#WeBelongAfrica brings together multiple initiatives that enable inclusive, just, affirming, safe, productive and fulfilling lives for all people in Africa, irrespective of sexual orientation, gender identity, gender expression or sex characteristics, and irrespective of HIV status or risk.
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# Acronyms

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<td>AFM</td>
<td>Apostolic Faith Mission</td>
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<td>AGYW</td>
<td>Adolescent Girls and Young Women</td>
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<td>AIDS</td>
<td>Acquired Immunodeficiency Syndrome</td>
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<td>ASRH</td>
<td>Adolescent Sexual and Reproductive Health</td>
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<td>CEDAW</td>
<td>Convention on the Elimination of all forms of Discrimination Against Women</td>
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<td>CLA</td>
<td>Criminal Law Act</td>
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<td>CNN</td>
<td>Cable News Network</td>
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<td>CSE</td>
<td>Comprehensive Sexuality Education</td>
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<td>CSO</td>
<td>Civil Society Organisation</td>
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<td>GALZ</td>
<td>Gays and Lesbians of Zimbabwe</td>
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<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
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<td>ICOZ</td>
<td>Intersex Community of Zimbabwe</td>
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<td>IGI</td>
<td>Inclusive Governance Initiative</td>
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<td>LGBTI</td>
<td>Lesbian Gay Bisexual Transgender and Intersex</td>
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<td>MDC</td>
<td>Movement for Democratic Change</td>
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<td>MOHA</td>
<td>Mothers Haven</td>
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<td>MSM</td>
<td>Men who have sex with men</td>
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<td>NAC</td>
<td>National AIDS Council</td>
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<td>NANGO</td>
<td>National Association of Non-Governmental Organisations</td>
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<td>NDS</td>
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<td>SRC</td>
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<td>TiRZ</td>
<td>Trans and Intersex Rising</td>
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<tr>
<td>TPBR</td>
<td>Traditional-Political-Business-Religion</td>
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<td>UHC</td>
<td>Universal Health Coverage</td>
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<td>Universal Periodic Review</td>
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<td>#WBA</td>
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<td>YKP</td>
<td>Young Key Populations</td>
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<td>ZANU-PF</td>
<td>Zimbabwe African National Union-Patriotic Front</td>
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<td>ZIMLII</td>
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<td>ZLHR</td>
<td>Zimbabwe Lawyers for Human Rights</td>
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<td>ZNASP</td>
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Introduction

Background

UNDP’s #WeBelongAfrica (#WBA) programme is designed to support state entities in sub-Saharan Africa to become increasingly accountable and responsive to, and inclusive of, LGBTI people and young key populations, which in turn will contribute to better laws, more responsive public sector services, and social norms that affirm these populations’ perspectives, needs and rights.

Combining country-level work with South-South cooperation, sub-regional activities, and engagement with regional institutions and networks, #WBA in Zimbabwe integrates two projects, namely the “Inclusive Governance Initiative” (IGI) and the “South Africa Young Key Population Initiative” (YKPI), that jointly contribute to the following outcomes:

- Increased number of African decision-makers who are responsive and accountable to, and inclusive of, sexual and gender minorities and young key populations; who understand and support their rights and perspectives; and who promote equitable SRHR and HIV outcomes.
- Increased capacity of LGBTI and YKP activists and allies to sensitize and influence relevant decision-makers and to hold authorities to account
- Increased inclusion, participation, representation, and influence of diverse African LGBTI populations and young key populations, and their allies, in relevant laws, policy, strategies, and decision-making.
- Relevant national-level plans, strategies and guidelines related to HIV and SRHR increasingly reflect countries’ international human rights and public health commitments.
- Increased use of African ideas, evidence and innovations that support LGBTI- and YKP- inclusive governance and related work.
- Sustained and increased international donor funding for LGBTI and key population regional work in Africa.

This baseline report provides a high-level analysis of the legal and policy context in Zimbabwe, specifically of key indicators relevant to #WBA’s country level activities. As such it contributes to a baseline assessment for the monitoring and evaluation needs of the programme going forward. The baseline data was collected through a combination of individual interviews with key informants as well as a review of secondary literature. The information and analysis provided in this report paint a broad picture of the legal and social environment in respect of the rights and inclusion of young key populations (YKP) and LGBTI people to inform #WBA’s future strategy and programming in Zimbabwe over the coming years. The findings presented are neither exhaustive nor conclusive, and it is hoped that they will contribute to ongoing discussions and actions to advance rights and inclusion in Zimbabwe.
Country Overview

The Constitution of Zimbabwe acknowledges all citizens’ inherent dignity and guarantees the right to have that dignity respected. However, the same constitutional provision also prohibits persons of the same sex from marrying one another, and this has been used as the constitutional basis for denying the rights of LGBTI people in the country. The law further criminalises LGBTI persons in criminal law, which makes sodomy between men a crime. In addition to this restrictive legal environment, same-sex relations have been politicised and received criticism from senior politicians and prominent religious leaders. Consequently, there are no state services available specifically for LGBTI people in Zimbabwe.

During the constitution-making process in 2012-2013, Gays and Lesbians of Zimbabwe (GALZ) made a submission on the rights to privacy, equality, and non-discrimination to the thematic committees tasked with developing the new Constitution, which was adopted 22 May 2013. Two weeks after that submission, the GALZ offices were raided and the organisation was accused of promoting same-sex marriage.

