

GENDER DYNAMICS OF
NATIONAL HEALING

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Gender Dynamics of National Healing

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Acronyms

UN	United Nations
TRC	Truth and Reconciliation Commission
ICC	International Criminal Court
ICTY	International Criminal Tribunal for the Former Yugoslavia
ICTR	Criminal Tribunal for Rwanda
ZANU	Zimbabwe African National Union
ZAPU	Zimbabwe African People's Union
ZANLA	Zimbabwe National Liberation Army
ZIPRA	Zimbabwe People's Revolutionary Army
PF	Patriotic Front
RF	Rhodesia Front
MDC	Movement for Democratic Change
GPA	Global Political Agreement
ONHRI	Organ of National Healing Reconciliation and Integration
JOMIC	Joint Monitoring and Implementation Commission
ZNA	Zimbabwe National Army
CIO	Central Intelligence Organisation
CSO	Civil Society Organisation
GNU	Government of National Unity
NPRC	National Peace and Reconciliation Council
COPAC	Constitutional Parliamentary Select Committee
NGO	Non Governmental Organisation
TJ	Transitional Justice

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Gender Dynamics of Healing

Literature Review

Introduction

National healing is a collective response in post conflict phases which seeks to enable societies to reconcile and rebuild their lives in the aftermath of violence. The important steps in the healing process include acceptance of the past, letting go of the past and rehumanisation of the villains¹. Healing is a process which begins when people confront the past². In the absence of collective response to violence victims are left with too much memory or too much forgetting and failure to deal with past can lead to intergenerational transmission of trauma.³ The basic acknowledgement of the violence is important for the mental health and political integrity of the victims and without collective response perpetrators may appear like victors and become targets of vengeance. National healing is thus a component of a much broader and complex process that seeks to acknowledge the past and commit to a shared future. Transitional justice is the term that has been used to describe the range of processes that states engage in to confront the violent past.

The impact of conflict and the post conflict responses affects men and women differently. As a result of inherent gendered power relations women's experiences of violence and needs for justice have to be addressed differently. ⁴Women experience violence all the time but violence escalates during times of war and civil strife, and constitute a major obstacle to development, peace and security. Women suffer during times of conflict both as primary and secondary victims of violence. They are primary victims when they are attacked and secondary victims when people they are close to are attacked; they witness the abuse and nurse injuries emanating from the violence. ⁵However, sometimes women are not just victims but they instigate and acquiesce to violence. Post conflict processes should thus address national healing in the context of that dynamic.

A Gender and Transitional justice

Transitional justice refers to the short-term and often temporary judicial and non-judicial mechanisms and processes that address the legacy of human rights abuses and violence during a society's transition away from conflict or authoritarian rule⁶. Transitional Justice is justice with an element of political purpose to effect transition and a differentiated form of justice for a peculiar time and time limited period. The two components of justice applied in transitional justice processes are retributive and restorative justice. Retributive justice is punishment and corrective action for wrong doing. Restorative justice is focused on the construction of relationships between individuals and communities⁷.

¹Mbugua,2011. The Necessary conditions for post conflict reconciliation.

²Ibid.

³Minnow. Memory, Law and Repair, 2004

⁴Maisva F, 2009

⁵Maisva F, 2009, Human Rights Violations against Women and Truth Commissions, p 2

⁶Anderlini,S.; Conaway,C.P. and Kays, L. Transitional Justice and Reconciliation

⁷Anderlini,S.; Conaway,C.P. and Kays, L. Transitional Justice and Reconciliation.

The legal standards which transitional justice mechanisms draw on and the processes by which they are designed have largely been exclusionary of women⁸. Women are excluded because the political landscape is largely a male dominated terrain and transitional justice mechanisms are usually part of post conflict political settlements by parties to conflict with no representation or nominal representation of women.

