they spent married. Many who remain on the land do so at the goodwill of their in-laws or traditional leaders. Childless widows are often evicted, as are young widows who refuse to be physically 'inherited' by a male relative of their late husband".¹⁰
- 2.1.7 The United Nations in Zimbabwe reports that an estimated 3,000 women die every year during child birth,¹¹ almost double the average for Sub-Saharan Africa.¹² In considering the causes of maternal mortality in Zimbabwe the UN notes that "Countless women lack access to decent work that enables them to rise out of poverty or work in safe conditions; many fall outside of traditional legal and social protection systems that safeguard against vulnerability and provide access to health care; many have yet to realize freedom from discrimination and face dismissal on the basis of pregnancy or maternity; and many lack the voice and representation to better their lives".¹³

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2.2. Rape

- 2.2.1 According to the U.S. State Department report covering 2013, 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 life imprisonment. Rape victims seldom received protection in court. Even fewer cases of spousal rape were reported due to victims' fear of losing economic support, fear of reprisal, unawareness that spousal rape was a crime, police reluctance to interfere in domestic disputes, and bureaucratic hurdles. Most rural citizens were unfamiliar with laws against domestic violence and sexual offenses. Gender-based violence usually was handled through customary law in trials by chiefs of local authorities. Children born from rape suffered stigmatization and marginalization. The mothers of children resulting from rape sometimes were reluctant to register the births, and such children did not have access to social services.¹⁴

¹⁰ Inter Press Service <http://www.ipsnews.net/>, Women in Zimbabwe's Parliament Will Change Widow's Lives, 24 June 2013 <http://www.ipsnews.net/2013/06/women-in-zimbabwes-parliament-will-change-widows-lives/> [date accessed 11 August 2014]

¹¹ United Nations in Zimbabwe <http://www.zw.one.un.org/> Issue Paper Series: Maternal Mortality in Zimbabwe Evidence, Costs and Implications, 2013 http://www.zw.one.un.org/sites/default/files/UN-ZW_IssuePaperSeries-1_MMR_June2013.pdf [date accessed 11 August 2014]

¹² The Zimbabwean, <http://www.thezimbabwean.co/> Day of rural women, but nobody knows, 15 October 2013 <http://www.thezimbabwean.co/news/zimbabwe/68852/day-of-rural-women-but.html> [date accessed 12 August 2014]

¹³ United Nations in Zimbabwe <http://www.zw.one.un.org/> Issue Paper Series: Maternal Mortality in Zimbabwe Evidence, Costs and Implications, 2013 http://www.zw.one.un.org/sites/default/files/UN-ZW_IssuePaperSeries-1_MMR_June2013.pdf [date accessed 11 August 2014]

¹⁴ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>, 2013 Country Reports on Human Rights Practices - Zimbabwe, Section 6 Women. 27 February 2014 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 11 August 2014]

- 2.2.2 According to the Zimbabwe National Statistics (ZimStat) Agency data for 2012, 15 women are raped in Zimbabwe every day - one in every 90 minutes.¹⁵ In July 2014 leaked figures from ZimStat revealed that 1,524 cases were reported in the first three months of 2014, up from 1 285 recorded in the same period last year, equating to around 16 cases per day.¹⁶ The Zimbabwean Research and Advocacy Unit (RAU), an independent think tank, noted that “marital rape remains underreported and unresolved” with not a single conviction successfully secured in the courts.¹⁷ A study comprising 222 questionnaires conducted by RAU on public perceptions of sexual violence found that “Most of the respondents blamed culture for rape and a relatively high number of persons thought that it was always the perpetrator’s fault if rape occurred”. However, the study also revealed that a significant number of the respondents, 61% of males and 63% of females, considered that the way in which a woman dresses could cause a man to rape her.¹⁸
- 2.2.3 The report further notes that “Often when women try to report, they are interrogated as to why it had to come to that for the man to rape his own wife. The police dismiss such cases asking the woman “waimbomunyimirei” “why were you refusing him sex in the first place” perpetuating the belief that women should always say yes to sex”.¹⁹
- 2.2.4 Gender-based violence was prevalent in society. Approximately three in 10 women over the age of 14 in the country had suffered physical violence. More than one in four women (27 percent) had had forced sexual intercourse, and one-fourth of HIV-affected women were exposed to sexual violence as a child. While almost two-thirds (65 percent) of women who reported domestic violence stated that the perpetrator was their current or former husband, partner, or boyfriend, 48 percent of women interviewed believed that a husband is justified to beat his wife. Women were also vulnerable to human rights abuses and politically motivated violence.²⁰

