1. Overview
1.1. Frequency

According to Freedom House's 2014 *Freedom in the World* report, Zimbabwean "[w]omen enjoy extensive legal protections, but societal discrimination and domestic violence persist" (Freedom House 2014). A March 2013 article published by the Zimbabwean daily newspaper the *Herald* quotes the Vice President of Zimbabwe, Joice Mujuru, as stating that cases of domestic violence have "drastically increased," with 1,940 cases reported in 2008, 3,193 in 2009, 7,628 in 2010, 10,351 in 2011, and 10,871 cases in 2012 (23 Mar. 2013). According to a joint study on domestic violence in Zimbabwe by the Zimbabwean Ministry of Women Affairs, Gender, and Community Development (MWAGCD) and Gender Links, a Southern African NGO headquartered in Johannesburg that "promotes gender equality and justice across the fifteen countries of the [Southern African] region" (Gender Links n.d.), over two thirds of surveyed women (69 percent) reported being the victim of intimate partner violence (which includes physical, sexual or psychological abuse by a current or former spouse or partner) within their lifetime, while 41 percent of men surveyed admitted to inflicting abuse against their partner [1] (Zimbabwe and Gender Links 2013, 41). The same report specifies that 56 percent of female respondents experienced emotional abuse by their partner, 33 percent experienced physical abuse, 31 percent experienced economic abuse, and 22 percent experienced sexual abuse (ibid., 42). Based on a survey sample of 9,171 women aged 15-49 and 7,480 men aged 15-54, Zimbabwe's *Demographic and Health Survey 2010-11*, published by the country's National Statistics Agency, indicates that 27 percent of female respondents had experienced sexual violence in the previous year; ninety percent of these incidents were perpetrated by the victim's current or former husband, partner, or boyfriend (Zimbabwe Mar. 2012, 27, 251).

1.2 Social Attitudes

A study on domestic violence in rural Zimbabwe by two lecturers at the Great Zimbabwe University in Masvingo - Maxwell Chuma of the Department of Sociology and Bernard Chazovachii of the Department of Rural and Urban Development - indicates that "[v]iolence perpetrated predominantly by men against women particularly in households is viewed as a normal part of gender relations" (Chuma and Chzovachii 2012, 3). The US Department of State's *Country Reports on Human Rights Practices for 2013* notes that 48 percent of Zimbabwean women believe that a husband "is justified to beat his wife" (US 27 Feb. 2014, 40). According to sources, female victims of domestic violence are commonly reprimanded by their families if they file a case with the authorities (Chuma and Chazovachii 2012, 12; Womankind 2011). In a 2015 paper on domestic
violence experienced by Christian women in Zimbabwe, Excellent Chireshe, a lecturer within the Department of Philosophy and Religious Studies at Great Zimbabwe University whose research focuses on gender issues, similarly reports that when domestic violence cases are made public, there is often a stigmatization "of both the abuser and the abused" (Chireshe Jan. 2015, 267). Chireshe explains that this is especially the case in religious families: "[g]iven that homes of religious people are assumed to be safe spaces free from domestic violence, reports of violence in such homes would undermine this perception, hence the silence on the matter" (ibid.). She adds that "married women are regarded as more respectable than single or divorced women," and that divorce is often seen as "a failure on the part of the wife, resulting in her stigmatisation" (ibid.). Statistics published by the MWAGCD and Gender Links study indicate that of the women surveyed who experienced domestic violence, 2.6 percent sought medical attention and 2.4 percent reported the incidents to the police (Zimbabwe and Gender Links 2013, 49).

