



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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17 August 2010

### **ZWE103562.E**

Zimbabwe: Domestic violence and sexual violence; state protection and availability of support services (2005 - August 2010)

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Sources report that domestic violence is an issue of ongoing concern in Zimbabwe (US 11 Mar. 2010, Sec. 6; Freedom House 2010; Musasa Project 2009). Zimbabwe's Central Statistical Office (CSO) and Macro International Inc., a marketing and research company based in the United States (US) (ICF Macro n.d.), implemented a survey in 2005-2006, which included information about the prevalence of domestic violence in Zimbabwe (Zimbabwe/Macro International Mar. 2007, 259). The results indicate that of 4,658 married or previously married Zimbabwean women between the ages of 15 and 49 years, 47.1 percent have experienced a form of physical, sexual or emotional violence by their husband or partner; specifically, 27.3 percent have experienced emotional violence, 29.5 percent have experienced physical violence, 18.9 percent have experienced sexual violence, 10.2 percent have experienced physical and sexual violence and 38.2 percent have experienced physical or sexual violence (ibid., 271, 274). The survey found that domestic violence in Zimbabwe occurs among people of all socioeconomic and cultural backgrounds (ibid., 260). The United States (US) Department of State's *Country Reports on Human Rights Practices for 2009* indicates that, according to 2006 statistics provided by the Musasa Project, a local non-governmental organization (NGO) which is active in combating gender-based violence (Musasa Project 2009), one in three women in Zimbabwe were in an abusive marriage (US 11 Mar. 2010, Sec. 6). Zimbabwe's Gender and Women's Affairs Minister reportedly stated that over 60 percent of murder cases in Zimbabwe were linked to domestic violence (UN 10 Jan. 2007).

Freedom House and *Country Reports 2009* report that sexual abuse in Zimbabwe is "widespread" (Freedom House 2010; US 11 Mar. 2010, Sec. 6). According to the 2005-2006 CSO/Macro International survey, 25 percent of women in Zimbabwe between the ages of 15 and 49 have been victims of sexual violence (Zimbabwe/Macro International Mar. 2007, 264). The survey also reports that of the women who have had sexual intercourse, 21 percent report that their first experience of sexual intercourse was against their will (ibid., 163). A 2008 survey of 1,900 Zimbabweans, conducted by the United Nations (UN) Population Fund (UNFPA) and the International Organization for Migration (IOM), found that one in four displaced women had been forced to have sex at some point in their lives and that 35 percent worried about the risk of rape (IOM 10 Nov. 2009).

Sources report that gender-based violence in Zimbabwe often goes unreported (US 11 Mar. 2010, Sec. 6; IOM 10 Nov. 2009). The IOM suggests that sexual abuse is underreported because victims are often blamed and stigmatized by society (ibid.). *Country Reports 2009* states that domestic violence is underreported because it is viewed as a "private matter" and perpetrators are only arrested when there is physical evidence of assault (US 11 Mar. 2010, Sec. 6).

A 2009 joint study by the UNFPA, the IOM and the UN Children's Fund (UNICEF) found that women and girls in Zimbabwe are increasingly vulnerable to sexual violence and abuse because of the social, political and economic instability in the country (IOM 10 Nov. 2009). Musasa Project similarly suggests that the difficult economic conditions in Zimbabwe have led to an increase in domestic violence (Musasa Project 2009). Musasa Project also expresses concern at the increase in cases of sexual abuse perpetrated by caregivers, guardians, teachers and policemen (ibid. Sept. 2009).

According to *Guardian Unlimited*, a United Kingdom (UK) media source, tens of thousands of children have been sexually abused in Zimbabwe, partially as a result of family breakdowns caused by the economic collapse (10 Nov. 2009). One pediatrician reports that his clinic treated more than 29,000 cases of sexually-abused children between 2005 and 2009 (*Guardian Unlimited* 10 Nov. 2009). The article explains that millions of Zimbabweans have fled to other countries due to political violence and economic difficulties and have left their children in the care of relatives or neighbours, which leaves the children vulnerable to abuse (ibid.).

### **Politically-Motivated Rape**

In a report based on interviews with 70 survivors of rape, the New York-based NGO AIDS-Free World documented 380 acts of rape that were part of a "brutal, orchestrated campaign of rape and torture" that took place in Zimbabwe during 2007 and 2008 (Dec. 2009, 10, 11, 13). The victims were all affiliated with the opposition group Movement for Democratic Change (MDC), either as members or as close relatives of members; victims ranged in age from five-year-old girls to elderly grandmothers, and many were raped by more than five men each (AIDS-Free World Dec. 2009, 12). According to AIDS-Free World, the testimony of the victims showed that the rapes were perpetrated by President Robert Mugabe's Zimbabwe African National Union--Patriotic Front (ZANU-PF)'s youth militia, agents of Zimbabwe's Central Intelligence Organization (CIO), and veterans of the liberation war (also known as "war vets") affiliated with ZANU-PF (ibid.). AIDS-Free World states that there were "striking patterns" among the testimonies of the victims, who came from every province in Zimbabwe and that the testimony was "alarmingly similar" to reports from earlier in the decade (ibid., 10, 13). Articles from the UN Integrated Regional Information Networks (IRIN) also provides detailed accounts of women supporters of MDC who were allegedly gang-raped in 2008 by members of Zimbabwe's national army, veterans of the liberation war, or the ruling party's youth militia (UN 23 Sept. 2008; ibid. 23 June 2008). According to one IRIN article, the accounts were "consistent with the reports of extreme violence meted out by soldiers, police and militants of the ruling party" (UN 23 June 2008). One media source reports that although there are no official statistics, human rights groups estimate that over 2,000 women were raped between May and July 2008 during violence linked to the elections (*Financial Gazette* 11 Dec. 2009).