See also: [Zimbabwe – Political Opposition to ZANU-PF](#)

- 2.2.5 According to the U.S. State Department report covering 2013, the media frequently published stories criticizing rape and reporting convictions. President Mugabe was quoted in the state-owned newspaper in September 2013 advocating for harsher penalties for rapists, suggesting that they should be castrated. Police sometimes did not

¹⁵ Research and Advocacy Unit (Rau) <http://www.researchandadvocacyunit.org/>, “She probably asked for it!” A Preliminary Study into Zimbabwean Societal Perceptions of Rape, 1. Introduction, April 2013, <http://reliefweb.int/sites/reliefweb.int/files/resources/A-study-into-Zimbabwean-Societal-perception-of-rape.pdf> [date accessed 11 August 2014]

¹⁶ Bulawayo 24 <http://bulawayo24.com/index.php> A woman is raped every 90 minutes in Zimbabwe - ZimStat 13 July 2014 <http://bulawayo24.com/index-id-news-sc-national-byo-50485.html> [date accessed 12 August 2014]

¹⁷ Research and Advocacy Unit (RAU) <http://www.researchandadvocacyunit.org/>, “She probably asked for it!” A Preliminary Study into Zimbabwean Societal Perceptions of Rape, 4.1.6 Marital Rape, April 2013, <http://reliefweb.int/sites/reliefweb.int/files/resources/A-study-into-Zimbabwean-Societal-perception-of-rape.pdf> [date accessed 11 August 2014]

¹⁸ Research and Advocacy Unit (Rau) <http://www.researchandadvocacyunit.org/>, “She probably asked for it!” A Preliminary Study into Zimbabwean Societal Perceptions of Rape, Executive Summary, April 2013, <http://reliefweb.int/sites/reliefweb.int/files/resources/A-study-into-Zimbabwean-Societal-perception-of-rape.pdf> [date accessed 11 August 2014]

¹⁹ Research and Advocacy Unit (Rau) <http://www.researchandadvocacyunit.org/>, “She probably asked for it!” A Preliminary Study into Zimbabwean Societal Perceptions of Rape, 4.1.6 Marital Rape, April 2013, <http://reliefweb.int/sites/reliefweb.int/files/resources/A-study-into-Zimbabwean-Societal-perception-of-rape.pdf> [date accessed 11 August 2014]

²⁰ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>, 2013 Country Reports on Human Rights Practices - Zimbabwe, Section 6 Women. 27 February 2014 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dldid=220176> [date accessed 11 August 2014]

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 politically motivated gang rapes, there were very few reports of rape used as a political weapon during the July 2013 elections period.²¹

2.2.6 On 19 June 2014, Zimbabwe launched a campaign against rape. Officially launching the campaign, Vice President Joyce Mujuru said almost 11,000 women and girls were raped between 2012 and the first quarter of 2014. "Statistics from the ZRP (Zimbabwe Republic Police) indicated that in 2012 to the first quarter of 2014 a total number of 3,571 adult women and 7,411 female juveniles were raped. According to the vice president, some cases of rape are linked to forced marriages and other negative traditional practices. She urged the courts to impose stiffer sentences on rape cases. "Alcohol abuse, poverty and parental neglect are cited as some of the causes. There is therefore, urgent need to take sterner measures to make sure this cancer is nipped in the bud."²²

2.2.7 The US State Department report covering 2013 noted:

"There were two adult rape clinics in public hospitals in Harare and Mutare. These facilities were run as NGOs and did not receive a substantial amount of financial support from the Ministry of Health. The clinics were designed to receive referrals from police and NGOs, administer HIV tests, and provide medicines to prevent HIV infection, other sexually transmitted diseases, and pregnancy. Even though the majority of women and men who received services from the rape centers were referred by police, very few of these cases resulted in prosecutions. Private clinics and clinics supported by NGOs and bilateral and multilateral development partners have emerged in the past few years to provide medical assistance to survivors of rape. In addition, there were facilities that served underage victims of sexual assault and abuse. There were also NGOs that provided psychosocial support to survivors of sexual and gender-based violence through assistance from the Integrated Support Program, a multi-donor effort funded by international aid donors and managed by the UN Population Fund."²³

