

Pitfalls of the internet
as a developmental tool

A Study Of The Politics Of Internet Use by Gender And Sexual Minorities In Zimbabwe



Report by  KoliweMajama

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A Study Of The Politics Of Internet Use by Gender And Sexual Minorities In Zimbabwe

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Introduction

This study seeks to show how the internet has become a political weapon to infringe on the rights of marginal sexual and gender communities rather than a developmental tool and seeks to make recommendations for policy and legislative reform. The target groups of the study were sex workers and the Lesbian Gay Bisexual Transgender and Queer (LGBTQ) communities in Zimbabwe. It was apparent that although the two groups had different characteristics, their interests and the challenges they faced intersect in several ways.

The study seeks to make recommendations that would enhance the groups' use of the internet for the enjoyment of their rights to participate in national public discourse on socio-economic and political interest specific to them as marginal communities.

This research seeks to do the following:

1. Inform civil society, human rights defenders and activists on the trends and pitfalls of online and social media use by gender and sexual minorities
2. Recommend to the communities the ideal use of social media and the internet for mobilising and engaging on sex and sexuality issues in Zimbabwe
3. Submit recommendations to the Zimbabwe Internet Governance Forum on policy and legislation on the protection of the rights of gender and sexual minorities

Research Methodology

The study employed both quantitative and qualitative research methods in the gathering and subjective interpretation of the data relating to the following key and broad issues:

1. The opportunities that the internet brings for gender and sexual minorities in Zimbabwe.
2. The trends in use of the internet by gender and sexual minorities in Zimbabwe.
3. Opportunities for the improvement of the online visibility and integration of gender and sexual minorities in Zimbabwe.

Six focus group discussions were conducted over two months, October and November 2018 in three of Zimbabwe's cities Harare, Bulawayo and Gweru. These focus group discussions were held with the assistance of civil society groups working with the communities that included sexual reproductive health rights organisations, Katswe Sisterhood; Bulawayo-based Sexual Rights Centre; LGBTIQ rights group, Vovo Bulawayo ; the association for the LGBTIQ community in Zimbabwe, GALZ; and Hands of Hope in Gweru. In each city, one of the focus group discussions was held with sex workers alone and the other with the LGBTIQ community.

Prior to the discussions, an online questionnaire was administered over two weeks between Monday 22 October and Friday 2 November 2018. The survey was administered and data collected through the use of an online form available on the researcher's professional website¹. Recruitment of participants was conducted through social media and with the support of a local organizations working with gender and sexual minorities in Zimbabwe. The data collected was analysed for trends and themes. Seventy participants took part in the focus group discussions. Three responses were excluded from the analysis as the respondents were resident outside Zimbabwe. In all, sixty-seven responses were collected and analysed.

The researcher also conducted a desk research and literary analysis of existing policy and legislation in Zimbabwe and other African countries that had an impact on the groups' use of the internet. Reference is also made to other African countries.

¹ Website: www.koliwemajama.co.zw

Summary of findings

In general participants who took part in both the survey and the focus group discussions and representatives from the LGBTQ community demonstrated an understanding of that same-sex relations were illegal in Zimbabwe although very few could specifically point to the legislative instruments that rendered them so.

The majority of those that took part in the survey and the focus group discussions considered the rights of gender and sexual minorities as an important issue. They recognized the need for the law and policy in the country to promote and protect the rights of these marginalised groups in order for them to enjoy the said rights in the same way that other citizens did. This group said they would openly and actively advocate for the rights of the group.

Nevertheless, reticence was evident among those who participated on the online survey and held religious or cultural beliefs that denounced or did not recognize the existence of gender and sexual minorities.

Representatives from groups said the violence they faced online was a mere reflection of the everyday challenges they faced in being integrated into society. The group said the continued criminalisation of the LGBTQ community's solicitation of clients, facilitation and procurement

of sex subjected them to violence and discrimination both offline and online. For that reason, openly and actively advocating for their rights as members of the community without the protection of the law became very difficult.

Key recommendations were made for civil society organisations working with the groups to increase awareness of the existence of the groups in the communities and increase lobby and advocacy efforts on the need to integrate and recognise the rights of the communities as equals in society.

Recommendations were given for both online and offline policy; including the need to address privacy, safety and security, respect of fundamental human rights, and legal consequences for infringement on rights to privacy, freedom of expression and association. Key online aspects that the participants felt were of concern and should urgently be addressed through policy were hate speech, harassment and bullying online.

For members of the LGBTQ community participating in this study a consistent call was for the decriminalisation of same-sex sexual association and sex work and an end to the victimisation of these minority populations.

Status Review

Defining gender and sexual minorities

Gender minority refers to people who are not exclusively heterosexual. However, both groups can be defined in multiple ways. Gender minorities are defined and grouped according to any one of the following three criteria:²

People whose inner self-identity does not match the gender assigned at birth;
People whose gender expression or socially assigned gender does not match gender assigned at birth; and
People whose social expression does not conform to relevant cultural norms and expectations of gender.

Sexual minority, on the other hand, is a much broader term that is used to describe any group whose sexual identity, orientation or practices differ from the majority of the surrounding society. While the term primarily refers to the LGBTQ community³, this study also views sex workers as a sexual minority group. Generally, discrimination, violence and stigma characterize the vulnerability of those who are or are perceived to belong to a sexual and gender minority. Usually

morality, religion and political beliefs of the more dominant and elite groups reinforce discrimination against gender and sexual minority groups.

In most of the African continent, sexual orientation and gender identity remain complex concepts that are highly contested. Gender remains a social construct defined by one's physiology as either male or female reinforced by a static cultural position that sees men as the dominant gender, with control over women in spite of age, class and relationship. Women on the other hand are subordinated and are usually classified 'good' or 'bad' according to their conformity to societal expectations.

According to Shaw (2005) former Zimbabwean president, Robert Mugabe launched a homophobic movement within pan-Africanism through his criticism of homosexuality as 'anathema to African Culture'⁴.

The laws in Africa against commercial sex work and homosexuality are similar. A total

2 Park, A, A development Agenda for Gender and sexual minorities (June 2016) <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Development-Agenda-for-Sexual-and-Gender-Minorities.pdf> Accessed on 12 September 2018

3 Sullivan, Michael K. (2003). *Sexual Minorities: Discrimination, Challenges, and Development in America* (illustrated ed.). Haworth Social Work Practice Press. ISBN 9780789002358.