## State Protection

The *Domestic Violence Act* was passed in 2006 (Zimbabwe 2006; UN 2009, 30), and signed into law by the President in February 2007 (UN 2009, 30). The legislation criminalizes domestic violence, and prescribes a punishment to perpetrators of physical or sexual abuse of a fine and/or imprisonment of up to ten years (Zimbabwe 2006, Art. 4(1); US 11 Mar. 2010, Sec. 6).

According to *Country Reports 2009*, in October 2009 the Ministry of Women's Affairs, Gender, and Community Development created an Anti-Domestic Violence Council, consisting of civil society leaders, government representatives, and religious and traditional leaders, to monitor the implementation of the *Domestic Violence Act* (US 11 Mar. 2010, Sec. 6). The government also ran a public awareness campaign about the Act (ibid.).

NGOs conducted training sessions for police and judicial officers (ZWLA 12 Aug. 2010; SAfAIDS 2009, 20-21). According to an IRIN article, all major police stations are supposed to have "victim-friendly offices" with officers trained in handling cases of domestic violence (UN 17 Sept. 2007).

Southern Africa HIV and AIDS Information Dissemination Service (SAfAIDS), a regional NGO based in Pretoria, South Africa, which advocates for ethical and effective development responses to the HIV and AIDS epidemic (SAfAIDS n.d.), reports that, according to the Zimbabwe Women's Lawyers Association (ZWLA), an NGO promoting gender equality and rights for children (ZWLA n.d.), there are a number of problems with the implementation of the *Domestic Violence Act*, such as inadequate resources, reluctance on the part of the police and judiciary to implement the Act, a lack of awareness of the rights and protections offered by the Act, inaccessible services, and an application process for protection orders that is "cumbersome and prohibitively expensive" (SAfAIDS 2009, 21). A lawyer who is a member of parliament (MP) of the opposition group reportedly stated that although Zimbabwe has enacted a number of laws to combat abuse of women, many of the laws have not been implemented (*Financial Gazette* 11 Dec. 2009). In 12 August 2010 correspondence with the Research Directorate, a representative of ZWLA stated that implementation of the Act is lagging behind because it is "severely under-funded."

The ZWLA Representative noted that effective policing of domestic violence cases is hampered by patriarchal attitudes as well as "rampant" corruption within the police and judiciary (ZWLA 12 Aug. 2010). AIDS-Free World similarly describes the police and legal infrastructure in Zimbabwe as "seriously compromised" (Dec. 2009, 11). Transparency International (TI) ranks Zimbabwe as 146th of 180 countries in the perceived level of public-sector corruption (TI 2009).

*Country Reports 2009* indicates that rape and spousal rape are crimes, but that few cases of rape, particularly spousal rape, are reported to authorities (US 11 Mar. 2010, Sec. 6). *Country Reports 2009* states that some cases of non-politically motivated rape were acted upon by police, and that some perpetrators were convicted in courts, but that statistics were unavailable (ibid.). *Guardian Unlimited* reports that according to the founder of the NGO Girl Child Network (GCN), which rescues girls from sexual abuse, of 4,000 known rape cases in Zimbabwe per year, only 500 resulted in prosecution (10 Nov. 2009). This figure could not be corroborated among the sources consulted by the Research

Directorate.

AIDS-Free World reports that the victims of politically-motivated rape have been unable to seek justice through the police and courts, since the police refuse to implicate ZANU-PF in such crimes, and judges who issue decisions adverse to the leading party face losing their jobs or physical assault (Dec. 2009, 34). In a press release, AIDS-Free World states that the victims feared reporting their rapes to police, and that those who did experienced inaction, ascribing this lack of response to the close association between the police and ZANU-PF (AIDS Free World 10 Dec. 2009).

## **Support Services**

The IOM reports that there is a lack of services to assist victims of gender-based violence in Zimbabwe, and notes that there is only one centre offering services to rape survivors, which is based in a hospital in Harare (10 Nov. 2009).

The ZWLA Representative stated that shelter services in Zimbabwe have a limited capacity to house survivors in need (ZWLA 12 Aug. 2010). According to the ZWLA Representative, there are two shelters in Zimbabwe: one in Harare and one in Gweru (ibid.). The Musasa Project, which receives funding from international donors (Musasa Project 2009), operates the shelter in Harare (ibid.; ZWLA 12 Aug. 2010). The ZWLA Representative stated that the shelter in Harare provides housing and food for up to 12 people, who can typically stay there for a maximum of two weeks (ibid.). According to a 2009 report by the Musasa Project, in addition to the shelter, they offer counselling, legal advice, and income-generating projects to victims of domestic violence (Musasa Project 2009). The ZWLA Representative stated that the shelter in Gweru is operated by the Ministry of Women Affairs, Gender and Community Development (12 Aug. 2010). Further information about the shelter in Gweru could not be found among the sources consulted by the Research Directorate.

Some NGOs offer psychological, social and legal aid support to victims of domestic violence (ZWLA 12 Aug. 2010; SAfAIDS 2009, 21). According to the ZWLA Representative, this support is mainly limited to larger towns and cities (ZWLA 12 Aug. 2010). The ZWLA Representative noted that state support services are limited to providing access to health care, police and the justice system (ibid.). According to the Education Minister, as quoted by *Guardian Unlimited*, the social welfare department in Zimbabwe is nearly collapsed and there are hardly any social workers left (10 Nov. 2009).

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.

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