

Pakasipiti Zimbabwe Parallel Report
Beijing +25 Review
2019 / 2020

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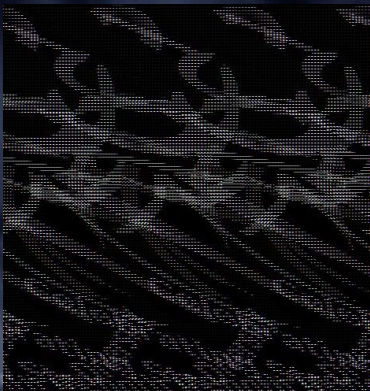
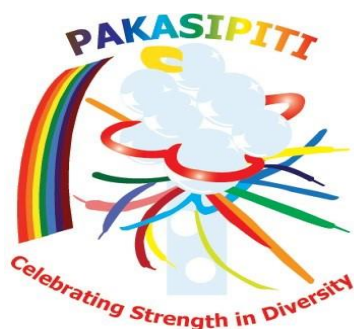


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List of Abbreviations

SOGIE	Sexual Orientation and Gender Identities and Expression
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
LGBTIQ	Lesbian, Gay, Bisexual, Transgender, Intersex and Queer
SRHR	Sexual Reproductive Health and Rights
GBV	Gender Based Violence
UPR	Universal Periodic Review
WHRD	Women Human Rights Defenders

Key Words: bodily autonomy, bodily integrity, safety, non-discrimination, gender-based violence, right to health, HIV.

“ Human Rights
are women’s
rights and
women’s rights are
human rights, once
and for all.”

-Hillary Clinton

About this report

This parallel report is prepared on behalf of the Lesbian, Trans, Bisexual and Queer (LBTQ) community of Zimbabwe. The report highlights the LBTQ community in Zimbabwe's review and assessment of the Beijing Platform for Action in relation to the issues they have raised as most critical. The main objectives of the process were to facilitate discussions with the LBTQ community and map out advocacy plans in relation to the 25th anniversary of the Beijing Platform for Action and ahead of the Generation Equality Forums in 2020. We wanted to mobilise LBTQ persons in Zimbabwe and take stock of progress in implementation of the Beijing Platform for Action since 1995. During our consultations with the LBTQ community we shared achievements and gains of the women's

movement, for example the inclusion of voices of the LBTQ persons in various global spaces, including the CEDAW process and CSW, and mapped out ways to replicate this in other mechanisms.



As Zimbabwe was also reporting this year at the CEDAW 75th session in Geneva, an important part of our strategy was to take up all the opportunities to expand conversations on linkages of the CEDAW process and Beijing +25 review and see the priorities that we could draw from work around reporting for CEDAW and Beijing into a comprehensive written text to use for future advocacy. For both processes we gathered critical analysis from community members from 4 towns - Gweru, Harare, Bulawayo and Mutare - and outlined a draft plan of action at the national, regional and Global level.

The main purpose of this report is to enhance the roles played by the LBTQ persons, women's rights and WHRD groups in the Beijing +25 review processes through advocacy and online engagements. It is also important as an advocacy tool that will help promote key elements of the development justice frameworks and ensure that the development agenda reflects the concerns of LBTQ persons in Zimbabwe. As an evidence-

based document, the report will also ensure that we mobilize all women of all ages around a new and renewed dialogue for change, and actions to prevent and eliminate all forms of discrimination and violence against all women and girls and contribute to a strengthened feminist movement.

Our advocacy on the Beijing +25 Review process will facilitate visibility and place importance on the discourse around inclusion and intersectionality of the women's movements and human rights for women with a clear link to the achievements or gaps of the SDGs and also of our states in reporting at processes like UPR and CEDAW where clearly the language around SOGIE is still missing.

Our plans moving forward are to foster leadership of WHRD especially young LBTQ persons in current actions and conversations around re-visioning what feminist movement building should

incorporate post Beijing +25 review.