Justice, truth and reconciliation and guarantees of non-repetition for victims in the wake of conflict are just some of the core goals pursued by societies through the employment of transitional justice mechanisms. None of these goals however are attainable in a context of exclusion and inequality – as inequality, an injustice in itself, is also a casual factor of conflict⁹. A gendered form of justice should focus on rights that are most critical to women in conflict and post conflict times such as civil, political, economic and social rights. It necessitates taking a gender perspective on the rights themselves, as well as the assessment of access and obstacles to the enjoyment of these rights for both women, men, girls and boys adopting gender-sensitive strategies for protecting and promoting them.¹⁰ Without accountability for crimes against women, the legal foundations of new government's efforts for a holistic national healing will be weakened, the credibility of governing institutions will be undermined and women will continue to suffer discrimination.¹¹ The gender lens in transitional processes is slowly gaining recognition and attempts have been made to correct and learn from previous practices that were gender blind.

War crimes Tribunals

International efforts to address past violations have roots in the post World War 2 eras with the Nuremberg and Tokyo trials which were international military tribunals established to try Nazi and Japanese leaders. The trials were regarded as victor justice because they excluded Soviet Union and her allies from prosecution of war time abuses. Although the trials were limited in their scope, they signalled international recognition of crimes against humanity¹². The Nuremberg trials did not include sexual violence and yet subsequent studies showed that rape was prevalent during the world wars. There has been some improvement in tackling gender based violence at the International level in recent years. The United Nations Security Council established the International Tribunal for Former Yugoslavia and the International Tribunal for Rwanda to respond to the gross human rights violations that occurred in those countries. The International Criminal Tribunal for Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) were the first to prosecute wartime sexual violence. ICTY was the first to enter convictions of rape as a form of torture and for sex enslavement as crime against humanity.

⁸C. Bell and C. O'Rourke, Does Feminism need a theory of transitional justice? International Journal of Transitional Justice, VOL 1,2007

⁹Valji, N, Occasional paper no.35/2007. Gender Justice and Reconciliation

¹⁰Pam Spees, 'Gender Justice and Accountability in Peace Support Operations (International Alert, February 2004), available at http://www.international-alert.org/pdfs/gender_justice_accountability_peace_operations.pdf. cited in Valji N, 2007, Gender Justice and Reconciliation

¹¹Rehn and Johnson Sirleaf,

¹²Martha Minow,2002 Breaking the cycles of Hatred: Memory, Law and Repair

The court process proved that prosecution was feasible; it also gave platform to survivors to talk about their suffering. The most significant aspect was that it broke the culture of silence and impunity surrounding sexual crimes¹³. Efforts have also been made to bridge the gap between legal standards and enforcement by improving the detection of gender based human rights violations including the provision of experts in the prosecution of gender based crimes.¹⁴ Despite such efforts gender based crimes escape punishment because few women are in leadership positions within these institutions and are not consulted during the design of tribunals¹⁵. In addition the public nature of trials and the issues of security and fear of victimization discourage women from pursuing justice for sexual violence. The ICTY and the ICTR have also been criticized for holding trials outside the countries where the crimes were committed and hence they did not influence reconciliation and healing to the people affected.

The International Criminal court and UN Resolutions

The Rome Statute established the International Criminal Court (ICC) in 2002. It became the first permanent court to deal with international human rights violations. It codified and recognized rape, sexual slavery, enforced prostitution, pregnancy and sterilization and other sexual crimes as crimes against humanity and war crimes¹⁶. The ICC obligates state parties to ensure that their national laws conform to the provisions of the Rome Statute and domestic remedies increase women's access to justice¹⁷.

The UN Security Council also passed resolutions such as Security Council Resolution 1325 which deals specifically with justice for women's experiences of violence during conflict. UN Security Council Resolution 1325 (adopted in 2000) highlights the obligation of parties to a conflict to ensure the participation of women in peace negotiations and in post-conflict reconstruction, and to support local women's peace initiatives as well as indigenous processes for conflict resolution¹⁸.