Sources state that deep-rooted cultural values perpetuate instances of domestic violence in Zimbabwe (Chireshe Jan. 2015, 263-266; Chuma and Chazovachii 2012, 3-4; US et al. n.d., 2). According to a policy brief on gender-based violence and spousal abuse in Zimbabwe by the US President's Emergency Plan for AIDS Relief (PEPFAR), RTI International, and SAFAIDS [2], women’s economic dependence on their husbands increases their vulnerability to abusive intimate-partner relationships (ibid.). According to the Demographic and Health Survey 2010-11, nine percent of women in Zimbabwe own their own house and nine percent own their own land (Zimbabwe Mar. 2012, 231). The article published by Chuma and Chazovachii likewise indicates that women in rural locales often have no ownership over vital assets like land, cattle and shelter, rendering them "too economically dependent on their husbands" to report domestic violence to the authorities (Chuma and Chazovachii 2012, 9). Sources further indicate that women’s access to justice in domestic violence cases is often obstructed by gender imbalances in social, cultural and religious beliefs (US et al. n.d., 2; Chireshe Jan. 2015, 264). According to Chireshe, "[a] substantial number of participants" surveyed for the purpose of the paper indicated that religious reasons "deterred them from reporting the abuse to the authorities. The major religious reason was that only God had the power to end the abuse by changing the abuser" (Chireshe Jan. 2015, 263). The same study states that religious leaders in the community often advised women to pray for the abuse to end or "endure the suffering as it tests faith," as opposed to contacting the police (ibid.).

2. Legislation

Sources state that the Domestic Violence Act [Act14/2006] of Zimbabwe was enacted in 2007 (The Financial Gazette 6 Dec. 2013; Key Correspondents 5 Nov. 2012; Zimbabwe 2006). According to Chireshe, the Act was crafted in response to an increase in cases of domestic violence in the country (Chireshe Jan. 2015, 260). A copy of the Act is attached to this Response. According to a 2015 report on gender-based violence in Zimbabwe by the Southern African Development Community (SADC), a network of 15 Southern African states that works towards regional integration and poverty eradication through economic development and the promotion of peace and security (n.d.), "Zimbabwe's legal framework to prevent all forms of GBV [Gender-based Violence] in the public and private spheres is relatively strong" (SADC 2015, 85). Key Correspondents, a network of "citizen journalists from around the world" who report on HIV, health, and human rights issues (n.d.), similarly states that when the Act came into force, "it was held as one of the most progressive laws for the advancement of women in the fight against domestic violence in Zimbabwe" (Key Correspondents 5 Nov. 2012). Article 2 of the Act states that a victim of domestic violence can include a current or former spouse of the abuser, a child of the abuser, anyone sharing residence with the abuser (whether related to the abuser or not), and anyone who is, or formally has been, in a relationship with the abuser (Zimbabwe 2006, Art. 2).

According to the MWAGCD and Gender Links report, the Act provides a "broad" definition for practices considered to be acts of domestic violence (Zimbabwe and Gender Links 2013, 93). Article 3 of the Act states that domestic violence is defined as "any unlawful act, omission, or behaviour which results in death or the direct infliction of physical, sexual or mental injury to any complainant" (Zimbabwe 2006, Art. 3). The Act further states that such injuries can stem from the following:

3 (1) 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;
i. forcible entry into the complainant's residence where the parties do not share the same residence;

j. depriving the complainant of or hindering the complainant from access to or a reasonable share of the use of facilities associated with the complainant's place of residence;

k. the unreasonable disposal of household effect or other property in which the complainant has an interest.

(ibid.)

The *Domestic Violence Act* includes protection from cultural or customary practices such as forced virginity testing, female genital mutilation, and forced marriages (Zimbabwe 2006, Art. 3). Sources indicate that domestic violence is a crime that can be punishable by imprisonment for up to 10 years (WLSA 13 May 2015; *The Herald* 13 Dec. 2012).

Chuma and Chazovachii state that a "[l]ack of knowledge of the law and its provisions" was cited by the majority of women surveyed for the purpose of their report as a "major impediment to the full realisation of the 'fruits' of the Act" (Chuma and Chazovachii 2012, 7). *Country Reports 2013* similarly indicates that "[m]ost rural citizens were unfamiliar with laws against domestic violence and sexual offences" (US 27 Feb. 2014, 39). Media sources further state that Zimbabwean women do not have access to information channels (*The Herald* 13 Dec. 2012; *The Standard* 8 Dec. 2013) which can inform them about the legal system (ibid.).