To illustrate dominant religious and socio-cultural attitudes against same-sex relationships, one study published in 2012 reviewed media coverage of LGBTI rights prior to the constitution-making process, as reflected in the media headlines below.1

- Homosexuality Destroys, Curses a Nation
- Chiefs Say Gays Have No Place in the New Constitution of Zimbabwe
- Gay Rights Furor: Zanu-Pf, MDC-T on Collision Course
- No Gay Rights in Constitution
- Sodomy a Disgrace to Zim Society
- Shun Homosexuality: President
- No Room for Gays in Zim
- GALZ Employees Claim Torture by Police
- No Room for Gay Rights in the New Constitution – Mutasa
- AFM Lashes out on Homosexuality

- Parents Disown Gay Son
- Divisions Rock COPAC: Guard Against Gay Rights, Zanu-PF Supporters Urged
- Outlaw Homosexuality, Zimbabweans Tell COPAC
- Gays Will Be Severally Punished Says President
- Gay Rights Out of Constitution
- Mugabe Attacks Gays Yet His Journalist is One
- Scottish Catholic Leader Condemns Homosexuality
- New Constitution’s Stance on Gays Mirrors a Morally Upright Zimbabwe
- Homosexuals Have No Place in Africa
- No Gay Rights in the New Charter
- Mugabe Ups Wars Against Gays
- Devotion: Homosexuality Has No Place in Africa
- We Don’t Support Gays Rights: Chamisa
- Mugabe Slams Homosexuality Again

In the absence of more recent studies on the media’s portrayal of LGBTI issues, a search of current media reports revealed consistently hostile and stereotypic coverage, as shown by the headlines below:

- #NotYetUhuru: 60-year-old Patson Manyati Reflects on Being Gay in Zimbabwe (17 May 2021)2
- ‘Zimbabwe Doesn’t Tolerate Homosexuality’ - Church Group Looks to Block Somizi’s Planned Visit (04 November 2021)3
- Gay Zimbabweans Fight Stigma, Harsh Laws (12 January 2017)4
- Worse than Dogs and Pigs: Life as a Gay Man in Zimbabwe (04 September 2017)5
- Gay Teacher in Zimbabwe Resigns after Death Threats (28 September 2018)6

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5 https://www.reuters.com/article/us-zimbabwe-rights-lgbt/idUSKCN1BF03Z
• Gay Sex is Illegal in Zimbabwe, But a Rising Number of Underage Boys are Selling Themselves On the Streets (05 June 2019)7

The former president of Zimbabwe, Robert Mugabe, held an explicitly anti-gay stance which set the tone for the extreme homophobia that permeated all structures of society. While the former president was openly hostile towards LGBTI persons, the current president has not shown such open hostility although he has failed to visibly support LGBTI persons. In an interview conducted by Richard Quest for CNN, President Mnangagwa highlighted that it was not his duty to speak out for gay people, remarking that “in our Constitution, it is banned — and it is my duty to obey my Constitution. Regarding areas that we felt we would not accept, it is issues of gays and homosexuality, which is unlawful in our country. We rejected all those”. The President went on to say that the Constitution of Zimbabwe does not forbid people with different opinions, and that those who want LGBTI rights must canvas so that they get the majority’s support to amend the Constitution. The seemingly softening stance of the current president provides opportunities for LGBTI and YKP efforts, specifically those related to engaging with politicians and other political actors.

While the legal, political, and socio-cultural context in Zimbabwe raises challenges for LGBTI communities, there is significant work around securing rights and facilitating access to services. Organised activities have mostly been coordinated by civil society organisations, most notably GALZ which represents LGBTI people in Zimbabwe. There has also been support for litigation, specifically through the Zimbabwe Lawyers for Human Rights (ZLHR). Advocacy efforts have been led by organisations such as the Southern Africa HIV and AIDS Information Dissemination Service (SATAIDS). The SATAIDS model focuses on engaging with, and building the capacity of, political, religious and traditional leaders who play a key role in shaping the attitudes that lead to the violation of LGBTI rights. There have also been efforts to strengthen networks of key populations (KP) with funding from the Global Fund for Tuberculosis, AIDS, and Malaria.

As a result of advocacy, there are now programmatic acknowledgements of LGBTI people, especially MSM, in some areas. For example, in 2015, for the first time the National AIDS Council (NAC) procured lubricants and other health products for LGBTI people.

The Constitution provides that: “[t]he State and all institutions and agencies of government at every level must endeavour to secure (a) full employment [and] (b) the removal of restrictions that unnecessarily inhibit or prevent people from working and otherwise engaging in gainful economic activities”. However, similar to the general anti-discrimination clause in the Constitution, national labour and employment legislation fail to specifically prohibit discrimination in the workplace based on sexual orientation or gender identity. Section 5 of the Labour Act reads: “[n]o employer shall discriminate against any employee or prospective employee on grounds of race, tribe, place of origin, political opinion, colour, creed, gender, pregnancy, HIV/AIDS status or, subject to the Disabled Persons Act, any disability referred to in the definition of ‘disabled person’”. Sexual orientation and gender identity are absent from this list. Furthermore, the stigma surrounding homosexuality and transgender identities has created de facto barriers to employment for members of the LGBTI community.

Similarly, Section 29(2) of the new Constitution provides that: “[t]he State must take appropriate, fair and reasonable measures to ensure that no person is refused emergency medical treatment at any health institution”. However, in practice, state services are often not made available to the LGBTI community. Furthermore, consistent with the general public’s perception of LGBTI persons, many healthcare providers in Zimbabwe are homophobic or transphobic and fail to understand the needs and concerns of LGBTI individuals. As a result, even if they are not explicitly denied access to medical services, persons who identify as LGBTI often fail to seek medical care for sexually transmitted diseases or other health issues out of fear of being shunned and persecuted.

The Criminal Code criminalises sex work and prescribes 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 therefore makes it difficult for sex workers to operate and leaves them vulnerable to constant harassment and abuse. Despite legal restrictions on sex work, there has been investments towards prioritising access to sexual and reproductive health and rights (SRHR) and HIV-related services for sex workers. In addition, studies have been

7 https://news.trust.org/item/20190605014307-w3yu9/
8 https://www.newsday.co.zw/2018/01/mnangagwa-wont-campaign-gays/  
9 https://www.youtube.com/watch?v=Z8is1dprpA8
10 Zimbabwe Constitution. Section 24. Work and labour relations.
16 Ibid.
conducted to map hotspots for sex workers and the estimated size of the sex worker population.