Introduction

The Beijing Platform for Action outlines twelve critical areas of concern. It spells out clear commitments in each area to achieve gender equality and the empowerment of all women. The Platform for action has been highly significant in shaping the women's rights movement since 1995. However, issues around sexual orientation, gender identities and expression, bodily autonomy, bodily integrity and choice still remain largely invisible 25 years after Beijing. Conservatism, patriarchy and religious fundamentalisms especially for movements building in the global south still have a major influence in not only controlling women's bodies but also shaping narratives at the global advocacy level.

The 2030 Agenda for Sustainable Development amplifies the spirit of the Beijing Platform for Action. It aims to mobilize countries to end all forms of poverty, fight inequalities and tackle the climate crisis. The guiding principle of the 2030 Agenda is 'Leaving No One Behind', universally applying the Agenda to all without discrimination on any basis.

2030 Agenda is 'Leaving No One Behind'

However, full implementation of these commitments and the achievement of gender equality remains unattainable due to the continued exclusion of marginalized communities. To ensure full realization of the Beijing Platform and achieve the 2030 Agenda, violence and discrimination faced by lesbian, bisexual, transgender, intersex, and gender non-conforming women and people must be urgently addressed.

Zimbabwe Context

The Government of Zimbabwe has ratified international and regional human rights instruments including the Universal Declaration of Human Rights (1984), Convention on the Elimination of all Forms of Discrimination Against Women (1979), African Charter on Human and People's Rights (1986) and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol), amongst others.



The 2013 Constitution provides a comprehensive declaration of women's rights as human rights and establishes a Gender Commission to monitor and report on women's rights. The Constitution states that every person has the right to personal security which is bodily and psychological integrity and includes the right not to be subjected to any form of violence

Zimbabwe has no current legislation that criminalizes LGBTQ persons. However, as set out in our recent CEDAW report, LGBTQ persons often find themselves arrested and detained by police for acts they label as 'indecent'. These matters rarely reach the courts; they often end with these arbitrary arrests and unlawful detentions designed to act as a deterrent to 'homosexuality'. The impacts of these violations are multiple and complex and include consequences such as physical, emotional, and mental trauma; lack of access to basic socio-economic rights such as food, shelter, work, education and health that goes beyond the access issues that the population in general

are faced with; social exclusion and isolation. The media also plays a big role in pushing hate language, stigma and discrimination.

In addition, the absence of such legislation is not indicative of tolerance or acceptance, it is a position of disregard and dismissal. Criminalization of sex between men is viewed as worthwhile because same sex relations between men are seen as an attack on masculinity and male power whilst sex between two women is seen as insignificant and irrelevant.

The context in which we live, exist, evolve, develop and do our work is still unreceptive towards the idea and ideal of justice, freedom and dignity for all in general. This need for a shift and change has been met by strong resistance by social institutions like the religious groups, traditional chiefs and politicians seeking to maintain the status quo and to prevent changes on a wide range of issues, particularly in relation to body politics, autonomy, freedom and dignity in relation to sexuality and gender. The widespread use of violence and the willingness by conservative and fundamentalists groups to use and apply violence or to be silent in the face of such violence has increased and strengthened in recent years.

Patriarchy and heteronormativity continue to shape inequalities based on gender, class, sexual orientation and other forms of oppression, constraining and limiting the rights to autonomy, dignity and freedom and reducing consenting adults to possessions about which and whom and on whose behalf, decisions are being made. The growing state, religious and traditional fundamentalisms continue to shape ideas about bodies, personhood, autonomy, choice and freedom and define and impose a morality that is both patriarchal and heteronormative.

“Homosexuality is often referred to as un-African and against the teachings of churches”

Homosexuality is often referred to as un-African and against the teachings of churches. Since both religion and culture

are fundamental to the values and attitudes of Zimbabwean society, Lesbian Gay, Bisexual and Transgender and intersex persons find themselves excluded socially, culturally, religiously, economically and politically and LBT women are no exception. LBTQ persons experience stigma based on their sexual orientation and gender identity or expression.