4 Shaw, D. (2005). Queer inclinations and representations: Dambudzo Marechera and Zimbabwean Literature. In F. Veit-Wild and D. Naguschewski (Eds.), *Body, sexuality, and gender: Versions and subversions in African literature 1* (pp. 89–112). New York: Rodopi

of 33 African countries have criminalised both sex work and homosexuality. South Africa and Mozambique are notable exceptions.

The statuses of the groups vary in Southern Africa. In Zambia, for instance, same sexual activity is illegal for both males and females. The penalty for homosexuality is up to 14 years imprisonment⁵ and social attitudes that follow it are mostly negative and base on the idea that homosexuality is a form of insanity or that it is immoral.

While activists and at times prominent figures such as wife to late President Micheal Sata, Christine Kaseba-Sata have spoken against discrimination based on sexual orientation, the situation remains unchanged⁶. Sex work or prostitution is legal in Zambia but related activities such as procuring and soliciting are prohibited⁷.

In South Africa discrimination based on homosexuality and commercial sex work is outlawed.

Mozambique, Mali, Senegal, Ethiopia and the Ivory Coast are some of the few countries on the continent that have legalized sex work.

Socio-political and legal status of gender and sexual minorities in Zimbabwe

Zimbabwe has an expansive Bill of rights in its constitution. In exploring the rights and status of gender and sexual minorities in the country, three major sections stand out.

These are Chapter 49 of the constitution, which enforces the right to liberty, Chapter 51 on human dignity and Chapter 56 on equality and non-discrimination.

Zimbabwe's constitution is silent on sexual orientation and gender identity. In Section 3 of Chapter 78 on Marriage Rights, the country's constitution prohibits *persons of the same sex from marrying each other*.⁸

The Criminal Law (Codification and Reform) Act, in Section 73, criminalises same sex acts between men. Offenders are liable to a fine or one year in prison.

*Any male person, who with the consent of another male person, knowingly performs with that other person anal sexual intercourse, or any act involving physical contact other than anal sexual intercourse that would be regarded by a reasonable person to be an indecent act, shall be guilty of sodomy and liable to a fine of up to or not exceeding level fourteen or imprisonment for a period not exceeding one year or both*⁹

The Act does not clearly define or classify 'indecent acts'. Equally, the term 'reasonable person' is vague and is open to abuse. There is no reference to women in the law.

Zimbabwe's government has a long history of speaking against the LGBTQ community. Over the years, the executive and other public officials including cabinet

5 The violations of the rights of LGBTQ persons in Zambia pdf July 2017. <https://tbinternet.ohchr.org>CCPR>ZMB/>

6 International gay community happy with Kaseba Sata's support, *Zambian Watchdog* <https://www.google.co.zw/amp/s/www.zambianwatchdog.co/international-gay-community-happy-with-kaseba-sata/amp/>

7 Sexuality, Poverty and Law Programme, *sex work law* <https://spl.ids.ac.uk/sexworklaw/countries>

8 Zimbabwe's Constitution of 2013. https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf

9 Criminal Law, Codification and Reform Act of Zimbabwe. http://www.unode.org/res/cld/document/zwe/2006/criminal_law_codification_and_reform_act_html/criminal_law_codification_and_reform_act.pdf

ministers, members of parliament, law enforcement and military personnel, have spoken out against the rights of LGBTQ persons¹⁰. In such instances reference to the community is discriminatory and takes the form of hate speech.

The first prominent homosexuality case in Zimbabwe was that of former President, Canaan Banana, who in 1996 was arrested and convicted by the High Court on two counts of sodomy, seven counts of indecent assault, one count of common assault, and one count of committing an unnatural offence¹¹.

In September 2015, during a United Nations General Assembly meeting then-President Robert Mugabe referred to gay rights as new rights that were contrary to Zimbabwean norms, values, beliefs and traditions.¹² In coverage of the LGBTQ community media are wont to use the infamous statement in which he described homosexuals as 'worse than dogs and pigs'¹³. The prominence of his stance on the community demonstrated was when he was confronted by British gay rights campaigner, Peter Tatchell in Brussels in 2001 who attempted a citizen's arrest during a state visit¹⁴.

Current president, Emmerson Mnangagwa is not far off his predecessor's position. As Vice President, he led a delegation in 2016

to attend the Universal Periodic Review meeting of the United Nations Human Rights Council in Geneva, Switzerland where gay rights in Zimbabwe were on the agenda. He was quoted¹⁵ in the state media as saying:

“With regards to areas that we felt we would not accept, it is issues of gays and homosexuality, which is unlawful in our country...There are a few countries from Europe which recommended that we re-consider our position with regard to adults of same sex marrying each other. That we have rejected.”

Earlier this year in a CNN interview at the sidelines of the World Economic Forum¹⁶, in Davos, Mnangagwa said it was not his place to campaign for gay rights, but rather to uphold the constitution. Reports by GALZ document the arrest under false provisions of disorderly conduct and public nuisance; torture and, more often than not, release without charges of members of the LGBTQ community¹⁷. While lesbian women and transgender persons are not at risk of the law, they are often subjected to similar forms of discrimination.

In past appeals for repeal by organisations, GALZ and the Sexual Rights Centre have focused on discrimination, criminalisation of same-sex conduct of consenting adults and addressing stigma related to the group. They have also called for measures

10 Sida November 2014 The Rights of LGBT people in Zimbabwe <https://www.sida.se/globalassets/sida/eng/partners/human-rights-based-approach/LGBTQ/rights-of-lgbt-persons-zimbabwe.pdf>

11 Banana vs. State <https://www.icj.org/sogicasebook/banana-v-state-supreme-court-of-zimbabwe-29-may-2000/>

12 Mugabe Addresses “Homosexuality” at the UN Assembly <https://www.youtube.com/watch?v=EH2UTRzy2I>

13 ‘Worse than dogs and pigs’ media quotes : <https://www.reuters.com/article/us-zimbabwe-rights-lgbt/worse-than-dogs-and-pigs-life-as-a-gay-man-in-zimbabwe-idUSKCN1BF03Z>; <https://www.theindependent.co.zw/2015/11/27/mugabe-comes-face-to-face-with-gays/>; <https://www.bbc.com/news/world-africa-45665906>; <https://www.thestandard.co.zw/2018/06/17/gays-praise-mnangagwa/>

14 Mugabe men beat up Tatchell : <https://www.theguardian.com/world/2001/mar/06/zimbabwe.andrewosborn>

15 The Herald : Zimbabwe resists gay push. <https://www.herald.co.zw/zimbabwe-resists-gay-rights-push/>

16 CNN, Richard Quest’s interview: Emerson Mnangagwa <https://www.youtube.com/watch?v=Z8ls1ddrpa8>

17 Chesterfeild Samba, Director of GALZ . <https://globalpressjournal.com/africa/zimbabwe/zimbabwes-sex-marriage-ban-used-justify-harassment-lgbt-community/>

to protect the communities' economic, social and cultural rights.