In 2019, UNDP and the NAC published the Zimbabwe Legal Environment Assessment (LEA) as part of the Linking Policy to Programming (LPP) regional project which aimed to improve sexual and reproductive health outcomes for YKP. The LEA found high levels of stigma, discrimination, sexual violence, and human rights violations against LGBTI populations in Zimbabwe, including YKP. LGBTI populations reported stigma and discrimination based on their sexual orientation, gender identity, and/or sex characteristics, which then caused them to hide these identities. For example, some intersex persons reported only identifying as intersex in safe spaces and having to identify as either male or female in public17.

Interviews conducted with LGBTI populations for the LEA, especially young LGBTI populations, revealed psycho-social challenges related to experiences of stigma, discrimination, and the lack of family support. In the early years of transitioning to adults, young LGBTI people find it challenging to cope with revealing their sexual or gender identities, and the societal pressure for that to remain secret imposes a heavy psycho-social burden on them. Transgender persons revealed high levels of stigma and discrimination, harassment, and abuses.

Key recommendations from the LEA included:

- Raising awareness of the rights of YKP in parliament and the broader community.
- Strengthening anti-discrimination laws to protect the rights of persons to equality and non-discrimination based on sexual orientation and gender identity.
- Reviewing the provisions of the criminal law and codification act to decriminalize adult consensual sex amongst persons of the same sex.
- Ensuring the identity documents and officials forms of transgender people recognize their affirmed gender.
- Provision of effective and safe HIV, health services and commodities for LGBTI populations.
- Inclusion of sexual orientation and gender identity issues in comprehensive sexuality education (CSE), and improving access for young people, including young LGBTI people.
- Stigma and discrimination reduction initiatives involving traditional leaders and faith-based organisations.
- Health care worker training on the health needs of LGBTI people and addressing stigma and discrimination to improve health care.
- Reviewing HIV specific laws that criminalise HIV transmission and exposure and aligning them with international standards.

In March 2022 Zimbabwe passed the Marriages Amendment Bill which repealed section 79 of the Criminal Law (Codification and Reform) Act on deliberate transmission of HIV18. This was a welcomed development given that the LEA had identified the criminalization of HIV transmission as a driver of discrimination against people living with HIV and other key populations19. Whilst the LEA’s key focus was on HIV, TB, and malaria, some of its recommendations on policy review are key to the inclusion of LGBTI people in development and governance. There has been progress in the provision of HIV services and commodities to key populations and their inclusion in national HIV strategies. There have also been efforts to sensitise members of parliament about KPs and the challenges they face as part of the ‘Meet the KP’ programme and with the support of parliamentarians who are champions of KP inclusion. However, there has not been much traction in the implementation of those LEA recommendations that target broader policy review and the inclusion of sexual orientation and gender identity issues in CSE.

The National Response to HIV and AIDS has been a critical entry point for discussions around LGBTI issues. The Zimbabwe National HIV and AIDS Strategic Plan (ZNASP) 2015-2020 acknowledges and prioritises key populations as well as their needs. YKP also face challenges linked to discrimination, limited access to sexual and reproductive health services, and lack of meaningful representation in governance structures. These are faced by adult KPs and are worsened by the limited voices of YKPs in demanding fulfilment of their rights20.

Although there is limited data on YKP, a survey conducted in state-run universities concluded that there is a general climate of hostility towards LGBTI students21. Fellow students were identified as the major cause of harassment and discrimination against LGBTI learners. The report further highlighted that despite the numerous incidences of harassment and discrimination against LGBTI students, university structures do not have a response system.

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18 https://www.herald.co.zw/new-marriages-law-decriminalises-hiv-transmission/
21 GALZ, (2019). Experiences of Lesbian Gay Bisexual Transgender Intersex and Queer (LGBTIQ) students on campus and perceptions of campus climate and student outcomes in Zimbabwe.
to deal with the problem. Moreover, most victims of harassment do not report the incidences. The survey findings also show that most respondents believe LGBTI learners were likely to experience discrimination or harassment, the nature of which included stigmatisation, insults, name-calling, gossip, outing, demonisation by preachers, cyberbullying and invasions of privacy. The survey further highlighted that Zimbabwean state universities reinforce heteronormativity and appear to mirror the homophobic utterances witnessed at national levels, as expressed by some influential political and religious leaders. A recent example is a letter written in November 2021 by a coalition of more than 600 Christian groups addressed to the president to oppose a planned business trip to Zimbabwe of an openly gay South Africa celebrity. The letter stated that, “Zimbabwe doesn’t tolerate homosexuality.”

LGBTI people in Zimbabwe also face barriers in rights to basic services, such as access to national identification documentation. Zimbabwean law does not allow for transgender and intersex people to change the gender marker on their birth documents or other official documents. Section 18(2) of the Births and Deaths Registration Act 11 of 1986 allows a person to change their forename and Section 18(3) provides for the change of a surname. However, the Registrar-General must be satisfied that the changes are for a “lawful purpose”. Young intersex people are subjected to “corrective” gender surgery without their informed consent. LGBTI people in Zimbabwe also face limitations with regards to the right to start a family due to the constitutional ban on same-sex marriage and limiting provisions for adoption in the Children’s Act, Sections 57 to 75, which exclude same-sex couples and single men.