There is a lack of freedom and autonomy, dignity, respect and equality in society insofar as the bodies and lives of LBTQ persons is concerned. The ability to make decisions for oneself and one's own wellbeing and health is constrained, controlled and contained with strong sanctions against those who defy, resist and ignore these boundaries. The meanings of bodies and the purposes for which they are intended, who can 'use' them, who can authorize such use, the ways that desire and bodies can be deployed are prescribed, regulated and standardized. Non-compliance is vigorously rejected. There is an undeniable crisis of violence and other violations and of discrimination against individuals on the basis of their sexual orientation and gender identity. The violations include, but are not limited to rape, torture, physical and mental abuse, murder, arbitrary search, arrest and detention, forced migration and internal displacement, dismissal from work, forced out of school, loss of accommodation and shelter, misrepresentation in, by and through the media, monitoring and surveillance.

Within LGBTI circles challenges faced by LBTQ persons are relegated to the back seat. Instead it is discourse around decriminalisation of sex between men or the health issues of men who have sex with men that takes the lead. This approach again leaves LBTQ persons invisible or low priority within LGBTI circles.



Needs of the LGBTQ community In Zimbabwe

Safe spaces

There is currently no safe space for LGBTQ persons to openly express themselves freely and openly. Too many silences exist surrounding their experiences and realities and fear and discrimination has resulted in internalised homophobia. LGBTQ persons suffer multiple forms of violations, some perpetrated by family and some are self-violations due to internalized homophobia. Family violence is not usually discussed with issues around corrective rape from family members or religious or traditional persons all under the name of healing and correcting one's sexuality. LGBTQ persons tend to also resort to drug and alcohol abuse and might use dangerous harmful drugs/ medication or herbs to also self-correct themselves off their sexual orientation.

Freedom, dignity and respect

The levels of homophobia, hate speech and media attacks on LGBTQ persons as well as family rejection and social ostracization collectively keep LGBTQ persons in fear and hide their sexuality to create an illusion of security. This introversion and isolation limit the ability of LGBTQ persons to fully exercise their rights as full citizens in their nation. They deserve the right to move freely as provided in the national constitution. These rights however can easily be compromised and disregarded if the humanity and dignity of LGBTQ persons are not recognised to begin with.

Legal redress upon violation

The arbitrary arrests and detentions of LGBTQ persons continue to be challenged as long as they continue to occur. Though the current legislative framework does not criminalize LGBTQ persons, women often find themselves arrested and detained by police for acts they label as 'indecent'. These matters rarely reach the courts; they often end with these arbitrary arrests and unlawful