While it is officially not a crime to sell sex, it is illegal to solicit clients, live on the earnings of sex work and to facilitate and procure sex in Zimbabwe.

Solicitation of clients, facilitation and procurement of sex is a criminal offence that makes one liable for imprisonment of between six months and two years¹⁸.

Section 81 of the Criminal Law (Codification and Reform) Act (Chapter 9:23) provides that any person who publicly solicits another person for the purposes of prostitution shall be guilty of soliciting and liable to a fine not exceeding level five or imprisonment for a period not exceeding six months or both.

The law stipulates that during arrests, there should be evidence of attempts to procure a client and that in the event the matter is taken to court, the person who was being solicited must also be present to offer evidence to the court. However, arbitrary arrests of mostly women going about their business at night were a common feature in Zimbabwe.

Organisations such as sexual rights group, Katswe Sistahood, Sexual Rights Centre and the Zimbabwe Women's Resource Centre and Network have run campaigns calling for the decriminalization of sex work. In 2011, former opposition Movement for Democratic Change (MDC-T) Member of Parliament, Thabita

Khumalo signed a petition against the continued criminalization of the trade stating that decriminalizing sex work would address corruption, HIV and AIDS as well as women's rights¹⁹. In Zimbabwe, as in other countries, sex workers are largely viewed as immoral and face high levels of discrimination and violence in their families, in local communities and in the larger society.

On May 27 2015, the Constitutional Court of Zimbabwe delivered a ruling against gender discrimination associated with the police's operations of indiscriminate rounding up of women under the pretext of clamping down on sex work. The ruling emanated from the arrest of nine women who were walking in what had come to be known as the red zone for sex in the capital city, Harare, the Avenues area, during one of many crackdown operations named, 'Operation No to Robberies and Prostitution'. No other arrests had been made as evidence that the women were indeed soliciting. In the past two years, Zimbabwean media have reported the emergence and increase in the number of male sex workers in the country²⁰.

In 2016, the media reported government's consideration of the taxation of the informal sector, including sex work. Reports attributed the claim to a workshop hosted by the Zimbabwe Revenue Authority in the city of Gweru²¹, where a tax management official, Frank Madzorere reported the production of an effective invoicing system for taxing vendors, artists and commercial

18 Criminal Law, Reform and Codification act of Zimbabwe. http://www.unodc.org/res/cld/document/zwe/2006/criminal_law_codification_and_reform_act_html/criminal_law_codification_and_reform_act.pdf

19 MDC pushing to decriminalise prostitution (2011) <https://nzcw.wordpress.com/2011/12/16/mdc-pushing-to-legalize-prostitution/>

20 The Standard Newspaper: <https://www.thestandard.co.zw/2017/08/20/male-sex-worker-bares-soul/>

21 The Zimbabwean (Monday 17th September 2018) Sex workers to pay government tax. <http://www.thezimbabwean.co/2016/12/sex-workers-pay-government-tax/>

sex workers was underway. However, in 2017 then Deputy Minister of Public Service Labour and Social Welfare Tapiwa Matangaidze refuted the reports on the grounds that taxes could not be collected on imprisonable offences.

Internet use in Zimbabwe

As with citizens across the globe, Zimbabweans have progressed in the nature of use of internet services in all facets of life. For a significant section of Zimbabwe's population, the internet facilitates their daily communication, access to information and financial transacting.

In its first Quarter Postal and Telecommunications Sector Performance Report of 2018²², the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ) said that the total number of active internet subscriptions in the country stood at 52,1 percent, an increase of 1.3 percent from the last quarter of 2017.

Zimbabweans largely access the internet via mobile phones. With a penetration of 84.6 percent, mobile internet access accounts for 98 percent of internet access in the country. This growth in active internet subscriptions offers an opportunity for the country to adopt ICT for development.

With an economic recession accompanied by cash shortages, mobile banking is central to business, trading and movement of money among the citizens. Mobile

money transfers increased by 6,35% in the first quarter of 2018 as opposed to the last quarter in 2017 owing to massive cash shortages in the country. Mobile money bills and merchant payments have since been adopted as effective alternative modes of payment.

Relevant literature on LGBTQ and sex workers use of the internet in Zimbabwe

A body of academic research on usage trends on specific online platforms in Zimbabwe mostly by sexual minorities exists. There is however need to narrow the research down into a micro-study of the trends of usage of the internet between the target group. In their study, Mhiripiri and Moyo²³ give a wholesome picture on how organisation, GALZ uses Facebook as an alternative communication platform using ethnographic interaction between defenders and critics of the LGBTQ community.

In Mutsvairo's view, "given the dominance of homophobia in the mainstream media, social media seems to offer an alternative discursive space for the marginalized queer community."

Media reports on the use and launch of online platforms to facilitate sexual transactions were seen in 2013²⁴ and by 2016, sex workers and escort agencies were openly using WhatsApp and other social media networks to advertise their services, tout for new business and demand upfront payment via mobile-phone transfer facilities.

22 Postal and Telecommunications Regulatory authority of Zimbabwe (2018) First Quarter Postal and Telecommunications Sector Performance Report. http://www.potraz.gov.zw/Sector_Performance_Report_First_Quarter_2018.pdf Accessed 12 September 2018

23 Nhamo M and Moyo S Digital Activism in the Social media era (pp249-269) A resilient unwanted civil society: the Gays and Lesbians of Zimbabwe's use of Facebook ...

24 Prostitutes now use Facebook, WhatsApp and Ecocash to sell sex. Bulawayo24.com Accessed 18 September <https://bulawayo24.com/index-id-news-sc-national-byo-88772.html>

A 2013 police-led ‘clean-up’ campaign against prostitutes and armed robbers, ‘Operation zvanyanya’ forced many commercial sex workers to resort to the internet. This clampdown saw the inception of websites such as Zim Escorts²⁵, BDSM²⁶ and Sex4Sale²⁷.

Agencies and individuals now use Facebook and Twitter to post lurid photographs alongside detailed descriptions of names and location²⁸.