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23 NGO submission for the 75th session of the Pre-Sessional Working Group of Committee on the Elimination of Discrimination Against Women. List of Issues Prior to Reporting for the Republic of Zimbabwe.
Indicator Analysis

Punitive Laws

The Constitution of Zimbabwe acknowledges all citizens’ inherent dignity and guarantees the right to have that dignity respected (Chapter 4: Part 2), however it also proclaims, in Section 78, that “persons of the same sex are prohibited from marrying each other”. This has been used as the constitutional basis for denying the rights of LGBTI. Section 73 of the Criminal Law (Codification and Reform) Act criminalises consensual same-sex sexual relations regardless of the age of the persons. It stipulates that, “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 up to or exceeding level fourteen or imprisonment for a period not exceeding one year or both”. Moreover, Section 14(f) (f) of the Immigration Act classifies “homosexuals” and “prostitutes” as prohibited persons. Other laws have been used by law enforcement officials against LGBTI persons, including Section 41 of the Criminal Law (Codification and Reform) Act on disorderly conduct and Section 46 of this Act on criminal nuisance.

Sex work is criminalised under sections 81 and 82 of the Criminal Law (Codification and Reform) Act, 2004, which prohibit solicitation and living off the earnings of sex work.

Sources of Data

- Legal Environment Assessment and briefs
- Southern Africa Litigation Centre reports
- Constitution and relevant policy documents
- Sexual Offences Act, 2001
- Section 73 of the Criminal Law (Codification and Reform) Act, 2004
- Immigration Act, 2001

Specific Data

Criminalisation of sex between men.

Contextual Analysis

Although same-sex relations are criminalised, there are increasing numbers of organisations working with LGBTI persons. However, the existence of restrictive laws contributes to a climate of fear and discrimination. Furthermore, discriminatory laws fuel political, religious, and social discrimination. There are further barriers to rights and inclusion emanating from the non-alignment between some laws and the Constitution. An example is how the Constitution protects the rights of all Zimbabweans and yet other laws restrict the protection of those rights. The existing legal framework does not criminalise LBTQ women, however, they still face stigma and discrimination due to discriminatory social, cultural and religious attitudes, and there are also no laws that explicitly protect LGBTI people against such discrimination.

Data Gaps and Limitations

There are no data gaps for this indicator as punitive laws do exist in the country.

Synthesised Implications

Efforts should be directed towards decriminalisation advocacy, for which there are key entry points. The fact that LGBTI-focused organisations operate in Zimbabwe is insufficient in the presence of punitive laws.

Protective Laws

The Constitution of Zimbabwe is the country’s supreme law and its founding values and principles (Chapter 1, Section 3) include “fundamental human rights and freedoms”, “recognition of the inherent dignity and worth of each human being”, “recognition of equality for all human beings”, and “gender equality”. Chapter 4, the Declaration of Rights, acknowledges the “duty to respect fundamental human rights and freedoms” as well as that “every person has inherent dignity in their private and public life, and the right to have that dignity respected and protected”.

Section 5 of the Labour Act reads: “[n]o employer shall discriminate against any employee or prospective employee on grounds of race, tribe, place of origin, political opinion, colour, creed, gender, pregnancy, HIV/AIDS status or, subject to the Disabled Persons Act,

any disability referred to in the definition of ‘disabled person’". Sexual orientation and gender identity are absent from this list, however, in 2015, a civil servant who was dismissed from work based on his sexual orientation successfully appealed to the Labour Court, and his dismissal was considered unconstitutional.

In addition, the Domestic Violence Act (DVA) 14 of 2006 is a protective law although it is silent on sex, gender and sexuality. The DVA states that "a complainant [is] to include a person who co-habits with the respondent or who has been in an intimate relationship with the respondent, or who has lived with the respondent". The legal definition of domestic violence is wide and includes physical, sexual, emotional, verbal, and economic abuse, intimidation, and harassment. The Act makes an act of domestic violence an offence and entitles the complainant to a protection order.

The Prevention of Discrimination Act fails to include protections related to LGBTI people and to key populations in general.

Sources of Data

• Constitution of Zimbabwe, 2013
• Labour Act, 2019
• Domestic Violence Act, 2007
• Prevention of Discrimination Act, 2002

Specific Data

None.

Contextual Analysis

The only broad protection for LGBTI persons is in the Constitution, however the same Constitution also prohibits same-sex marriages and does not explicitly recognise LGBTI persons. Opportunities are that some LGBTI organisations are operating in Zimbabwe and that law reform advocacy can be linked to broader work around the observance of human rights.

Data Gaps and Limitations

There are no data gaps with regards to protective laws since the country does not have these in place.

Synthesised Implications

The absence of protective laws for LGBTI people and YKP provides a starting point for the legal reform agenda. Key informants outlined that lack of protection in laws has had multiple negative effects on LGBTI communities in Zimbabwe. Some of the challenges faced, as documented in a study conducted by GALZ, include the following:

- Assault
- Blackmail
- Detention (lawful and unlawful)
- Discrimination
- Disownment
- Invasion of privacy
- outing
- Police harassment
- Threats

Official Policies/Plans/Technical Guidance Related to HIV, SRHR or UHC

The National Health Strategy for Zimbabwe (2021-2025) identifies key populations as sex workers in their diversity, transgender people, MSM, people who use drugs, prisoners, and adolescent girls and young women (AGYW) as a priority population. In addition, the Zimbabwe National HIV and AIDS Strategic Plan (ZNASP) outlines the importance of prioritising key population groups, including LGBTI persons. A key recommendation of the ZNASP relates to strengthening advocacy for law reform as a precondition for enhancing the response. The Adolescent Sexual and Reproductive Health (ASRH) strategy outlines the importance of facilitating access to comprehensive ASRH services for all groups including key populations. Although specific groups are not mentioned, the reference usually includes LGBTI persons, sex workers and AGYW. The Zimbabwe National Key Populations HIV and AIDS Implementation Plan (2019-2020) defines key populations as gay men, MSM, sex workers (female, male and transgender) and their clients, and transgender and intersex persons. This is critical as there had been challenges emanating from the fact that the phrase ‘key populations’ had been used to define large and diverse groups of people, hence interventions were not appropriately tailored to specific groups.