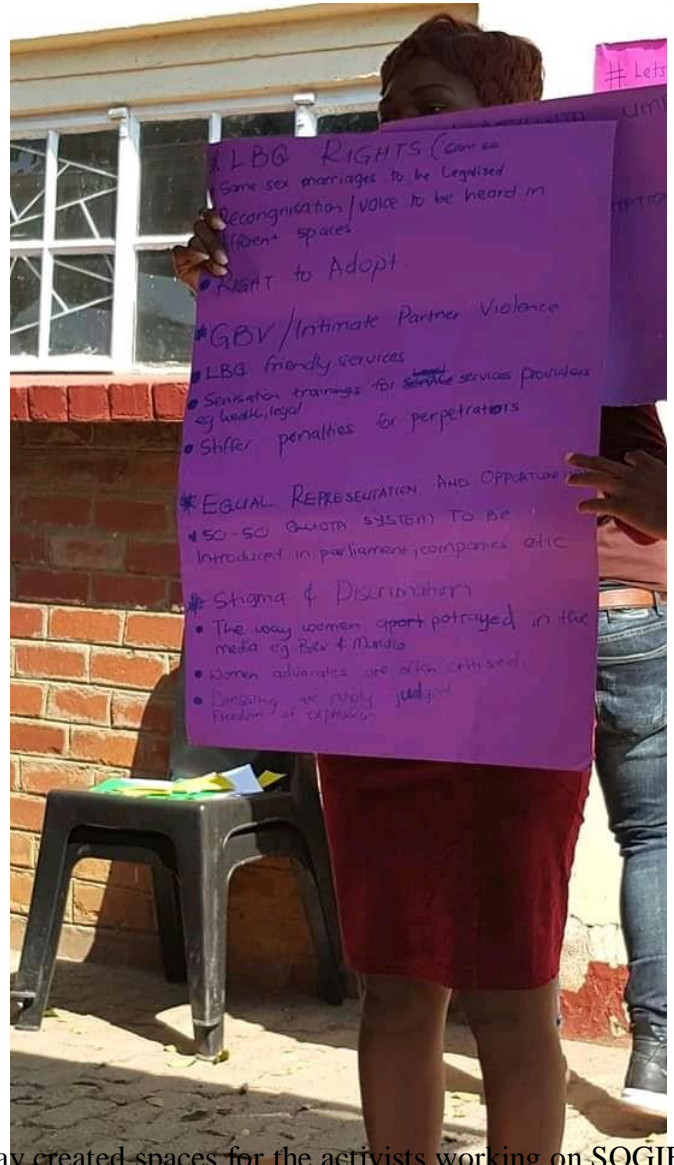
detentions designed to act as a deterrent to 'homosexuality'. The impacts of these violations are multiple and complex and include consequences such as physical, emotional, and mental trauma; lack of access to basic socio-economic rights such as food, shelter, work, education and health that goes beyond the access issues that the population in general are faced with; social exclusion and isolation. The media also plays a big role in pushing hate language, stigma and discrimination.

Access to basic services

LBTQ persons need basic health services, recognition of their humanity, freedom to found a family, privacy among many other rights. The reality for LBTQ persons is that many broad rights are denied them on the basis of sexual orientation and gender identity. This includes access to services, including basic healthcare. A lack of data and research around health issues affecting LBTQ persons prevents them from accessing key and essential sexual, reproductive health services. Support for LBTQ persons from family members, friends, women and human rights activists is largely lacking because LBTQ persons are viewed as deviating from society's view of a good normal woman, are seen as bad and other women are afraid of becoming bad by association. The narratives around family values, family laws and what defines a normal family take importance in spaces and activism for the rights of LBTQ persons is also seen as diverting attention from the 'more important' women's issues.

Intersectionality and movement building

Mainstream women's rights organizations shy away from issues of sexual orientation and gender identity. This may be partly because of fear of sexuality baiting which many women see as potentially damaging to their social and political standing. The support if any for LBTQ persons's rights from women's rights activists and organizations is thus likely to be sporadic. There has been some shift with regards to feminist organisations speaking up on issues of sexuality, bodily autonomy and choice and this has in a slight way created spaces for the activists working on SOGIE issues to continuously engage especially in regional and global platforms.



Specific Issues Raised in the Community Dialogues

Beijing +25 Zimbabwe Review

Advocacy in Training Key Outcome Points

Harare

- Limited access to employment opportunities
- Undermining of LBTQ persons needs within programming for HIV and AIDS
- Affordable access to reproductive health facilities
- Internalized discrimination within the broader women's movements
- Continuous victimization of women in sport, social spaces and media

Bulawayo

- Access to Abortion
- Body autonomy freedom and choice
- Same sex adoption
- Criminalize homophobia
- Political inclusion and political Participation
- Safety, security and protection (work, school, home, social spaces)
- Gender identity – Gender Markers
- Equal opportunities in leadership positions
- Empowerment to all women and access to information to for all i.e. rural areas
- Stigma and discrimination in the workplace and at home

Gweru

- ~~Right to adopt and found family~~
- Right to abort
- Intimate partner violence/GBV, legal redress
- Equal representation and opportunities in all spheres
- Protection by the law to reduce GBV
- Freedom of expression
- Access to comprehensive health services

Mutare

- ~~Comprehensive health services to be made available~~
- Freedom of expression in public and private spaces
- Right to family
- Stigma and discrimination in sport, work and education
- Rights of Sex work as work

Areas of Focus



Access to Comprehensive Health Services

Constitution Provision

“1. Every citizen and permanent resident of Zimbabwe has the right to have access to basic health-care services, including reproductive health-care services.”