Mobile money transfer services provide a shield against clients who refuse to pay²⁹ as the fee is demanded upfront and in other instances a deposit before any meeting or arrangement is made. Through social network platforms such as WhatsApp, the commercial sex workers are able to send pictures and videos of cases of abuse or violence to rights campaigners. In this light, the internet serves as a safe haven for commercial sex workers.

This research appeals to the feminist principles of the internet³⁰, a series of statements that offer a gender and sexual rights lens on internet-related rights.

The principles, an initiative of the Association for Progressive Communication (APC) were drafted in April 2014 at the first Imagine a Feminist Internet meeting that took place in Malaysia. Fifty activists and advocates working in sexual rights, women’s rights, violence against women, and internet rights, drafted the principles in a meeting, Imagine a feminist internet, organised by the Association for Progressive Communications (APC)³¹. The principle integrates different realities, contexts and specificities – including age, disabilities, sexualities, gender identities and expressions, socioeconomic locations, political and religious beliefs, ethnic origins, and racial markers for realizing an internet that is friendly to gender and sexual minorities.

25 <http://www.zimescorts.com>

26 Bondage and Discipline, dominance and Submission, Sadism and Masochism bdsmbiz.com

27 Sex for Sale, Website launches online prostitution for Zimbabweans <https://www.ihare.com/sex-for-sale-website-launches-online-prostitution-for-zimbabweans/amp/>

28 Prostitutes turn to the internet. 2013 Nehanda Radio. <http://www.nehandaradio.com/2013/09/09/prostitutes-in-zimbabwe-turn-to-the-internet/>

29 Zim Sex workers turn to mobile money. M.fin.com. Accessed 18 September 2018 <https://m.fin24.com/Tech/News/Zim-sex-workers-turn-to-mobile-money-to-20150324>

30 Feminist principles of the internet : https://feministinternet.org/sites/default/files/Feminist_principles_of_the_internetv2-0.pdf

31 Association for Progressive Communications website <https://www.apc.org/>

Main findings and analysis

The survey

A total of sixty-seven (67) respondents completed the online survey, of whom sixty-three percent (63%) identified themselves as female. The ages of the participants ranged from young people aged 16-25 (13 percent of respondents) to individuals over the age of fifty years (seven percent of respondents). The highest response rate was among individuals aged 31-40 years who made up forty-four percent (44%) of the respondents, followed by individuals aged 26-30 years, at sixteen percent (16%). Twenty one of the thirty individuals aged 31-40 years identified as females.

There was high uptake of the survey by individuals who identified themselves as heterosexual. Sixty out of sixty-seven respondents (90 percent) identified themselves as heterosexual compared to seven individuals (10 percent) who identified as members of the LGBTQ community. There was a near even split in the number of male and female respondents who identified as LGBTQ as shown in Table 1.

	Female	Male	Grand Total
Heterosexual	38	22	60
LGBTQ	4	3	7
Grand Total	42	25	67

Table 1: Survey respondents by gender and sexual orientation.

Most of the survey respondents were from Harare. Fifty-eight (58) respondents were from Harare, followed by seven (7) from Bulawayo and two (2) from Gweru. A further question revealed that the majority of the respondents (55%) lived in low density suburbs within the three cities. In Harare, thirty-two of the fifty-eight respondents (55%) lived in low density suburbs, followed by nineteen respondents (33%) in medium density suburbs with the remainder in high density areas as shown in Table 2.

	High density	Low density	Medium density	Grand Total
Bulawayo	3	4		7
Gweru	1	1		2
Harare	7	32	19	58
Grand Total	11	37	19	67

Table 2: Survey respondents by geographic location.

Do Zimbabweans support the rights of gender and sexual minorities?

When asked if they would openly and actively stand for gender and sexual minority rights in their communities a majority of forty-one (41) respondents out of 67 (sixty-one percent) reported that they would stand for the rights of such interest groups while twenty-six (26) respondents reported that they would not do so.

Reasons for openly supporting gender and sexual minority rights varied, however more than 50 percent of the respondents who would do so cited they viewed such issues as human rights and were in support of equality for all people regardless of gender identity or sexual orientation. The remainder were driven by their desire to support friends, to dispel misconceptions about and negative attitudes towards LGBTQ people, to fight against mistreatment of LGBTQ people, and as an ethical or moral issue. For two of the six LGBTQ respondents who reported that they would openly stand in support of these rights, this was an issue of personal significance, while the other four offered reasons similar to the rest of the respondents namely promoting education, ethics and equality.

The respondents who reported that they would not openly support the rights of sexual and gender minorities in their community offered various reasons for their stance. These were mostly related to their religious, cultural or traditional beliefs (27% of respondents) as well as a fear of stigma and discomfort with such issues (27% of respondents), followed by a lack of interest in or support for the rights of gender and sexual minorities as illustrated in Figure 1.

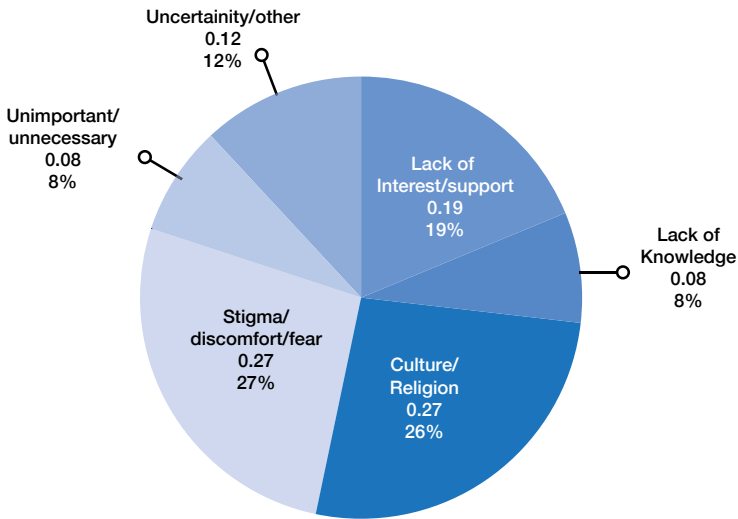


Figure 1: Reasons for not supporting sexual and gender minority rights

A member of the LGBTQ community who stated that she would not openly stand for the rights of gender and sexual minorities in her community provided the following reason that illustrated the challenges around these issues even among directly affected individuals: *“It’s okay to stand for gender rights, but [for] sexual minorities it is very difficult to speak out. People quickly become emotional and it’s hard to make your point without people attacking you verbally.”* Another respondent specifically reported fearing the state’s response.