Sources of Data

• National Health Strategy (2021-2025)
Inclusive Governance initiative: Zimbabwe Baseline Report

- ASRHR Strategy (2016-2020)

Specific Data

Inclusion of YKP and LGBTI in key official policies and technical guidance.

Contextual Analysis

Although there is mention of YKP and LGBTI priorities within strategic documents, there are still gaps in terms of translating strategic aspirations into services for LGBTI persons. A study by GALZ on access to health services for LGBTI persons concluded that the environment in Zimbabwe is not experienced as safe.31 Furthermore, LGBTI persons felt more vulnerable the longer they were exposed to seeking services in public health facilities. Specifically, gay men, trans men and trans women, reported that prolonged exposure and visibility subjected them to a greater sense of self-consciousness, stigma, harassment and abuse. The study concluded that the way services are structured is a powerful determining factor in the experience of key populations when accessing facilities for services, and that this plays out in multiple ways throughout that experience: walking from home, waiting at a bus stop or taxi rank, taking public transport, walking through town to the facility, passing security, engaging with the receptionist and identifying the reason for the visit, waiting in a waiting area, standing in line to see a nurse or doctor, moving between departments, personnel and services within the facility, waiting in line to collect medications, right through to the journey home. Service-users reported feeling judged and stared at throughout the experience, being subtly or openly mocked, and feeling afraid or threatened.21

Data Gaps and Limitations

There were no identified data gaps as LGBTI issues are included/mentioned in the ZNASP, the National Health Strategy, as well as the Zimbabwe National Key Populations HIV and AIDS Implementation Plan (2019-2020).

Synthesised Implications

Based on the review of literature and insights from key informants, HIV programming is a key entry point for advancing LGBTI rights. However, even though there is mention within strategic documents, there are still gaps in their operationalisation. Furthermore, there are contradictions which stem from the criminalisation of same-sex relations as well as broader social stigma. A key recommendation from the stakeholders consulted for the baseline research, is to utilise opportunities within HIV programming to continue advocacy for LGBTI-related law reform.

Official Policies/Plans on Comprehensive Sexual Education

There is no mention of LGBTI persons in the School Health Policy as well as in other education strategic frameworks. The Adolescent Sexual and Reproductive Health Strategy specifically outlines the need to generate and utilise “data on the nature, scope and dimensions of ASRH challenges among key populations and special groups (adolescents and young people with disabilities, in hard-to-reach communities)”. This is relevant for YKP, but is not specific to the education sector. However, key informants from the LGBTI community indicated that the Ministry of Primary and Secondary Education has been receptive to efforts towards being trained on LGBTI inclusion. However, these efforts are not supported by any policy or strategic framework which makes their success dependent on the openness of specific actors within targeted ministries.

Sources of Data

- School Health Policy, 2018
- Education Sector Strategic Plan (2012-2020)

Specific Data

Inclusion of LGBTI and YKP priorities in CSE priorities.

Contextual Analysis

The education sector is critical to supporting YKPs and to addressing structural barriers. At the moment, work around YKP and LGBTI issues is centred on HIV and health, resulting in missed opportunities to address other structural factors that contribute towards hostility within the broader operating environment. Advocacy for reform should target the education sector, specifically building on the work in HIV and health.

Data Gaps and Limitations

The absence of an inclusive policy framework impedes data collection and documentation about YKP and LGBTI persons within the education sector.

Synthesised Implications

The important role of the education sector should be understood within the framework of inclusion and the transformation of social norms. Health and HIV

programming provide entry points for LGBTI-focused discussions within the health sector. There is still a lot of systemic resistance within the education sector as evidenced by challenges encountered in promoting CSE, the strategy and manual for which is yet to be finalised. The advocacy approaches and platforms created to drive CSE can and should be harnessed to ensure inclusion within the education sector more broadly and specifically in the strategic frameworks.

Parliamentary Speeches/Parliamentarians

There has been both progressive and retrogressive parliamentary discussion on LGBTI issues. Some parliamentarians continue to make remarks that are harmful. For example, on 11 June 2019, speaking on the amendment to the Education Bill, Honourable Sithole said, “…if we had no love for our children, we would have supported the idea of homosexuals, lesbians and gays, but we are saying we want to support our people…”32 Another example was during a discussion led by Honourable Nkani on digitalising education on the 18 February 2020, where he stated, “in our churches that we have nowadays, some of them are promoting homosexuality that gays and lesbians should now be marriage officers. This is bad because we are encroaching on other cultures – hiding behind religion”.33 In deliberations on 23 September 2020 in the Senate, Honourable Mbohwa outlined that, “In this country everyone should get help without any stigmatisation. Even lesbians and gays, can get assistance at public hospitals without any problems”.34 Opposition Members of Parliament have tried to support LGBTI-related issues, although this has not been consistent. For example, on 29 September 2020, Honourable Tendai Biti from the opposition stated that he was not homophobic when responding to accusations by another parliamentarian.35

Key informants from the LGBTI community indicated that support, if provided, is sometimes given when it is politically convenient and not necessarily out of a belief in the principle of equality. They further stressed that whilst previously they were getting support only from opposition members, now those in the ruling party are easing their negative stance. These informants reported to participate in workshops and other LGBTI consultative processes, such as making LGBTI community submissions on the Marriage Bill. LGBTI issues were also raised when parliamentary committees gave feedback on international conferences. For example, on 17 December 2020, Honourable Madiwa, chairperson of the Parliamentary Portfolio Committee on Women Affairs, Community, Small and Medium Enterprises Development, mentioned in parliament that intersex people continue to face challenges in documentation, and that LGBTI persons are subjected to hate speech. This formed part of her report on the 75th Session of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).36 Broader social disapproval was cited as a key determinant in the limited or constrained willingness of MPs to openly support LGBTI issues and concerns.

