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Zimbabwe: Recent domestic violence legislation and its implementation
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Zimbabwe's legislature began debate of the *Domestic Violence Act* in June 2006 (UN June 2006), which was subsequently passed and published in the *Government Gazette* on 26 February 2007 (Zimbabwe 26 Feb. 2007). *The Herald*, a Zimbabwean state-owned newspaper, reported on 3 March 2007 that President Mugabe had assented to the *Domestic Violence Act*, thus officially enacting the law.

The Act's definition of domestic violence includes physical, sexual, emotional, verbal, psychological and economic abuse, as well as intimidation, harassment, stalking, forcible entry and property damage, access to property and the removal of household assets (Zimbabwe 26 Feb. 2007, Art. 3.1; see also *The Herald* 3 Mar. 2007). The definition also includes harm resulting from traditional practices such as forced marriage, child marriage, wife inheritance and female genital mutilation (Zimbabwe 26 Feb. 2007, Art. 3.1; see also *The Herald* 3 Mar. 2007). Persons who have been abused because of their age, incapacity, disability or mental disorder are also covered by the definition of domestic violence (Zimbabwe 26 Feb. 2007, Art. 3.1). The law establishes that acts of domestic violence are punishable with up to ten years in prison and/or a fine (*ibid.*, Art. 4) of up to 25,000 Zimbabwean dollars (ZWN) [or approximately 110 Canadian dollars (CAD) (Universal Currency Converter 30 Apr. 2007)] (*The Herald* 3 Mar. 2007). The act requires that each police station be staffed with at least one constable who has relevant expertise dealing with domestic violence (Zimbabwe 26 Feb. 2007, Art. 5), and also empowers police to make arrests without a warrant when a domestic violence offence appears to be impending or is in progress (*ibid.*, Art. 6; see also *The Herald* 3 Mar. 2007).

Complainants and their representatives may apply to the courts for protection orders (Zimbabwe 26 Feb. 2007, Art. 7). Courts are mandated to respond by issuing an interim order when it can reasonably be concluded that an act or threat of violence has occurred, and when the complainant is at risk of harm from the respondent (the alleged perpetrator) (*ibid.*, Art. 9). Following an interim protection order, the courts are mandated to investigate the matter in greater depth, after which they may issue a protection order for a minimum of five years (*ibid.*, Art. 10-11). Protection orders may require the respondent to abstain from certain acts and to perform certain duties (*ibid.*, Art. 11). For example, the respondent may be required to abstain from contacting the complainant and may be required to provide the complainant with financial compensation (*ibid.*). Respondents who violate protection orders may be

punished with up to five years in prison and/or a fine (ibid.).

The *Domestic Violence Act* provides for a government-appointed panel of "[a]nti-domestic violence counsellors" who may provide counselling and social services as well as take steps on behalf of complainants (ibid., Art. 15). Additionally, Article 16 of the Act provides for a ministerial Anti-Domestic Violence Council to oversee the implementation of the Act (ibid., 16).

Non-governmental organizations celebrated international women's day on 8 March 2007, at which time foreign diplomatic representatives attending the celebration commented on the new law (*The Herald* 9 Mar. 2007). The Swedish Ambassador to Zimbabwe noted that the progressive act was a legal "milestone" and a necessary first step, but added that it was not "the ultimate solution" (ibid.). Ambassadors noted that the act's entry into force coincides with increasing levels of domestic violence in the country (ibid. 9 Mar. 2007; see also ibid. 10 Feb. 2007). An article published in *The Herald* cites a social scientist who explains that this phenomenon is related to economic difficulties (*The Herald* 10 Feb. 2007).

Information on the implementation of the *Domestic Violence Act* could not be found by the Research Directorate within the time constraints of this Response. Freedom House, however, notes that while far-reaching laws exist to protect women in Zimbabwe, social prejudice and domestic violence are nonetheless ongoing problems (Freedom House 2006). An opinion piece about the new *Domestic Violence Act* published in *The Herald* comments that while legal protections are necessary, "cultural perceptions based on patriarchy" persist in spite of the new law (*The Herald* 19 Apr. 2006).

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 additional sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: The Musasa Project, Solidarity Peace Trust, Women in Law and Development in Africa (WILDAF), Women of Zimbabwe Arise (WOZA), Zimbabwe Lawyers for Human Rights (ZLHR) and the Zimbabwe Women Lawyers Association (ZWLA) did not provide information to the Research Directorate within the time constraints of this Response.

Internet sites, including: Amnesty International (AI); British Broadcasting Corporation (BBC); European Country of Origin Human Rights Network (ecoi.net); Human Rights Watch (HRW); International Federation of Human Rights Defenders (FIDH); Oxfam; United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR); UN Office of the High Commissioner for Refugees (UNHCR); United States Department of State.

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