Do Zimbabweans understand the legal landscape on gender and sexual diversity?

When asked if they were aware of any laws that to gender and sexual diversity in Zimbabwe, nearly 70 percent of the survey respondents (46 out of 67) said they were not aware. Even among LGBTQ respondents five out of seven respondents were unaware of laws pertaining to gender and sexual diversity. Twenty-one respondents (31 percent) reported knowing of laws pertaining to gender and sexual diversity. The most commonly mentioned law was the Constitution of Zimbabwe, which was cited by eight respondents.

Three respondents mentioned Criminal Law (Codification and Reform) Act and one respondent was aware of the Gender Commission Act. Four respondents were aware that homosexuality was illegal but did not cite the specific law that enacted this. Similarly, three were aware that individuals should enjoy the right to equality and non-discrimination but did not mention any specific law in relation to this. Two respondents mentioned acts related to sexual deviance and sexual harassment

which did not in fact exist, although criminal law dealt with sexual offences. One respondent was aware that while the constitution did not recognize same sex marriages and that same sex sexual conduct was criminalised in the Criminal Law (Codification and Reform) Act, there were policies that existed that recognized the rights of gender and sexual minorities. The example provided was the Extended Zimbabwe National AIDS Strategic Plan III (ZNASP III) that recognized sexual minorities as a key population.

Interaction with gender and sexual minorities

Nearly 50 percent reported having interacted with the LGBTQ community online. The frequency of interaction varied, ranging from daily, to several times a week, or a few times a month, with some respondents infrequently interacting with the LGBTQ community online. There was a near even split between heterosexuals who reported having interacted with the LGBTQ community online (27 out of 60) and those who did not (33 out of 60). Most respondents who reported interacting with the LGBTQ community online did so on multiple platforms, but mostly Facebook and Twitter and WhatsApp mobile messaging application to a lesser extent. Figure 2 depicts the number of respondents interacting with the LGBTQ community on various online platforms.

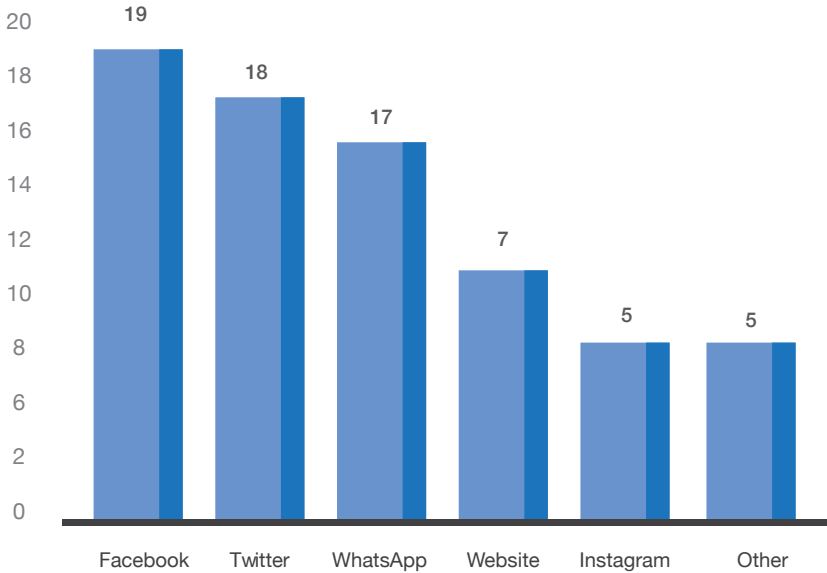


Figure 2: Online platforms where respondents have interacted with LGBTQQ community

In terms of the types of interaction, respondents reported commenting on or retweeting social media posts by LGBTQ organisations or activists, following LGBTQ organisations or campaigns and participating in online discussions. Reasons for interaction included work or professional reasons, engaging with LGBTQ campaigns and global discourse, supporting their LGBTQ friends or family members, and general social interaction. Two LGBTQ respondents reported engaging with the community on dating sites, namely Grindr, Only Lads and Mixit.

More than three quarters (76%) of the sixty-seven respondents, reported having never interacted with the sex work community online. Only 15 people said they have interacted with the sex work community online. Similarly, to interactions with LGBTQ communities, respondents interacted with the sex worker community on multiple platforms with the most commonly mentioned online platforms being Facebook, Twitter and WhatsApp. Individuals who interacted with the sex worker community as part of their work reported frequencies of interaction ranging from three times a week to monthly. In terms of the nature of the interactions, two respondents mentioned commenting or seeking information on sex worker issues, two engaged in online discussions and one mentioned being friends or colleagues with members of the sex worker community online. One respondent who identified as LGBTQ used online platforms professionally to look for clients.

Opinions on online violence towards sexual and gender minorities

Survey respondents were asked to rate various forms of online discrimination in accordance with their perceived severity towards gender and sexual minorities in Zimbabwe. Threats were rated as high, medium or low. Sixty-one out of 67 respondents, that is 91 percent, perceived hate speech to be the greatest threat to gender and sexual minorities online, followed by harassment, bullying and sexism as shown in Figure 3. Recognition of hate speech as a severe threat was consistent between LGBTQ respondents (6 out of 7) and heterosexuals (55 out of 60).

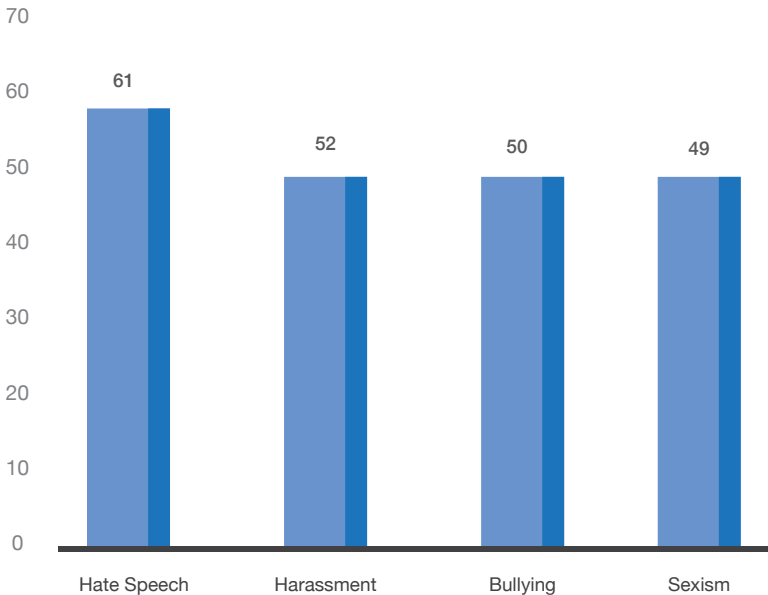


Figure 3: Offences perceived as high threats to gender and sexual minorities online

Provided with the opportunity to include additional forms of discrimination, the survey respondents mentioned stigmatisation and targeting as high threats. Two LGBTQ respondents cited blackmail and intimidation as high threats, while one elaborated that such online harassment led to harassment in the physical realm, “The online violence immediately translate(s) into physical and sexual violence as people are tracked down and assaulted, arrested, threatened, financially.” The threat of exposure to authorities was also recognised by one respondent who identified as heterosexual.