Government Report on Beijing +25

The key challenges being addressed in the Zimbabwean Government’s implementation plan include: violence against women, failure of women to negotiate safe sex, failure to disclose HIV status, limited access to HIV services for adolescent and young people especially young girls, early marriages, male domination in sexual relationships, transactional sex and inconsistent and incorrect use of condoms.

Zimbabwe launched the Start Free, Stay Free, and Aids Free Framework in November 2016 which is a super fast-track program designed to end new HIV transmissions and infections among children, adolescents and young women by 2020. The provisions of the framework centre on the following:

- **START FREE-** Every pregnant woman who is HIV positive should have access to drugs that will ensure that her child is born free and will remain free of HIV and AIDS;
- **STAY FREE-**Every adolescent and young woman should be able to protect themselves from HIV infection and live without fear of sexual violence, abuse or exploitation;
- **AIDS FREE-**Every child and adolescent living with HIV should have access to quality treatment, care and support and realize their full potential without stigma and discrimination.

Recommendations

National level action to address the limited access to HIV services should also include the LBTQ community with a specific focus on the lack of comprehensive health services information targeted at the LBTQ community in health service spaces.

Start Free- Reproductive health information should also include LBTQ persons linking it to their rights to parenting and access to all relevant services

Stay Free-Health centres and service spaces should provide comprehensive information on protective barriers, protection and security for all persons including LBTQ persons.

AIDS Free-All services provided for HIV should also ensure that LBTQ persons have access to quality treatment and care free from stigma and discrimination on the basis of sexual orientation, gender identity and expression.



Gender Based Violence

Constitutional Provision

“For the purposes of this Act, domestic violence means any unlawful act, omission or behaviour which results in death or the direct infliction of physical, sexual or mental injury to

any complainant by a respondent and includes the following— (a)

physical abuse;

(b) sexual abuse;

(c) emotional, verbal and psychological abuse;

(d) economic abuse;

(e) intimidation;

(f) harassment;

(g) stalking;

(h) malicious damage to property;

(l) abuse derived from the following cultural or customary rites or practices that discriminate against or degrade women—

(i) forced virginity testing; or

(ii) female genital mutilation; or

(iii) pledging of women or girls for purposes of appeasing spirits; or

(iv) forced marriage; or

(v) child marriage; or

(vi) forced wife inheritance; or

(vii) sexual intercourse between fathers-in-law and newly married daughters-in-law; (m)

abuse perpetrated on the complainant by virtue of complainant’s age, or complainant’s physical or mental incapacity;“

Under prevention, one of the key strategies is to address the negative cultural and religious practices that fuel rape and sexual violence. There is also need to raise awareness on rights and gender responsive laws. Critically, research, documentation, monitoring and evaluation includes carrying out research on the causes of rape and sexual abuse as well as conducting research on other priority research areas among other issues. The National Action Plan targets schools, churches, tertiary institutions, work places and specific interventions for each target group have been identified. In tertiary institutions issues to be addressed include sexual harassment and its consequences.

Recommendations

National action/strategies to address negative practices should also include, family violence, hate speech and crimes perpetrated by state and non-state agents.

Critical research on health and legal reform should consider the needs and experiences of LBTQ persons in relation to rape, hate crimes” Correctional Rape” and forced marriages

Recognize the diversity of gender and sexuality in laws and policies addressing gender-based violence and discrimination.

Openly condemn violence based on sexual orientation, gender identity, and expressions and introduce provisions that punitively address any actions that promote or result in such violence.

