

# **Supplementary Submission to the Committee on Economic, Social and Cultural Rights**

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**Regarding the Review of the  
Republic of Zimbabwe  
78th Session (2025)**

Submitted by:  
GALZ, An Association of  
LGBTI People in Zimbabwe  
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## Introduction

GALZ is a membership-based association established in 1990 to promote and protect the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in Zimbabwe. Our mandate includes advocacy, documentation of human rights violations, and capacity strengthening of LGBTI people to assert their rights, including access to health, education, employment and social protection.

We submit this supplementary report to respond specifically to Question 9 of the Committee's list of Issues, which requested the State Party to describe efforts to eliminate discrimination against LGBTI persons. We are concerned that the Government of Zimbabwe, in its response, made no mention of LGBTI persons and did not engage substantively with the Committee's inquiry.

This submission reflects the experiences of our members across Zimbabwe and reaffirms the central principle that no one should be denied their rights because of their real or perceived sexual orientation or gender identity.

## Legal and Structural Barriers Persist Despite Public Health Inclusion

GALZ acknowledges the important step taken by the Government of Zimbabwe in including Men Who Have Sex with Men (MSM) as a key population within its national HIV prevention, treatment and care frameworks, particularly the Zimbabwe National AIDS Strategic Plan (2021-2025). This inclusion, particularly through coordination with the National AIDS Council and Ministry of Health and Child Care, reflects a partial recognition of the specific vulnerabilities facing sexual minorities.

However, this progress is limited and undermined by persistent legal and structural barriers that LGBTI people face in Zimbabwe. Same-sex conduct remains criminalised under Section 73 of the Criminal Law (Codification and Reform) Act. A range of other criminal laws, including laws criminalising disorderly conduct in a public place and criminal nuisance, are also used to directly or indirectly police expressions of non-normative sexual orientation and gender identity. There is no comprehensive anti-discrimination law that protects individuals based on sexual orientation, gender identity, gender expression or sex characteristics. As such, the public health inclusion of MSM exists in tension with the broader legal and social environment, which continues to exclude and criminalise LGBTI persons.

The use of the term MSM within public health programming is based on behaviour rather than identity. While this framing has supported the inclusion of some individuals who engage in same-sex conduct, including those who do not identify as gay or bisexual, it creates significant limitations. It erases the experiences of those whose vulnerability arises not only from behaviour but also from gender identity, expression and perceived community affiliation. This includes transgender women, who are often incorrectly categorised as MSM, and those who face violence, eviction or criminalisation simply because they are assumed to be LGBTI. While MSM-focused programming may address HIV transmission risks, it does not offer protection against discrimination, police abuse, exclusion from education, or denial of legal recognition. Behaviour-based approaches cannot substitute the legal and institutional recognition required to safeguard LGBTI persons as rights holders.

## LGBTI People Face Patterns of Violence and Discrimination

Through ongoing documentation and casework, GALZ continues to observe widespread violations of the rights of LGBTI persons, particularly concerning access to healthcare, education, employment, housing and personal security. The 2023 and 2024 GALZ Violations Reports recorded the following key patterns:

- **Blackmail and extortion**, where individuals are threatened with forced outing or public exposure in exchange for money or compliance. This was the most frequently reported violation in 2023 and remained prominent in 2024.
- **Outing and involuntary disclosure of sexual orientation or gender identity**, often by close associates, which leads to homelessness, disownment or violence.
- **Intimate partner and physical violence**, including same-sex domestic abuse and assaults motivated by homophobia or transphobia, often in public spaces or social gatherings.
- **Sexual violence and aggravated indecent assault**, including rape of gay men and coercion of transgender girls into sex work, with limited access to justice and protection.
- **Discrimination and denial of services**, particularly in healthcare, education, housing and interactions with law enforcement, including cases where survivors are discouraged from reporting due to fear of secondary victimisation.
- **Disproportionate targeting of transgender individuals**, who accounted for over 50% of all violations recorded in 2023. This highlights their acute vulnerability in both public and private spaces.

Despite the commendable inclusion of MSM in HIV programming, these patterns of abuse demonstrate a contradiction between health sector commitments and the lived realities shaped by criminalisation and social stigma. Without legal reforms to decriminalise same-sex conduct and protect against discrimination based on sexual orientation and gender identity and expression, such violations are likely to persist or go unreported.

## Institutional Gaps and Lack of Recourse for LGBTI Persons

Zimbabwe has established a national human rights institution, the Zimbabwe Human Rights Commission (ZHRC); however, the ZHRC has not provided meaningful access to justice for LGBTI persons. In recent engagements with GALZ, ZHRC representatives stated that the Commission's mandate is limited to protecting rights that are explicitly recognised in the Constitution of Zimbabwe. Because the Constitution does not explicitly mention sexual orientation, gender identity, gender expression or sex characteristics (SOGIESC), the Commission has not acted on complaints related to discrimination or violence against LGBTI persons.

This approach leaves LGBTI individuals without any effective national mechanism to report and seek justice for violations of their economic, social and cultural rights. It also reflects a limited interpretation of the Commission's role, which is inconsistent with Zimbabwe's obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR). Whilst the Constitution is silent on SOGIESC, the Commission is obligated under international and national law to interpret and apply constitutional protections in line with its ratified treaties.

The Commission's stance underscores the urgent need for legislative and institutional reforms that bridge the gap between national law and international human rights standards. This includes empowering national institutions to provide redress for all persons, regardless of sexual orientation or gender identity, and providing guidance to state entities on how to interpret equality provisions in a manner consistent with the ICESCR.

### Missed Opportunity for Policy Coherence

The omission of LGBTI persons from the State's response to the Committee is deeply concerning, particularly in light of Zimbabwe's own National Development Strategy (NDS1), which commits to "leaving no one behind." LGBTI persons remain excluded from national consultations, development indicators and social protection schemes. The limited health sector recognition of MSM must be expanded into a whole-of-government approach that includes legal reform, education policy, social security access and labour protections.

### Recommendations

GALZ respectfully urges the Committee to:

1. **Urge** the State party to repeal Section 73 of the Criminal Law (Codification and Reform) Act and any other provisions criminalising consensual same-sex conduct, to ensure full compliance with the Covenant.
2. **Recommend** that the State party adopt comprehensive anti-discrimination legislation explicitly protecting individuals from discrimination on the grounds of sexual orientation, gender identity, gender expression and sex characteristics.
3. **Call upon** the State party to introduce legal and administrative measures enabling transgender and gender-diverse persons to change their gender markers and names on official documents following their self-identified gender.
4. **Encourage** the State party to extend the current inclusion of men who have sex with men in health programming to broader protections for all LGBTI persons in employment, education, housing and public services.
5. **Request** that the State party collect, analyse and publish disaggregated data on access to health, education, employment and social protection for LGBTI persons, in line with Sustainable Development Goal commitments.
6. **Recommend** that the State party ensure the meaningful participation of LGBTI organisations in national policy dialogues, including reviews of the National Development Strategy (NDS1) and human rights reporting processes.
7. **Urge** the Zimbabwe Human Rights Commission to align its interpretation of equality and non-discrimination provisions with the Covenant and other ratified treaties, and to provide effective remedies for violations against LGBTI persons.



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