Sources of Data

- Hansard
- News articles

Specific Data

Instances when LGBTI issues were discussed in parliament.

Contextual Analysis

There is a clear shift towards parliamentarians’ willingness to engage with LGBTI organisations and issues. An example is on 25 August 2021, in a presentation of a report from the thematic committee on HIV and AIDS on a study visit to Uganda on HIV and AIDS management and financing, when the Honourable Senator Chief Nngumbane stated that for Zimbabwe to fast track commitments to end AIDS by 2030, there is need to “ensure access to combination prevention options, including pre-exposure prophylaxis, voluntary medical male circumcision, harm reduction and condoms, to at least 90% of people by 2020, especially... gay men who have sex with men, transgender people, sex workers and their clients, people who inject drugs and prisoners”.37

Despite these positive shifts, there are still challenges, especially within the executive where the president remarked that, “those people who want it [same-sex marriage] are the people who should canvass for it, but it’s not my duty to campaign for this”38. This stance affects the extent to which parliamentarians can speak for, or openly support, LGBTI issues.

Data Gaps and Limitations

There are difficulties in accessing data on the number of parliamentarians who have spoken in support of LGBTI issues.

32 Hansard 11 June 2019
33 Hansard 18 February 2020
34 Hansard 20 September 2021
35 Hansard 29 September 2020
36 Hansard 17 December 2020
37 Hansard, 25 August 2021
Synthesised Implications

There is some easing of negativity towards LGBTI persons among parliamentarians. This provides a key opportunity for pushing law reform. However, there are still hostilities, and genuine fears - even amongst sympathetic MPs - that openly supporting LGBTI issues may be politically unstrategic. Members of parliament consulted as part of the baseline research, highlighted that advocacy should be measured and linked to what is realistically feasible within the Zimbabwean environment. A key recommendation is continued engagement with MPs, coupled with trainings, as part of the advocacy to enable and grow their support.

Court Judgments/Judges

The courts are important in the administration of justice in Zimbabwe. Since 2016, there have been no conviction based on sexual orientation.39 In 2019, in a landmark case, the High Court awarded damages to a transgender person who had been harassed because of their identity.40 The ruling was delivered within a context of extreme homophobia and potentially paves the way for the court to play an expanded role in transforming the judiciary’s handling of LGBTI cases. In delivering the judgment, the Judge remarked that, “This case raises issues regarding minority rights in this country, and one hopes this judgment in a way will help spark a frank national conversation of these issues which we appear to have been shy or less enthusiastic to openly discuss”.

Sources of Data

• GALZ studies and reports
• Selected news articles
• Zimbabwe Legal Information Institute (ZIMLII) website41

Specific Data

Court judgments related to LGBTI persons.

Contextual Analysis

The courts are responsible for the administration of justice and there are limitations to the extent to which they can be inclusive in light of existing discriminatory laws. The situation is such that the executive exerts a strong influence over the judiciary in Zimbabwe, and this means that the effectiveness of the courts is dependent on the broader political and governance climate.

Data Gaps and Limitations

There were difficulties in accessing the actual number of judgments related to LGBTI persons.

Synthesised Implications

There is already precedent that the courts can deliver progressive judgments concerning the rights of LGBTI persons. This provides opportunities for advocacy and the continued capacity building of judicial officers on LGBTI rights. However, as with other recommendations, engagement with the judiciary should be framed in the context of broader advocacy anchored by a law reform agenda.

Official Reports

Issues of YKP and LGBTI have not been comprehensively dealt with in official reports. This also applies to Universal Periodic Review (UPR) reports as well as UN State Reports on international conventions, and stems from the discriminatory legal environment facing these populations.

Sources of Data


Specific Data

Number of official reports that include LGBTI issues.

Contextual Analysis

Criminalisation of same-sex relations contributes towards exclusion within official national documents.

Data Gaps and Limitations

There is no data on inclusion of LGBTI issues in official reports.

Synthesised Implications

There have been inroads towards ensuring inclusion of LGBTI issues, but most of the work has not been backed by a legal framework. While this is not ideal, it remains the most viable alternative in an environment that is highly restrictive. Opportunities that exist relate to inclusion of issues within shadow reports, specifically on

39 https://www.humandignitytrust.org/country-profile/zimbabwe/
41 https://zimlii.org/home
the International Convention on Civil and Political Rights (ICCPR) and CEDAW. Furthermore, investments should be made towards strengthening LGBTI communities to be competent in proposing viable policy alternatives as well as presenting positions that can be included in official reports.

Political Parties/Platforms

There have been engagements between political actors and LGBTI communities. However, most of these have been with individual politicians rather than political parties. There were reports that GALZ managed to engage with ZANU-PF prior to the 2018 elections to present their concerns.43 Key informants from GALZ further outlined that besides ZANU-PF, no other political party agreed to meet with them about the needs and expectations of the LGBTI community. Broader stigma and discrimination as well as the criminalisation of LGBTI people have contributed to political parties being hesitant to commit to addressing LGBTI concerns. Also, there have not been political parties/platforms that directly support YKP.

Sources of Data

- ZANU-PF 2018 Election Manifesto
- MDC-Alliance 2018 Election Manifesto

Specific Data

Number of political parties addressing LGBTI and YKP issues.

Contextual Analysis

There is still a lot of social stigma surrounding LGBTI persons. In addition, anti-LGBTI rhetoric has previously been used for political campaigns. Political parties are hesitant to outrightly support LGBTI issues, especially due to criminalisation.

Data Gaps and Limitations

There are few official political party positions on LGBTI issues.

Synthesised Implications

There has been some support towards YKP and LGBTI issues from different politicians. This provides opportunities to eventually garner support from political parties. Support from individual politicians should be harnessed to ensure there is a critical mass of politicians who are supportive. The relationship with politicians should be strengthened, as it has potential to evolve into support for the law reform agenda.