Adopt specific protocols to unify procedures for reporting cases of violence and centralize existing data collection systems to compile, disaggregate and periodically update data, considering cases of violence against LBTQ persons and their narratives, with a view to understanding more broadly and precisely structural impacts on violence and discrimination.

Incorporate into the National Action Plan on Sexual Harassment the element of sexual harassment on the basis of sexual orientation, gender identities and expressions.

Economic Empowerment, Security and Social Protection

Constitutional Provision

“The State must promote full gender balance in Zimbabwean society, and in particular:

- a. the State must promote the full participation of women in all spheres of Zimbabwean society on the basis of equality with men; b. the State must take all measures, including legislative measures, needed to ensure that;
 - i. both genders are equally represented in all institutions and agencies of government at every level; and
 - ii. women constitute at least half the membership of all Commissions and other elective and appointed governmental bodies established by or under this Constitution or any Act of Parliament;

Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.

The State and all institutions and agencies of government at every level must adopt reasonable policies and measures, within the limits of the resources available to them, to provide everyone with an opportunity to work in a freely chosen activity, in order to secure a decent living for themselves and their families.

The State and all institutions and agencies of government at every level must endeavour to secure:- a. full employment;

- b. the removal of restrictions that unnecessarily inhibit or prevent people from working and otherwise engaging in gainful economic activities;”

Government Report on Beijing +25

Zimbabwe is currently implementing temporary special measures with regard to increasing representation of women in both houses of Parliament (Sections 120 (2) and 124 (1) (b) of the Constitution in line with the SADC aspirations to reach 50/50 representation of men and women in decision making positions. The current parliament is composed of 32% women MPs, 30% of cabinet ministries are women, 50% of Ministers of State are women. There have been appointments of women to key positions such as Commissioners, Permanent Secretaries, Directors. Women are encouraged to apply for senior positions.

The principles set out the manner of appointment of members of boards with specific inclusion of section 17 of the Constitution which promotes gender balance and amending such language barriers that give reference to one gender occupying a certain position, for example the use of the words “chairman; deputy chairman”. The amendment of provisions on the establishment of boards will ensure that women have equal access to participation, representation and resources in all spheres of Zimbabwean Society.

Zimbabwe is also exploring use of traditional and religious leaders in addressing negative cultural and religious practises that keep girls with children out of school.

Recommendations

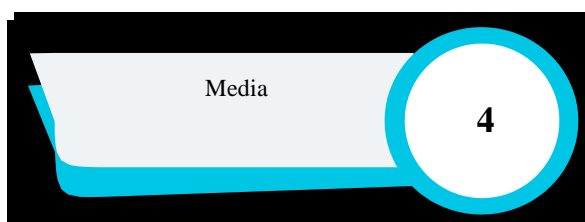
Strategies around improved equal participation and representation of women should include woman in all their diversities and in addition ensure that there is no stigma and discrimination on the basis of SOGIES.

Current policies and laws should foster economic empowerment strategies for women in all their diversities, including access to education, loans, employment and participation in decision making spaces.

Policies on social security and protection should be amended and specifically state the non-discrimination clause on the basis of sexual orientation, gender identity and expression as well as gender, sex, race, ethnicity and religion.

Other recommendations in the Government’s report are enhancing parent to child communication and strengthening linkages between schools and communities.

The other challenge is around women with disabilities with the education infrastructure. However, the Government is addressing the issue through the establishment of disability resource centres in tertiary institutions.



Media

Constitutional Provision

“Freedom of expression and freedom of the media exclude:

- a. incitement to violence;
- b. advocacy of hatred or hate speech;
- c. malicious injury to a person’s reputation or dignity; or
- d. malicious or unwarranted breach of a person’s right to privacy”

The Government revised the National Gender Policy to provide for media strategies to mainstream gender and eliminate the negative portrayal of women. Women have also taken up positions of leadership in media houses.