3. State Protection

3.1 Protection Orders

Sources state that victims of domestic violence in Zimbabwe are entitled to apply for a protection order which mandates the abuser to stop abusing the victim (WLSA 13 May 2015; Chireshe Jan. 2015, 260; Zimbabwe and Gender Links 2013, 96). Articles 7 through 14 of the *Domestic Violence Act* detail the process of applying for and receiving a protection order against domestic violence (Zimbabwe 2006). Sources further report that a protection order in Zimbabwe may: prevent the perpetrator from committing further violent acts; prevent the abuser from entering a victim's residence, workplace, or other areas which they frequent; mandate the perpetrator to pay emergency relief to the complainant for household expenses, medical bills, school fees, or mortgage bonds and rent payments; award temporary custody of children "to any person or institution" and regulate rights of access to said children by the perpetrator; and provide compensation for any physical injury, trauma, or loss suffered by the complainant (Zimbabwe 2006, Art. 11). The MWAGCD and Gender Links report indicates that, according to Harare Civil Court records, from 2011 to 2013, there were 3,014 applications for protection orders in Harare and 2,931 protection orders were issued (Zimbabwe and Gender Links 2013, 97). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to Chireshe, when a victim reports a domestic violence case to the police, the officers may either “arrest the perpetrator or advise the victim or his/her representative to apply for a protection order” (Chireshe Jan. 2015, 260). Article 5 of the *Domestic Violence Act* similarly states that police officers are supposed to advise victims of their rights and protections under the Act, as well as their right to lodge a criminal complaint against the abuser (Zimbabwe 2006, Art. 5). According to Article 6 of the same Act, a police officer may arrest "without warrant any person whom he or she reasonably suspects has committed or who is threatening to commit an act of domestic violence which, in terms of section 4, constitutes a criminal offence towards a complainant" (ibid., Art. 6). In correspondence with the Research Directorate, the National Coordinator of the Women and Law in Southern Africa Research and Education Trust (WLSA), a Zimbabwean NGO that works to promote and protect women and girls' rights through legal aid services, policy reform and "changes to discriminatory socio-cultural practices" (Zimbabwe and Gender Links 2013, 104), stated that an application for a protection order can be made "at the Magistrate or High Court but so far it is the Magistrate courts that have been hearing cases. [The] Chief's and Headman's Courts in the communities can [also] hear cases of emotional, verbal, psychological, and economic abuse only" (WLSA 13 May 2015). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the *Domestic Violence Act*, protection orders are valid for five years and are issued with an attached warrant of arrest (Zimbabwe 2006, Art. 10). According to the National Coordinator of WLSA, "a protection order remains valid for 5 years and it will have attached to it a warrant of arrest such that if the perpetrator breaches the order, the warrant of arrest will be effected" (WLSA 13 May 2015). Article 14 of the Act similarly states that if "the respondent breaches any term or condition of the order, the complainant or the complainant's representative may request any police officer to enforce the warrant of arrest attached to the order" (Zimbabwe 2006, Art. 14).

3.2 Police
According to a report on the management of sexual abuse and violence in Zimbabwe, published in 2012 by the government's Judicial Service Commission, the Zimbabwe Republic Police has a Victim Friendly Unit (VFU), which was established in 1995, where domestic and sexual violence against women and children cases are reported (Zimbabwe 2012, 33). Sources further note that VFUs are supposed to be in every police station in Zimbabwe (Zimbabwe and Gender Links 2013, 94; WLSA 13 May 2015). The Judicial Service Commission's report states that

VFU investigators are responsible for investigation, arrest of offenders, docket compilation and any necessary referrals. During the investigation process the investigators ensure that the reporting environment is conducive, private and friendly and that confidentiality is maintained (Zimbabwe 2012, 33).

Article 5 of the Act similarly notes that, "where practically possible," every police station will have a section staffed by at least one police officer "with relevant expertise in domestic violence, victim friendly or other family-related matters" (Zimbabwe 2006, Art. 5). Under the Act, VFU officers are required to advise to the complainant how to obtain shelter or medical treatment and advise the complainant of their legal rights (ibid.).