Cross-Movement Joint Initiatives to Influence and/or Holding Authorities to Account

There have been some cross-movement initiatives to hold authorities to account. The following organisations were recently involved in submitting shadow reports for the United Nations Human Rights Council’s UPR: Trans and Intersex Rising (TiRZ); Pakasipiti; Trans Research Education, Advocacy & Training (TREAT); Voice of the Voiceless (VOVO); Sexual Rights Centre (SRC); Intersex Advocate Trust Zimbabwe; Pow Wow; Neoteriq; and GALZ. This resulted in punitive laws and those that contribute to the exclusion and discrimination of LGBTI people being included in the stakeholders’ summary report, which included contributions from both LGBTI and other human rights organisations.44 Joint shadow reporting for the UPR and CEDAW present opportunities for cross-movement synergies to hold authorities accountable on the rights and dignity of all Zimbabweans, including LGBTI persons and YKP.

Key informants from the LGBTI community also highlighted that joint initiatives have been conducted with the ZLHR around strategic litigation. There have been other cross-movement joint initiatives with the wider human rights movement, however this is not always consistent. A key example is that GALZ is part of the Zimbabwe Human Rights NGO Forum, consisting of 21 NGOs, as well as a member of the Crisis Coalition and the National Association of NGOs (NANGO). GALZ also takes part in sensitisations on the rule of law through the transitional justice national working group.

Sources of Data

- Civil society organisations’ (CSO) reports
- Summary of stakeholders’ submissions on Zimbabwe for the UPR, 2021

Specific Data

Number of cross-movement joint initiatives conducted.

Contextual Analysis

Key informants highlighted that the human rights sector is still resistant to LGBTI issues and remains selective, and that human rights organisations have some discomforts with the issues. This stems from criminalisation as well as generalised stigma. Where there is willingness to partner in cross-movement initiatives, these should be taken up

43 https://allafrica.com/stories/2021092200390.html
while also working towards addressing the sources of scepticism.

**Data Gaps and Limitations**

There are challenges in identifying cross-movement joint initiatives as well as the people involved.

**Synthesised Implications**

The space is opening up for broader inclusion of LGBTI issues within the human rights movement. However, efforts should be directed towards addressing sources of stigma and discrimination towards LGBTI people by other human rights organisations. Evidence shows that some CSOs may not be conversant with LGBTI issues and priority should be given to strengthening their knowledge and competences in this regard.

**LGBTI and YKP Activists Involved in Processes Related to Broader Rights, Development and Gender Equality Issues**

There are various organisations working to advance LGBTI rights. These include GALZ; TREAT; HQ Collective; Hands of Hope; Key Population Coalition Zimbabwe (KPCZ); Mothers Haven (MOHA); Purple Hand Africa; Pakasipiti; Rise Above Women Organisation (RAWO); SRC; TranSMART; TiRZ; VOVO; LPP Young Key Populations Advocacy Working Group; LEA National Steering Committee; Intersex Community of Zimbabwe (ICOZ); Zimbabwe Intersex Movement (ZIM); Rise Above; and the NNID Foundation (Netherlands organisation for sex diversity). Respondents outlined that within the HIV response they were working with over 25 organisations representing LGBTI issues.

**Sources of Data**

- Key informants
- Organisational reports

**Specific Data**

Number of organisations involved in LGBTI and YKP activism.

**Contextual Analysis**

There is expanded space for LGBTI and YKP activism in the country. Most of this activism started out with a focus on HIV and health, but some have evolved their work to include broader rights. This is important and justifies the understanding that SRHR is a critical entry point for wider LGBTI rights advocacy. A key challenge identified relates to limited capacities, especially among newer organisations supporting LGBTI communities and YKP.

**Data Gaps and Limitations**

The key data gap is the absence of the mapping of organisations that support LGBTI and YKP activism.

**Synthesised Implications**

The presence of many organisations supporting activists is a key opportunity. However, there is need to transition from HIV and SRHR towards a broader human rights focus. Efforts should be directed towards strengthening the individual capacities of activists and organisations.

**Allies from other Movements Involved in LGBTI and YKP Inclusion Processes**

There has been engagement with allies from other movements within LGBTI and YKP inclusion processes. The most notable of these are: UN agencies; SafAIDS; Hivos; women rights organisations eg. Katswe Sistahood; the Human Rights NGO Forum; the Institute of Economics and Peace Zimbabwe; and the Zimbabwe Sex Workers Alliance. Alliances and coalition building have reportedly been important towards driving the LGBTI and YKP inclusion agenda. Key informants indicated that allies who are not from the LGBTI space are sceptical about openly pushing the issues. However, opportunities exist in that other organisations are demonstrating a willingness to partner with LGBTI organisations in pursuit of a common agenda.

**Sources of Data**

- Key informant interviews

**Specific Data**

Number of allies supporting LGBTI and YKP inclusion issues.

**Contextual Analysis**

There are allies from other movements involved in LGBTI and YKP inclusion. These are predominantly from the SRHR, HIV and health sectors. The fact that most are from the SRHR space is a result of the expanded opportunities within the health sector to engage with LGBTI and YKP issues. Other critical allies come from the women’s movement, and they have supported LGBTI and YKP inclusion. A key strategy is to ensure that LGBTI issues are included within a broader advocacy agenda, as opposed to being co-opted into already existing campaigns. Furthermore, #WBA can build on the legitimacy built by organisations like GALZ, specifically through its
membership of the Zimbabwe Human Rights NGO Forum and its partnership with ZLHR on strategic litigation. There are also opportunities to train other CSOs on the issues being pursued by #WBA.

Data Gaps and Limitations

There were no data gaps identified.

Synthesised Implications

There are opportunities to strengthen alliances with organisations from other movements. It is also critical to utilise opportunities provided by SRHR and HIV spaces. Support should also be directed towards broadening the scope of movements towards other actors within the human rights sector, in particular those working to address civil and political rights.