2.2.8 According to Lizzie Longshaw, a social worker with the Disability HIV and Aids Trust (DHAT), "Women with disabilities are being sexually abused on daily basis because most of our public facilities are not friendly to disabled women. Sexual abuse is particularly rife in public transport, where touts take advantage of unaccompanied disabled women commuters".²⁴ She further stated "The attitude of staff at institutions such as the police station and hospital, tends to be one of hostility towards people living with disabilities. In most cases a disabled rape victim is ridiculed and blamed. I personally know a situation where a police officer at a particular police station openly told a rape victim that she

²¹ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>, 2013 Country Reports on Human Rights Practices - Zimbabwe, Section 6 Women. 27 February 2014
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 11 August 2014]

²² Voice of America Zimbabwe <http://www.voazimbabwe.com/>. VP Mujuru: 11,000 Girls, Women Raped in Zimbabwe. 19 June 2014. <http://www.voazimbabwe.com/content/zimbabwe-rape-campaign-joyce-mujuru/1940926.html> [date accessed 11 August 2014]

²³ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>, 2013 Country Reports on Human Rights Practices - Zimbabwe, Section 6 Women. 27 February 2014
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 11 August 2014]

²⁴ The Zimbabwean <http://www.thezimbabwean.co/>. Women with disabilities face more abuse, 3 December 2013
<http://www.thezimbabwean.co/news/zimbabwe/69630/women-with-disabilities-face-more.html> [date accessed 11 August 2014]

should thank the rapist because, if she was not raped, she was never going to enjoy the pleasure of sex in her life".²⁵

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2.3. Domestic violence

- 2.3.1 Zimbabwe Lawyers for Human Rights (ZLHR) reported in November 2012 that "according to media reports, domestic violence has been steadily increasing since 2008 when 1,940 cases were reported. In 2011 a total of 10,351 cases were reported".²⁶ According to the Zimbabwe Republic Peace, at least 219 murder cases related to domestic disputes were recorded in the first half of 2014.²⁷
- 2.3.2 The law criminalizes domestic violence, which is a serious problem, especially wife beating. Domestic violence is punishable by a fine and a maximum prison sentence of 10 years, but authorities generally considered domestic violence to be a private matter and convictions were rare.²⁸
- 2.3.3 A full copy of the Domestic Violence Act 2006 can be found on UNHCR's Refworld at : <http://www.refworld.org/type,LEGISLATION,,ZWE,4c45c1b42,0.html>
- 2.3.4 Most cases of domestic violence went unreported due to traditional sensitivities, victims' fear of abandonment without support, and police reluctance to intervene. There were newspaper reports of wife killings, and there were a few reports of prosecutions and convictions for such crimes. In November 2012, "Tin-Tin," a popular local disc jockey with a daily morning radio show, was assaulted by her boyfriend, and the incident received significant media coverage. Tin-Tin's experience publicly highlighted the inefficiencies, corruption, and insensitivities of the judicial system as well as the challenges faced by women who pursue domestic violence charges. She was both lauded and stigmatized for discussing her case on her show as it progressed.²⁹
- 2.3.5 The Zimbabwe Baseline study on Violence Against Women found that only 50% of the respondents had knowledge of the country's Domestic Violence Act and that there were extremely high levels of underreporting. Only one in every 14 physically abused women had reported it to the police; four in every 1,000 women survivors had obtained a protection order against a physically abusive partner; one in 13 women had sought medical attention for their physical injuries; one in 10 women raped by non-partners had reported it to the police; and only one in 18 female rape survivors had sought medical attention. The effects of domestic violence on women include physical injury, poor mental

²⁵ The Zimbabwean <http://www.thezimbabwean.co/>, Women with disabilities face more abuse, 3 December 2013 <http://www.thezimbabwean.co/news/zimbabwe/69630/women-with-disabilities-face-more.html> [date accessed 11 August 2014]