02

The Focus group discussions

Demographic representation sex workers and LGBTQ discussions

Thirty-five sex workers, aged between 20-48 years, from the three cities participated in the discussions organized by Katswe Sistahood and the Sexual Rights Centre in Bulawayo. Thirty-one of the sex workers were female, three were male and two identified as transgender. Female sex workers said the criminalization of sex work in the country worsened their vulnerability to harassment by clients and the police as had been noted in numerous studies. Male sex workers in the discussions from the LGBTQ community, felt they were equally at risk because of the law against men who have sex with men, popularly referred to as MSM.

Only 36 percent of the participants said they were engaged in full time sex work, with no alternative source of income. The rest had alternative, part-time or full-time work that subsidized or complemented their incomes as sex workers. Some of the part-time work included cross-boarder trading, domestic aid work, childcare work for even other sex workers and session artistry in mostly the music and entertainment industry. Full time professional work included graphic design, peer education and project management. From the discussion it emerged that while the majority of the women voluntarily engaged in sex work, there were a few

who found themselves with no alternative because they lacked resources to set up any income generating project, basic education or professional qualification. Only one of the female participant in the three groups said they cohabited with a male partner, who was aware and had accepted sex work contributed significantly to their upkeep.

Thirty-five members of the LGBTQ community attended the discussions held in the three cities and organised by organisations that work with the community including Povo, Hands of Hope and GALZ. Members in the group ranged in age between 23-45 years. Most participants in the group were employed either fulltime in formal or freelance work as either peer educators with health organisations, content producers in the print media, film and music industries. Five participants were students at tertiary level and another five participants indicated they were not formally employed, relied on partners or were involved in sex work. Interestingly, the male and transgender sex workers participants were only from Harare and Gweru. No indication was given in Bulawayo.

Internet usage trends

As was the trend in Zimbabwe, the groups accessed the internet via their mobile devices with either 3G or 4G networks, depending on their location. Wi-Fi networks were also accessible for those that had it at their places of employment during working hours. Only one participant from the LGBTQ community in Gweru said they frequently used the free Wi-Fi zones as an alternative.

Both the sex workers and the LGBTQ community used Whatsapp and Facebook for regular communication and sharing of information. Whatsapp groups and closed Facebook pages were set up by members of the community or civil society organisations that work with them to allow the groups to interact in a safe space across their geographical boundaries and interests. For the LGBTQ community, while there were mixed groups and pages, participants in the discussions said there were also stand-alone platforms set up for specific groups. Participants specifically mentioned groups for the lesbians and others for the transgender community.

Across both groups eight participants said they had two accounts on some platforms; one for the public and another specifically for interacting with the community. These often said they would use a pseudonym on their community account to prevent identification. Five LGBTQ participants said they did not interact with close family on social media accounts, as this would limit their ability to be themselves and share the content that they desired.

Overall sex workers accessed internet less than the LGTBI community. Comparatively, sex workers in the capital city of Harare

accessed and used the internet more than those in Bulawayo and Gweru. Sex workers in Harare accessed the internet daily with a standard smartphone or tablet as they heavily depended on the internet to do business, and in particular popular social media platforms in Zimbabwe namely, Facebook and Whatsapp. More than half the participants had more than one device including more sophisticated devices such as the iPhone, smart watch and laptops. The three sex workers with the sophisticated devices also belonged to the LGBTQ community, who recorded also using dating apps Tinder, Badoo and Grindr for sex work.

In Bulawayo the most sophisticated device used by only half of the participants in the discussion was the Smart Android phone. Even then only one sex worker demonstrated sophisticated use of the internet for sex work. This involved sending nude pictures and videos to clients outside Zimbabwe using Whatsapp. She said co-sex workers in South Africa, where she was based a few years ago, recommended to her foreign-based clientele. For the sex workers engaged in part-time cross-border trading, Whatsapp remained convenient for communication with their clients in neighbouring countries of South Africa and Botswana.

The LGBTQ community was more sophisticated in its use of the internet, going beyond the use of only Whatsapp and Facebook to include regular emailing, publishing of content, dating sites and applications, watching pornography and general browsing and research.

Popular dating applications and websites

that the group used include Grindr, AfroIntroductions, Tinder, Mingle2, Only Women, Only Lads and One Scene. Pornography was a common feature of both groups. The difference being that a greater number of the LGBTQ participants said they streamed pornography online and usually went incognito to download it. Pornography was mostly downloaded on YouTube and specific pornographic websites. The sex work group said that pornography was shared and downloaded on Whatsapp groups.

Other platforms listed in the groups include Twitter, Instagram and LinkedIn. One participant in the Harare LGBTQ discussion rated the platforms in this manner;

'Facebook is my closet space. Instagram is my free space to rant and share love. On Twitter I am mostly on the terraces. There is a lot of shaming and violence on Twitter'

Owing to the cash shortages in the country, mobile money services were popular across the board, but particularly for the sex work community.

Information shared on the platforms could be summed as follows:

News

Sharing of topical community and national developments and news on the economy, politics and other more social issues.

Market information

For sex workers this category of information included sharing of information on where there was potential for clients, the rates or charges in specific areas and pornography. This category would

also include the sharing of information on fashion trends. Cosmetics were also popular in this category of information.