According to a 6 December 2012 article published by the Financial Gazette, the oldest and financial newspaper in Zimbabwe (n.d.), VFUs are "no longer properly functional" and most women do not trust the police or the courts because of the "negative perception around the justice system in the country." Key Correspondents similarly reports that due to the fact that some law enforcement agents believe domestic violence is a private matter, they "frequently decline to listen to complaints, investigate cases, or ensure women are aware of the legal remedies at their disposal" (Key Correspondents 5 Nov. 2012). According to a report on women's rights in Zimbabwe, published by Womankind, an international women's rights charity "working to support women and girls to improve their lives and communities in Africa, Asia, and Latin America" (n.d.), "[t]here is reluctance by some police and judicial officers to implement and enforce legislation on domestic violence and rape" (Womankind 2011). Citing a 2012 study by Musasa, an NGO that focuses on domestic violence, the Herald, lists several problems Zimbabwean women have experienced when reporting domestic violence to the police, including: police officers professing love to female victims of domestic abuse; authorities insisting that the victim bring the perpetrator with her to the police station; officers refusing service due to the belief that domestic violence should be handled privately; and police officers laughing while a victim makes her report (The Herald 13 Dec. 2012). Sources further report that there have been instances in which Zimbabwean police officers solicit bribes from victims of domestic violence in order to investigate or pursue cases (ibid.; Chuma and Chazovachii 2012, 11).

3.3 Judiciary

The SADC report states that the "Victim Friendly System" [VFU facilities and services] includes "police units, courts, counselling and health clinic services" (SADC 2015, 90). The Judicial Service Commission's report indicates that "the VFU Officer is responsible for ensuring that a victim or witness is adequately prepared for their first Court appearance" (Zimbabwe 2012, 35). The same source further notes that this preparation involves ensuring that the victim is familiar with the court processes that they will participate in as well as the general layout of the building (ibid.).

The joint report by the MWAGCD and Gender Links cites data from the Zimbabwean Ministry of Justice and Legal Affairs as showing that between January and October 2012, Zimbabwean courts recorded 6,564 cases of domestic violence (Zimbabwe and Gender Links 2013, 96). The Southern Eye, a newspaper run by the independent Zimbabwean publisher AMH, cites data from the Chief Magistrate's Office indicating that from January to April 2013, "a total of 2,654 new cases of domestic violence were received by the courts" (The Southern Eye 7 Oct. 2013).

According to Country Reports 2013, domestic violence convictions are rare (US 27 Feb. 2014). Womankind's 2011 report indicates that some members of the judiciary "remain unaware of the law on violence against women," noting that at a workshop organized by the Zimbabwe Women Lawyers Association (ZWLA), a Zimbabwean non-profit which provides legal aid services to women and children (n.d.a.), courts did not have adequate copies of the law and some magistrates had never seen it (Womankind 2011). Womankind further states that "courts do not have the documents needed for complainants to apply for protection orders when they are responsible for giving these out to the complainants" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Support Services
4.1 Shelters
Sources state that shelter services are available for female victims of domestic violence in Zimbabwe (SADC 2015, 91; WLSA 13 May 2015; US 27 Feb. 2014, 41). Sources report on two shelters to accommodate female victims of violence in Zimbabwe (SADC 2015, 91; Zimbabwe and Gender Links 2013, 106). One is located in Harare and is run by Musasa, while the other is in Gweru and is managed by the MWAGCD of Zimbabwe (SADC 2015, 91; Zimbabwe and Gender Links 2013, 106). The joint MWAGCG and Gender Links report indicates that that in 2011 the shelter run by Musasa, which also provides other services such as counselling, life skills training, legal assistance, and basic health assistance, handled 728 cases of women who experienced physical abuse and 902 cases of women who experienced psychological or emotional violence (ibid., 105-106). The same source notes that this shelter faces a challenge because it only accommodates mothers and is "overwhelmed with women coming with their young children fleeing domestic violence" (ibid., 106). Regarding the shelter in Gweru, the joint report states that it has a capacity to accommodate four to six people, but in 2012 it accommodated a total of two women and three children, demonstrating "very low access to the shelter" (ibid.). The same report states that "[w]hile 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" (Zimbabwe and Gender Links 2013, 105). The article by Chuma and Chazovachii similarly reports that an "absence" of shelters, particularly in rural areas, "make it almost impossible for women to articulate or report cases of abuse to the authorities" (Chuma and Chazovachii 2012, 9).