²⁶ Zimbabwe Lawyers for Human Rights (ZLHR) <http://www.zlhr.org.zw/>, No to gender based violence, 14 November 2012, http://www.kubatana.net/html/archive/hr/121114zlhr.asp?sector=GEN&year=2012&range_start=1 [date accessed 11 August 2014]

²⁷ The Herald (via All Africa <http://allafrica.com/>) Zimbabwe: Domestic Violence Claims Over 200 Since January, 4 July 2014 <http://allafrica.com/stories/201407041035.html> [date accessed 12 August 2014]

²⁸ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>, 2013 Country Reports on Human Rights Practices - Zimbabwe, Section 6 Women. 27 February 2014 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 11 August 2014]

²⁹ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>, 2013 Country Reports on Human Rights Practices - Zimbabwe, Section 6 Women. 27 February 2014 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 11 August 2014]

health symptoms, unplanned pregnancies, stigmatisation, absence from work, STI symptoms and increased risk to HIV.³⁰

- 2.3.6 According to Zimbabwe Civil Society's shadow report to the UN CEDAW Committee, published in January 2012, "the effectiveness of the Act is being hampered by the lack of resources. In particular, the state has not availed the monetary and human resources required for the effective functioning of the Anti Domestic Violence Council. There has also been a shortage of applications for support?. Apart from the resources required by the council, victims of domestic violence have also reported that their efforts to use the Act have been hampered by a chronic shortage of application forms for protection orders, counselling services and shelters for victims. Even in the cases where the application forms have been available, the forms have proved not to be user friendly in that too much detail is required".³¹ The Committee on the Elimination of All Forms of Discrimination against Women concludes that "its effectiveness has been hampered, as the State party has not availed the required monetary and human resources".³²
- 2.3.7 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, given the scarcity of resources. While public awareness increased, other problems emerged. For example, the police 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 at government health facilities without cost. This requirement prevented many rape victims from receiving necessary medical treatment, including postexposure prophylaxis to prevent victims from contracting HIV.³³

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2.4. Forced and Early Marriage

- 2.4.1 Despite legal prohibitions, families continued to force girls to marry, primarily among the rural population. Families gave young women to other families in marriage to avenge spirits, as compensatory payment in interfamily disputes, or when promised to others – sometimes before birth – to ensure economic protection for the family. Some families

³⁰ Gender Links <http://www.genderlinks.org.za/>, Violence Against Women Baseline Study Zimbabwe, 20 November 2013, Executive Summary http://www.genderlinks.org.za/attachment.php?aa_id=17815 [date accessed 11 August 2014]. The full report is available at: <http://www.genderlinks.org.za/article/violence-against-women-baseline-study-zimbabwe-2013-11-20>

³¹ Zimbabwe Civil Society <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>, Zimbabwe Civil Society's Shadow Report to the CEDAW Committee, 35. Insufficient Resources For Effective Implementation of The Domestic Violence Act, January 2012

http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ZCS_Zimbabwe51.pdf [date accessed 11 August 2014]

³² UN Committee on the Elimination of All Forms of Discrimination against Women <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>, Concluding observations of the Committee on the Elimination of Discrimination against Women, paragraph 23, 1 March 2012, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ZWE-CO-2-5.pdf> [date accessed 11 August 2014]

³³ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>, 2013 Country Reports on Human Rights Practices - Zimbabwe, Section 6 Women. 27 February 2014 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 11 August 2014]

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.³⁴

2.4.2 The legal age for a civil marriage is 18, but girls who are 16 and 17 also can marry with parental approval. Customary marriage, recognized under the Customary Marriages Act, does not require a minimum marriage age for either boys or girls. The criminal code prohibits sexual relations with persons younger than age 18. According to the DHS study, 21.7 percent of females between the ages of 15 and 19 were married. Child welfare NGOs reported that they occasionally saw evidence of underage marriages, particularly in isolated religious communities or among HIV/AIDS orphans who did not have relatives willing or able to take care of them. The new constitution declares anyone under the age of 18 a child, but the Customary Marriages Act had not been amended to reflect the constitutional change.³⁵