The RNGP also encourages women to own media houses and to take up of leadership positions in the media sector. In partnership with CSOs, Government continues to encourage the non- stereotypical portrayal of women in the media through the training of journalists and editors. There is an increase in women's access to the media, including in rural areas. There is also an increase in contribution by women in media spaces such as articles in newspapers and women's achievements are being highlighted more in the media.

The Cybercrime and Cyber Security Bill which has yet to be finalized potentially criminalizes the transmission of intimate messages without consent

Recommendations

Criminalise the publishing of hate speech that could potentially bring harm to one's life and hold media houses to account for such under current laws and policies that govern media spaces.

Amend current laws and policies around media and control of information to allow more open safe spaces for different members of society to freely express themselves free from stigma, discrimination and hate speech.

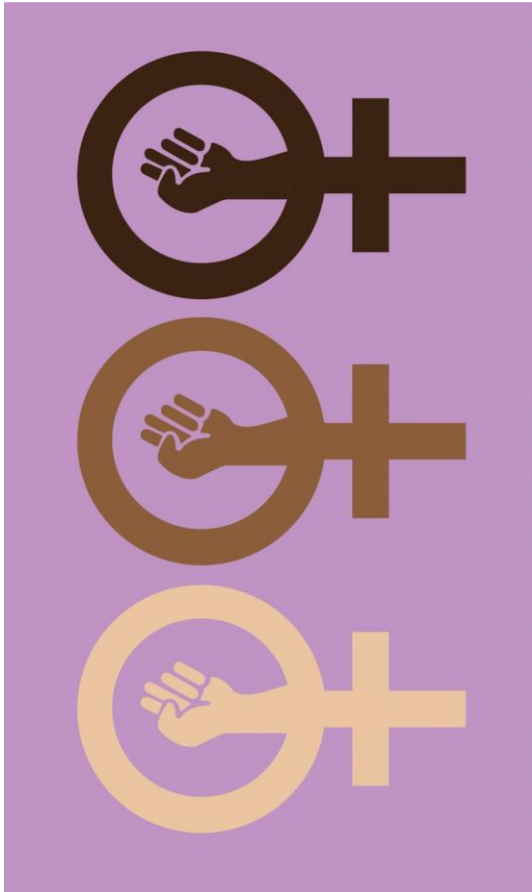
Conclusion Zimbabwe

LBTQ persons remain vulnerable and at risk of being violated and not protected by current laws and policies. The constitution pushes for protection and security of all persons but on implementation it just recognizes the protection of gender but in a binary way only for men and women. As such, we make links between civil and political rights and social and economic rights and ensure that solidarity and collective action across movements are built in recognition of the common oppressions faced by those of us on the margins. There is a crisis based on the rights to autonomy, freedom, dignity and equality and the body is one key site of struggle and power in this crisis. Beijing +25 is a key moment for assessing progress, gaps and barriers, and it will be critical that the voices of LBTQ women and people are heard throughout this process and that all those involved address this crisis to ensure the rights of all women and girls.



Call to Action

Call upon government to work towards encouraging the transformation and elimination of structural barrier like discriminatory negative social norms , harmful practices, and gender stereotypes and increase the promotion of social norms and practices that empower women and girls



recognize the positive roles and contributions of all women and girls in their diversities across every aspect of society, including promoting girls' and women's equal access to education, training and access to labor , information and communication, technology, and aim to eliminate all forms of violence and discrimination at all stages of their life course.

Recall the tenth anniversary of the establishment and recognize and reaffirm the important role of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) [and recognize its important role in promoting gender equality human rights and the empowerment of all women and girls in all their diversity and in mobilizing civil society, including women's and community-based organizations, feminists and feminist groups, women human rights defenders and other relevant stakeholders, at all levels, in support of the full, effective and accelerated implementation of the Beijing Declaration and Platform for Action.

Call upon UN Women and the United Nations system to continue to support the full, effective and accelerated implementation of the Beijing Declaration and Platform for Action and the outcomes of its reviews and the

accelerated delivery of results, including through systematic gender mainstreaming in all relevant sectors.

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