4.2 Legal Aid and Hotlines

According to sources, the Zimbabwean government provides legal aid to citizens who are unable to afford their legal fees (Zimbabwe 2012; Zimbabwe n.d.; Zimbabwe and Gender Links 2013, 101). The Judicial Service Commission report states that the Legal Aid Directorate (LAD) "has the mandate to deliver free legal aid services to indigent persons across the country" (Zimbabwe 2012, 54). Sources indicate that the LAD has offices in Harare and Bulawayo (Zimbabwe and Gender Links 2013, 102; Zimbabwe 2012, 54; Zimbabwe n.d.) and a team of 19 lawyers (Zimbabwe 2012, 54). The Website of the LAD states that clients may call their offices and arrangements for legal assistance can be made in regions where the LAD is not active with "cooperating partners" (Zimbabwe n.d.). Sources report that NGOs also offer free legal aid services to Zimbabwean women (Zimbabwe and Gender Links 2013, 102-104; ZWLA n.d.a). According to their website, the Zimbabwean Women Lawyers Association (ZWLA) "champions the rights of women and children by providing free legal aid and working towards creating frameworks for an environment where women and children's rights are enjoyed and protected" (ZWLA n.d.a.). The MWAGCD and Gender Links Report further states that "ZWLA targets indigent women and children from all parts of Zimbabwe who are in need of legal assistance and the organisation provides free legal services for the same" (Zimbabwe and Gender Links 2013, 102). According to its website, the ZWLA has offices located in Harare and Bulawayo (ZWLA n.d.b.). The MWAGCD and Gender Links report also states that the WLSA provides legal aid, support services, and court representation to women in need (Zimbabwe and Gender Links 2013, 104).

In correspondence with the Research Directorate, the National Coordinator of the WLSA stated that "hotlines are available [for domestic violence victims] but are run by NGOs" (WLSA 13 May 2015). ZWLA provides contact numbers for "Mobile Legal Aid Sites" in Gweru, Masvingo, Hwange, Chinhoyi, and Mrehwa as well as "hotlines" in Harare and Bulawayo (ZWLA n.d.a). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] The MWAGCD report is based on the results of a survey which had a sample of 3,326 women and 3,274 men "aged 18 years and above who were permanently resident in randomly preselected households" in all of the provinces of Zimbabwe (Zimbabwe and Gender Links 2013, 40, 119).

[2] PEPFAR is a US government initiative to combat HIV/AIDS globally; it is the "cornerstone and largest component of the US President’s Global Health Initiative" (US n.d.). RTI (Research Triangle Institute) International is a research institute that provides technical assistance to governments and businesses in areas such as health and pharmaceuticals, surveys and statistics, and economic and social policy (RTI International n.d.). SAfAIDS is a regional non-profit based in Harare, Zimbabwe that seeks to ensure that all Africans "realize their sexual and reproductive health rights" and are "free from the burden of HIV, TB, and other related developmental health issues" (SAfAIDS n.d.).
References


Additional Sources Consulted

**Oral sources:** Attempts to contact the following were unsuccessful within the time constraints of this Response: Emthonjeni Women's Forum; Gender Links; Helpline Trust Zimbabwe; Musasa; Women of Zimbabwe Arise; Women's Action Group; Zimbabwe Women Lawyers Association; Zimbabwe Women's Bureau; Zimbabwe Women's Resource Centre and Network; Zimbabwe Young Women's Alliance; Zimbabwe – Ministry of Women's Affairs, Gender, and Community Development.

**Internet sites, including:** African Gender Institute; African Union; Agence France-Presse; Al Jazeera; Amnesty International; Brookings Institution; The Globe and Mail; Human Rights Watch; International Alliance of Women; NewsDay; The New York Times; Reuters; Sokwanele; The Southern Times; United Nations – Development Programme, OCHA, UN Women; United States – Central Intelligence Agency; The Washington Post; Women of Zimbabwe Arise; Zimbabwe – Ministry of Women Affairs Gender and Community Development; Zimbabwe Republic Police; Zimbabwe Briefing.

Tips on how to use this search engine.