2.4.3 In March 2014, a joint communiqué issued by the Ministry of Women's Affairs, Zimbabwe National Chiefs' Council and Plan International stated that "We note with concern that 31% (UNFPA, 2012 report) of girls are married before the age of 18 years in Zimbabwe and further note that in 2009, the Zimbabwe National Statistics Agency (ZIMSTAT) recorded that 16,3% of the Zimbabwean population is married by the age of 15 years."³⁶

See also:

- Research and Advocacy Unit, Let them grow first, Early Marriage in Goromonzi, Zimbabwe, March 2014
http://www.researchandadvocacyunit.org/index.php?view=download&alias=340-let-them-grow-first-early-marriage-report&category_slug=womens-programme-1&option=com_docman&Itemid=127
- Research and Advocacy Unit, Married too soon: Child marriage in Zimbabwe, October 2011
http://www.researchandadvocacyunit.org/index.php?view=download&alias=294-child-marriages-in-zimbabwe-printers-version-final&category_slug=womens-programme-1&option=com_docman&Itemid=127

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2.5. Trafficking

2.5.1 According to the US State Department 2014 trafficking report:

"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 prostitution in brothels that cater to long-distance truck drivers on both sides of the borders. Some

³⁴ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>, 2013 Country Reports on Human Rights Practices - Zimbabwe, Section 6 Women. 27 February 2014
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 11 August 2014]

³⁵ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>, 2013 Country Reports on Human Rights Practices - Zimbabwe, Section 6 Women. 27 February 2014
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 11 August 2014]

³⁶ News Day <https://www.newsday.co.zw/>, '31% of young girls in forced marriages', 5 March 2014
<https://www.newsday.co.zw/2014/03/05/31-young-girls-forced-marriages/> [date accessed 12 August 2014]

victims of sex trafficking are subsequently transported across the border to South Africa where they suffer continued exploitation. 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 towns. Family members recruit children and other relatives to travel from rural areas to cities, where they are subjected to domestic servitude or other forms of forced labor after arrival; some children, particularly orphans, are lured with promises of education or adoption. Children are forced to labor in the agricultural and mining sectors or to carry out illegal activities, including drug smuggling. Additionally, the practice of *ngozi*, or giving of a family member to another family to avenge the spirits of a murdered relative, creates a vulnerability to trafficking. The individuals given to the wronged family, often girls, are sometimes forced to labour for, and/or marry a member of the new family".³⁷

2.5.2 The US State Department 2014 Trafficking report continued:

"The Government of Zimbabwe does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. During the reporting period [1 April to 31 March 2014], it acceded to the 2000 UN TIP [Trafficking in Persons] Protocol, issued temporary regulations that criminalize certain human trafficking crimes, and initiated two prosecutions. Government efforts to investigate and prosecute trafficking offenses and convict traffickers remained weak. The government provided no law enforcement statistics on investigations of suspected forced labor and sex trafficking crimes during the reporting period and continued to lack laws that criminalize all forms of trafficking."³⁸

2.5.3 The Government of Zimbabwe increased anti-trafficking law enforcement efforts by issuing temporary regulations to establish certain trafficking offenses and initiating prosecutions in two cases. In January 2014, President Robert Mugabe issued the Presidential Powers (Temporary Measures) (Trafficking in Persons Act) Regulations, 2014; this regulation has legal effect for a maximum of 180 days. The temporary measure prohibited some forms of sex and labour trafficking and mandates the establishment of centers for trafficking victims and an inter-ministerial anti-trafficking committee. The terms "trafficking in persons" and "exploitation" are not clearly defined in these regulations, which define some non-trafficking offenses as trafficking and, contrary to international law, transportation of the victim is a necessary element of the crime of trafficking. The regulations prescribe punishments of not less than 10 years' imprisonment and, with aggravating circumstances, up to imprisonment for life, penalties that are sufficiently stringent and commensurate with those for other serious crimes, such as rape. In March 2014, Parliament began consideration of draft permanent anti-trafficking legislation.³⁹ The Foreign and Commonwealth Office report that the Anti-Human Trafficking Act was subsequently passed in June 2014.⁴⁰