Health issues

This category of information includes the sharing of health tips, information on sexually transmitted diseases and infections and where to get friendly health services. Both groups shared experiences of the difficulty of accessing services at public health facilities and said the groups assisted in the identification and diagnosis of especially sexually transmitted diseases. Awareness raising and support were also a huge component. In this category group members encouraged and supported each other on the importance of safe sex and the need to continue on anti-retroviral treatment for those that were on it. At the time of the study, Pentecostal leader, Walter Magaya had hit the headlines as having found a cure for AIDS.

Safety and security

This was largely support information for both groups usually backed by the organisations that the groups work with. For the sex worker groups, support organisations often shared information provided by their link persons in the police. It served to alert on high-risk areas, identify perpetrators of violence against the group and in the case of sex workers, quick identification of victims of violence. Often security tips were shared in this category of information.

Affordability, Literacy and Safety

Access limitations: Affordability and literacy

The relationship between the monthly income, access and usage of the internet

was apparent in the group. The variation in monthly income of the two groups was telling as far as access was concerned.

Income for the LGBTQ group, stood at between \$300 - \$600, figures largely influenced by the number of participants that have fulltime professions. This, together with general exposure and more internet literacy allowed the group to engage more online than the sex work group.

They said they spent on average \$20-30 on data monthly and attributed this high cost to the use of data, outside of the special data bundles for the popular social media platforms Facebook and Whatsapp. They cited the use of navigation apps such as Grindr as being data-heavy and sometimes unreliable owing to the inaccuracy of some locations on the country's GPS.

However participants said they were willing to make a sacrifice, to ensure they had daily access across the platforms. They said mobile data packages gave them fair access to the apps weekly as one received a 'reasonable' amount of data. The Netone Fusion \$5.00 was the most popular followed by the subsidized Econet social media weekly packages for \$3.00.

Sex workers, outside the LGBTQ community, spent almost half on mobile data, with a preference for special subsidised data packages on popular mobile networks Econet and Netone. Usage also varied on the city that the sex workers were based, and where in the city they were based. A fulltime sex worker in Harare earned between \$400-700 monthly while in Bulawayo and Gweru the average fulltime a sex worker earned \$100 - 400.

Eleven of the sex workers lived in the high-income suburbs and six in medium-income suburbs. Both groups operated mainly from the city centre. The rest of the sex workers were based in the low-income areas where they mostly operated from. Harare-based sex workers mostly left their areas of residence to operate from the city. In Gweru, sex workers said they had to leave the city weekly for at least three days to earn at least \$100 monthly. Business, they said, was mostly found in the mining Zvishavane and Shangani towns, the latter which lies between the cities of Bulawayo and Gweru, and was a well known pit stop for haulage drivers.

Sex workers in Gweru said they had very little use of the internet. Most of their clientele also usually interacted through voice calls. One sex worker said,

"I prefer to use a simple feature phone. When I was on Whatsapp, I was constantly stalked by clients' wives. One even threatened to take my picture to the newspapers. I simply keep my android phone for the children to play games. Regular clients know my number and new ones always meet me physically," she said.

Digital security concerns were noted across all the discussions. Sex workers said they had limited use for the internet because they could not guarantee their safety online. They relatively felt safe on Whatsapp and Facebook, but demonstrated little to no concern and knowledge on safety and security features on the platforms. They recorded cases of harassment online without reference to

security features that would enable them to block or control people who viewed their posts and statuses.

For the LGBTQ community security of their accounts was largely compromised by device security. A few participants had their accounts hacked after they lost their phones and someone had access to their social media and email accounts which they said were always open on apps or their browsers, because they were constantly on the apps with their devices.

The group on especially the navigation applications demonstrated limited control of updates on location and distance from location on applications.

Violation trends

Both communities said their discrimination and harassment online reflected their vulnerability in daily interaction offline in the communities they live in.

Are you out? :

Openness on sexuality and involvement in sex work

A common trend in both groups was that the majority of the participants were not open about their work and sexuality. Of the 35 LGBTQ focus group participants, only 12 said they openly admitted their sexuality to their family and in the communities that they lived in. It is only those 12 that also said they would openly advocate for the rights of the group. A good number said despite the fact that they stood out as queer looking, they would never openly admit their sexuality to their families or members of the community should they be confronted. The younger participants who still lived with their parents shared experiences

of the trauma of 'being discovered' by family. Often families have been known to disassociate, cast out family members or seek spiritual intervention to cast out 'the demon' either through traditional rituals or through the church.

The majority of the sex workers said they would not openly admit to members of their communities or their families their engagement in sex work. This, they said was primarily because of the stigma attached to it, and the need, in most cases, to 'protect' their children. They said once the community was aware of one's involvement in sex work, it became difficult to integrate largely because of the stereotypical assumption that sex workers were morally loose, their primary motive being to wreck marriages. Only 15 said their trade was not a secret. When asked if they would openly advocate for sex worker rights, none of the sex workers said they would openly do so stating they would not 'take advantage' of the fact that they were open about their trade as it would compromise their acceptability in the community.

The two groups agreed that as a group, by virtue of being the minority, they were more vulnerable when they were out, than when they denied either their sexuality or their trade. Both groups noted their victimization was at three levels: family level, community level and at law enforcement level. Both groups felt that because of the politics surrounding their trade and sexuality, the police often did not know how to respond to them or chose to disregard their rights to recourse as they were regarded as criminals.

Offline they said they were exposed

to physical and emotional violence, harassment, hate speech and shaming. The top five online violations, in order of frequency mentioned during the discussions include:

Hate speech

For especially the LGBTQ community, hate speech was a common feature in their daily online interaction on open pages and public platforms. The participants said homophobic hate speech was used directly against those who were open about their sexuality and interacted on more public platforms such as Twitter. They said it was not unusual for one to be called out on their sexuality with reference to the biblical Sodom and Gomorrah or cultural unacceptability. Terms 'ngochani' and 'stabane' were thrown around even in conversations not related to sexuality issues. Often the group was reminded that they should be cast out or 'burnt' as their sexuality was not recognized constitutionally. They illustrated this with the homophobic statements that laced social media conversations in September following the revelations by former Harare private school, St John's College deputy headmaster, Neal Hovelmeier, that he was gay. Others made reference to the homophobic attacks on Sweden-based Zimbabwean transgender socialite Tatelicious Karigambe in most of her YouTube posts, especially following a pregnancy announcement in September last year. She is often labeled the 'devil' or Lucifer. However, the LGBTQ community also noted the fact that closet community members would often be some people in their community who would openly attack them on a public debate in order to protect themselves from being seen as supporting the community.