Involvement of LGBTI and YKP in Policy Development Processes

There is some evidence of the involvement of LGBTI people and YKP in policy development processes. There are opportunities to advocate for the inclusion of LGBTI issues in submissions to parliamentary portfolio committees. Key strategic committees include the parliamentary portfolio committee on health as well as the portfolio committee on human rights. Additional strategic value lies in engaging with the parliamentary portfolio committee on justice. Key informants outlined that there was involvement in the development of the ZNASP, the ASRH strategy, and to a limited extent the National Health Strategy. Submissions were also made by GALZ on amendments to the Marriage Bill although those were not taken up.

Sources of Data

- Key informant interviews

Specific Data

Number of LGBTI and YKP organisations involved in policy development processes.

Contextual Analysis

The operating environment presents some opportunities for LGBTI and YKP groups to contribute to policy development processes. However, there are sectors where contribution and participation are restricted. Key informants indicated that contributions in the health sector and to some extent the education sector are usually well received. However, sectors like justice are a lot less receptive to contributions from LGBTI and YKP groups.

Overall, Overall, the extent to which contributions are made is constrained by the legislation which criminalises same-sex relations.

Data Gaps and Limitations

There were challenges in identifying policy development processes where LGBTI and YKP groups were involved.

Synthesised Implications

There should be effort towards ensuring that LGBTI and YKP organisations have strengthened capacities to be able to make strong contributions whenever they get opportunities to do so. Possibilities to participate in policy development in the health sector should be utilised to expand participation in other spheres.

Coordinated Advocacy and Policy Messaging Amongst LGBTI Groups (to Influence Law, Policies or Programming)

There were insights pointing to some coordinated advocacy both within LGBTI and YKP spaces, as well as with other allies in the health and development space. Advocacy initiatives include the Right Here Right Now movement which has multiple partners. The country has a KP HIV and AIDS Operational Plan focusing on strengthening prioritisation of LGBTI issues within the national response to HIV and AIDS. There is also a multi-stakeholder National Key Populations Forum which provides a platform for broadening the LGBTI rights agenda beyond HIV and health. There were reported challenges in messaging, especially for initiatives that include organisations working beyond SRHR spaces.

Sources of Data

- Key informant interviews

Specific Data

Number of messages developed and shared in a coordinated manner.

Contextual Analysis

The extent to which there can be coordinated advocacy and policy messaging amongst LGBTI groups is dependent on the internal consistency and harmony among different actors involved in advocacy campaigns. Key informants from the LGBTI community highlighted that
sometimes partners were willing to include them, but were hesitant to have messaging that reflected the interests of the LGBTI community or of YKP.

**Data Gaps and Limitations**

There were challenges in identifying data on the extent to which advocacy messaging was well coordinated.

**Synthesised Implications**

There are various factors that contribute towards uncoordinated advocacy messaging. A key factor is the presence of agreed advocacy priorities and asks. Support should be directed towards strengthening sectoral coordination beyond messaging. This will ensure coordination in common messaging as well as in implementation, and ensure that the voices of LGBTI and YKP communities and organisations are taken into consideration.

**Official Plans/Policies/Strategies per Sector (Poverty, Gender Equality, Health, Justice, Education, Youth, HIV and SRHR)**

There are limitations in the policies and strategies available within different sectors which include key populations. The exception is in the HIV sector, where priority interventions for LGBTI persons and YKP are articulated. Within other sectors, non-inclusion could be a result of the restrictive legal framework. Zimbabwe does not have a specific law that defines ‘a family’. However, the fact that the law prohibits same-sex marriages means that LGBTI persons are not protected by the law and are not included in what is legally accepted as a family. The Zimbabwe Gender Policy defines gender as referring to the roles, duties and responsibilities which are culturally or socially ascribed to women, men, girls, and boys. It further defines “gender equality” as the equal enjoyment of rights and access to opportunities and outcomes, including resources, by women, men, girls, and boys. Furthermore, “gender equity” means the just and fair distribution of benefits, rewards and opportunities between women, men, girls, and boys. These definitions rely on a binary conception of gender and therefore overlook trans persons.

**Sources of Data**

- ZNASP (2015-2020)

**Specific Data**

Number of official plans/policies that include LGBTI and YKP issues.

**Contextual Analysis**

The legal framework is still hostile and prohibits the full realisation of equal rights for LGBTI persons and YKP. This limits the extent to which related issues and concerns can be included in official plans and strategies.

**Data Gaps and Limitations**

There were no data gaps identified.

**Synthesised Implications**

Priority should be given to advancing the law reform agenda. This is critical to the integration of key issues within official strategies and plans. Support should also be directed towards strengthening LGBTI and YKP organisations’ being able to make sound submissions when invited to contribute to policy development processes.

**Country-Specific Knowledge Products Related to LGBTI and YKP Inclusion**

There have been various approaches towards developing knowledge products related to LGBTI and YKP inclusion. Key informants reported using the Traditional-Political-Business-Religion (TPBR) model to engage religious leaders, private sector leaders and development NGOs. Other approaches include the buddy system used by GALZ. Beyond this, additional knowledge products include research reports produced by LGBTI and YKP organisations.

**Sources of Data**

- Key informant interviews.

**Specific Data**

Number of knowledge products related to LGBTI people and YKP.

**Contextual Analysis**

There are numerous LGBTI and YKP focused knowledge products developed by Zimbabwean organisations and others from international organisations that have been adapted for local use.
Data Gaps and Limitations

There is no repository for knowledge products.

Synthesised Implications

A coordinated and consistent approach to YKP and LGBTI inclusion would be further supported by the development of specific knowledge products. Priority should be placed on developing and sharing knowledge products that advance the pursuance of the broader agenda.