³⁷ US Department of State <http://www.state.gov/j/tip/rls/tiprpt/index.htm>, 2014 Trafficking in Persons Report - Zimbabwe, 20 June 2014, <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226851.htm> [date accessed 11 August 2014]

³⁸ US Department of State <http://www.state.gov/j/tip/rls/tiprpt/index.htm>, 2014 Trafficking in Persons Report - Zimbabwe, 20 June 2014, <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226851.htm> [date accessed 11 August 2014]

³⁹ US Department of State <http://www.state.gov/j/tip/rls/tiprpt/index.htm>, 2014 Trafficking in Persons Report - Zimbabwe, 20 June 2014, <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226851.htm> [date accessed 11 August 2014]

⁴⁰ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern>, 2013 Human Rights and Democracy Report. Zimbabwe - Country of Concern update: 30 June 2014, <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern-update-30-june-2014> [date accessed 11 August 2014]

- 2.5.4 The government made minimal efforts to protect trafficking victims, instead relying on non-governmental organizations to identify and assist victims. It has yet to create a national action plan to combat human trafficking as mandated by the January 2014 temporary regulations. Corruption in law enforcement and the judiciary remained a serious and unaddressed problem that impairs the effectiveness of anti-trafficking efforts. Media report that parastatal organizations were complicit in trafficking and the government failed to investigate or otherwise address such allegations during the reporting period. Victims reportedly refused to report or pursue cases of trafficking out of fear that their traffickers could bribe police or judges. Anecdotal evidence indicated a limited government involvement in, and tolerance of, trafficking on a local level and at border crossings.⁴¹
- 2.5.5 The Committee on the Elimination of All Forms of Discrimination against Women has expressed its concern “at the lack of shelters and counselling services in the State party for victims of trafficking and prostitution”.⁴²

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2.6. Harmful traditional practices (including female genital mutilation)

- 2.6.1 The Domestic Violence Act, 2006 criminalises harmful traditional practices including female genital mutilation. 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, pledging of women and girls for purposes of appeasing spirits, abduction, child marriages, forced marriages, forced wife inheritance and other such practices. Under section 4 of the Act, a person found guilty of such offences is liable to a fine and/or imprisonment for a period not exceeding ten years.⁴³
- 2.6.2 According to the International Parliamentary Union (IPU), female genital mutilation is reportedly not practiced in Zimbabwe. However, the IPU say that they have no first-hand official information on this subject.⁴⁴ The NGO, Crossroads International, report that female genital mutilation, “...is rarely performed in Zimbabwe. However, the extreme form of Female Genital Mutilation, infibulation, is practiced by the Remba ethnic group in Midlands Province.”⁴⁵
- 2.6.3 The Zimbabwe Civil Society’s shadow report to the UN CEDAW Committee, published in January 2012, noted that “Traditional practices which reinforce the inferior status of

⁴¹ US Department of State <http://www.state.gov/j/tip/rls/tiprpt/index.htm>, 2014 Trafficking in Persons Report - Zimbabwe, 20 June 2014, <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226851.htm> [date accessed 11 August 2014]

⁴² UN Committee on the Elimination of All Forms of Discrimination against Women <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>, Concluding observations of the Committee on the Elimination of Discrimination against Women, paragraph 25, 1 March 2012, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ZWE-CO-2-5.pdf> [date accessed 11 August 2014]

⁴³ UNHCR. Refworlds. Zimbabwe: Domestic Violence Bill of 2006 [Zimbabwe], 30 June 2006. <http://www.refworld.org/docid/4c45c1b42.html> [accessed 15 August 2014]

⁴⁴ International Parliamentary Union, Parliamentary campaign "stop violence against women": female genital mutilation. 30 January 2009 <http://www.ipu.org/english/issues/wmndocs/fqm-prov-t.htm> [Date accessed 15 August 2014]

⁴⁵ Crossroads International. Zimbabwe: Crossroads' Work in Zimbabwe. Undated. <http://www.cintl.org/page.aspx?pid=301> [Date accessed 15 August 2014]

women and girls in society, such as witch hunting and virginity testing continues unabated”.⁴⁶