Stalking

Stalking took different forms against the group. For sex workers it was usually the partners of their clients who stalked them by taking screen shots of their profile pictures and statuses and then using them to harass them when they decided to confront them. Identity theft was a popular one under this category, especially with the LGBTQ community who shared experiences of people taking over their social media accounts, manipulating pictures of individuals often to mock them, make false accusations or to create fake accounts. Participants said there were specific accounts that targeted the community in order to harass it whenever it engaged in broader conversations.

Hacking

The hacking of, especially, Facebook accounts was listed by both groups who said more often than not one got notified by followers when someone had taken over their account. They said normally posts by the hackers shared undesirable content like pornography as a post or direct message to their followers. In some instances one hacked into a social media account and accessed personal information in the direct message inbox and began to harass, bully and threaten to 'expose', kill or rape them.

Individuals who took over the account of the administrator or accessed the link to join private community groups had hacked into whole Whatsapp groups. In some instances they added other people and began to attack group members. One participant recounted the trauma of having a lesbian Whatsapp group hacked by someone they later discovered was male. As the person had not engaged much on

the group, members were left wondering how much information about them he had collected and for what purposes.

Bullying

Catfishing was the top most form of cyberbullying the LGBTQ community in Zimbabwe faced. Participants shared experiences of interaction with fake accounts to intentionally mock, blackmail or physically harm them. Transgender participants said they faced intra-community violence online. One participant shared an experience of months of bullying by community members forcing her to identify as a 'butch lesbian'. In other instances ex-partners were known to use intimate images to torment new partners or blackmail either of the partners. Sex workers said usually their clients' partners who would have gone through their phones and intercepted messages bullied them. They said the spouse would store contact details, the history of a conversation, and images to constantly threaten them. The participants said spouses threatened physical harm, to expose in tabloid newspapers, B-Metro and H-Metro, or make an official police report. Shaming was also popular across the groups; with sex workers sharing experiences of slut shaming especially in other more open Whatsapp groups.

Often unpopular comments on, especially social issues, would earn the comment '*Mungati chi imi mahure?*' [We don't expect any better from prostitutes] The LGBTQ community in Bulawayo noted

that mid-2018 a naming and shaming spat known as the 'Black Twitter' left a number of members of the community exposed.

Censorship

Self-censorship was the most prominent form of censorship the groups shared. Most times, both the sex workers and LGBTQ said they failed to engage in public discourse because of fear of being shamed.

“Sometimes because you have seen other members of the community being attacked for a comment, you think over what the next person is going to think about your opinion. It is that uncertainty that keeps you out of the conversation or makes you send abstract messages – which is pointless because no one really hears you,” said one participant.

Homophobic jokes or jokes that discriminate against sex work were shared in order to provoke or silence participants in conversations. In some instances, one would have a comment deleted or be blocked from participating in a conversation. On Whatsapp people shared experiences of ejection from groups by administrators.

Recommendations

The following section presents recommendations offered by both participants in the survey and the focus group with respect to the advancement of rights of the gender and sexual minority groups both offline and online.

Recommendations for offline policy

Decriminalisation of the groups

Top of the list was the recommendation for the decriminalisation of same sexual conduct and sex work in the country. Participants said the haziness in the country's constitution of status of the LGBTQ community, and continued existence of laws that criminalized both groups, stood in the way of their enjoyment of basic rights and integration into society. They recommended the striking down of Section 81 of the Criminal Law (Codification and Reform) Act and Section 4 of the Miscellaneous Offences Act on loitering of women for the purposes of prostitution. They said sex work should be recognised and protected as a profession with safety guarantees enforced by law with penalties for abusers of sex workers. Participants also recommended that sexual orientation be recognised as a right for the LGBTQ community not to be discriminated against by the community, health service providers and law enforcement agents.

Recognition of rights of gender and sexual minorities

1. Participants also felt there was need to explicitly guarantee the rights of gender and sexual minorities in the constitution. These rights would include but not be restricted to:
2. The right to non-discrimination on the basis of sex work and sexual orientation.
3. The right to privacy with regards sexual identity or orientation, and criminalising the divulgence of people's recommended sexuality.
4. The right to free expression, including sexual expression.
5. The right to equitable access to information from the relevant public institutions working on sexual reproductive health issues.

Advancing rights online

Participants stated that the existence of laws and policy that criminalised sex work and a lack of clarity in national policy on the status of the LGBTQ community affected respect of the groups' freedoms online.

Participants recommended the broadening of sections of Zimbabwe's draft Cybercrimes and Cybersecurity Bill on discrimination online, hate speech, bullying and

privacy breach to classify marginal and vulnerable groups.

There were also recommendations on the inclusion of specific clauses on anti-discrimination online on the grounds of sexual orientation and gender identity. They recommended sexist and homophobic conduct be added to the Section 20 that deals with racist and xenophobic materials.

Role of the private sector

Participants recommended popular online platforms increased safety awareness on their platforms for countries like Zimbabwe where gender and sexual minorities remained vulnerable. This included:

1. Simplifying and localizing their privacy policies.
2. Coming up with clearer, country-specific community standards for users redress after violations online.
3. Partnering with local civil society organizations that work with gender and sexual minorities to improve platform use.
4. Deliberate marketing of online harassment policies for the benefit of users in volatile countries.

Conclusion

Many of the Zimbabweans surveyed demonstrated a broad awareness of the fact that same-sex sexual contact was outlawed. There was, however, limited understanding of the specific laws of Zimbabwe that spoke to issues of gender, same-sex sexual association and sex work. In the case of members of these marginalised communities, this lack of knowledge limited their ability to stand up for their rights or seek appropriate recourse when their rights were violated. It also poses a challenge for those who would be seeking to lend their support for such rights whether offline or online.

For members the LGBTQ community participating in this study a consistent plight was for the decriminalisation of same-sex sexual association; and for sex workers a call for an end to their continued discrimination and victimisation by society at large.

A number of the Zimbabweans surveyed considered the rights of gender and sexual minorities in the country as basic human rights issues, and recognized that there is a need for the law to protect individuals in these marginalised groups in the same way that other citizens enjoyed protection. Nevertheless, reticence was evident among those who held religious or cultural beliefs that denounced or did not recognize the existence of gender and sexual minorities.

Key issues of concern highlighted for addressing through policy were hate speech, harassment and bullying online. There was, however, emphasis on the link between the offline and the online. In that respect, there were calls to address, in general, privacy and security violations, respect of fundamental human rights, and legal consequences for infringement on rights to privacy, freedom of expression and association.

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