- 2.6.4 Similarly, the UN Committee on the Elimination of All Forms of Discrimination against Women expressed its “serious concern” in its concluding observations published in March 2012 about the persistence of harmful norms, practices and traditions, patriarchal attitudes and deep-rooted stereotypes, regarding the roles, responsibilities and identities of women and men in all spheres of life, as well as the State party’s limited efforts to address such discriminatory practices. These include, in particular, polygamy, bride price (lobola), and in certain regions, virginity testing and witch hunting. The Committee is concerned that such customs and practices perpetuate discrimination against women and girls and that they are reflected in women’s disadvantageous and unequal status in many areas, including education, public life, decision-making and in the persistence of violence against women, and that, thus far, the State party has not taken sustained measures to modify or eliminate stereotypes and harmful practices.⁴⁷
- 2.6.5 Childline reported that children were killed for ritual purposes and their bodies found abused and missing parts.⁴⁸

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2.7. Assistance available to women

- 2.7.1 There are a number of Zimbabwean civil society organisations which deal with issues relating to women’s rights and provide support. A full list of these organisations can be found at: http://www.kubatana.net/directory/dir_category/women/ and where further documents/data may be reliably and readily accessed.
- 2.7.2 The Committee on the Elimination of All Forms of Discrimination against Women concludes that it “is again concerned that only one shelter for women victims of violence has been established by the State party in the country (the two other shelters were established by NGOs), and that this is not exclusively for women victims of domestic violence”.⁴⁹
- 2.7.3 The Baseline study reports that “The provision of free legal aid to survivors of VAW [violence against women] is crucial to reduce case withdrawals and to ensure the protection of the rights of VAW survivors. Legal services are expensive making them

⁴⁶ Zimbabwe Civil Society <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>, Zimbabwe Civil Society’s Shadow Report to the CEDAW Committee, Article 5 Addressing Social and Cultural Attitudes and Gender Stereotypes Areas of Concern, January 2012,

http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ZCS_Zimbabwe51.pdf [date accessed 11 August 2014]

⁴⁷ UN Committee on the Elimination of All Forms of Discrimination against Women <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>, Concluding observations of the Committee on the Elimination of Discrimination against Women, paragraph 21, 1 March 2012, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ZWE-CO-2-5.pdf> [date accessed 11 August 2014]

⁴⁸ US Department of State <http://www.state.gov//drl/rls/hrrpt/index.htm>, 2013 Country Reports on Human Rights Practices - Zimbabwe, Section 6 Women. 27 February 2014 <http://www.state.gov//drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 11 August 2014]

⁴⁹ UN Committee on the Elimination of All Forms of Discrimination against Women <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>, Concluding observations of the Committee on the Elimination of Discrimination against Women, paragraph 23, 1 March 2012, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ZWE-CO-2-5.pdf> [date accessed 11 August 2014]

inaccessible to many VAW survivors, which forces many of them to stay in abusive relationships and to withdraw cases”.⁵⁰ It further notes “While there is widespread acknowledgement for the need for establishment of shelters, few are in place. Also compounding the situation is the inadequacy of resources and the lack of capacity of service providers to ensure quality care”.⁵¹

- 2.7.4 Musasa, an NGO that provides shelter to survivors of domestic violence noted that “the shelter is overwhelmed with women coming with their young children fleeing domestic violence. Another challenge is that the shelter can only accommodate the mothers. This means the children have to be separated from their mothers.”⁵²

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⁵⁰ Gender Links <http://www.genderlinks.org.za/>, Violence Against Women Baseline Study Zimbabwe, 20 November 2013 Ch 7: Protection http://www.genderlinks.org.za/attachment.php?aa_id=17822 [date accessed 11 August 2014]

⁵¹ Gender Links <http://www.genderlinks.org.za/>, Violence Against Women Baseline Study Zimbabwe, 20 November 2013 Ch 7: Protection http://www.genderlinks.org.za/attachment.php?aa_id=17822 [date accessed 11 August 2014]

⁵² Gender Links <http://www.genderlinks.org.za/>, Violence Against Women Baseline Study Zimbabwe, 20 November 2013 Ch 7: Protection http://www.genderlinks.org.za/attachment.php?aa_id=17822 [date accessed 11 August 2014]

Change Record

Version	Date	Change References
1.0	14/10/2014	First version of updated country information and guidance.
2.0		

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