The importance of healing as an element of transition is specifically addressed in the United Nations Security Council Resolution (UNSCR) 1820 on Countering impunity and strengthening accountability, including by ensuring that:

- transitional justice mechanisms reject impunity and develop appropriate systems to account for and prosecute sexual violence;
- sexual violence is excluded from amnesty provisions in peace processes;
- National capacities and institutions are strengthened, including the capacities of health and judicial systems to collect data and evidence to enable prosecution of perpetrators¹⁹.

¹³UN ICTY <http://www.icty.org/sid/10312>

¹⁴Ibid.

¹⁵Anderlini, S.; Conaway, C.P. and Kays, L. Transitional Justice and Reconciliation

¹⁶Rome statute cited by C. O'Rourke

¹⁷Valji, Gender Justice and Reconciliation

¹⁸Reisen MV & Mekonnen D.R., 2011, Exploring new Spaces for Women in Transitional Justice in Eritrea and Zimbabwe

¹⁹UN resolution 1820, http://www.unifem.org/gender_issues/women_war_peace/unscr_1820.php

Truth Commissions as tools for the National Healing Agenda

In the 1990's a broader perspective of transitional justice was adopted to include processes that states engaged in to deal with crimes and injustices perpetrated during conflict and during oppressive regimes and authoritarian states. The demise of repressive regimes in South American states such as Guatemala, Chile led to the establishment of some of the first Truth and Reconciliation Commissions (TRC's). The commissions did not address gender based violations separately. In the Salvadoran TRC report rape was not included it was regarded as outside the mandate of political violence. In the Guatemala TRC sexual violence was included under the section of torture²⁰.

Priscialla Hayner (2002), in her book on truth commissions details some of the features typical of truth commissions. They deal with the past; they investigate continued patterns of abuses, they operate for a limited time frame, produce reports summarising their findings and they are usually sanctioned bodies through a legal instrument passed by parliament. These commissions, Hayner continues, most often have the following goals: unearthing, clarifying and formally acknowledging past abuses; responding to the needs of victims; helping create a culture of accountability, outlining institutional responsibility and possible reforms, advancing the prospects of reconciliation and reducing conflict over the past²¹.

Truth Commissions and Commissions have been the most visible transitional justice mechanism on the continent in recent years. Commissions have been created in Burundi (1995), South Africa (1995), Nigeria (1999), Sierra Leone (2002), Ghana (2002) and Liberia (2007) and recent peace agreements have included commitment to commissions in Burundi, Togo and Kenya²².

The South African TRC is today regarded as one of the best models of truth commissions.²³ One of the main objectives of the TRC process was to lay the foundation on which national unity could be built through a process of reconciliation. Many scholars however have criticized the way the TRC handled gender based violations. Goldblatt²⁴ argues that the TRC's rights framework was constrained by a restricted definition of human rights violations. This meant that much of the suffering of black people generally, and women in particular under apartheid, were not examined. The result was that most women were left out of the TRC process as a whole. Women testified about their husbands, fathers, and sons, they were perceived as fulfilling a "secondary role" and made little reference to their own experiences²⁵. Women were not given a desirable environment where they could safely share their experiences during the violent times and there were no structures or personnel in the Truth Commission to guide them on the process. A statistical breakdown that was conducted at the proceedings and at the hearings revealed that 58 per cent of the people that

²⁰ Anderlini,S.; Conaway,C.P. and Kays, L. Transitional Justice and Reconciliation

²¹PrisciallaHayner 2002

²²Scanlon H &Muddell K, 2008, Gender and Transitional Justice in Africa: Progress and Prospects.

²³Nhema A, 2002

²⁴Together with Dr Sheila Meintjes conducted some research for submission to the TRC in 1996 entitled "Gender and the Truth Commission", cited in RAU 2009

²⁵RAU, 2009

testified before the commissions were women yet only 13% of the violations that formed the subject of the hearings had been committed against women²⁶. This exclusion of women from participating in the TRC as primary agents is linked with a restricted discourse of rights in society which in turn affects the way that women see themselves and the way the TRC responded to them.²⁷ Although the TRC faced challenges Rothberg 2000 argues that the public hearings provided victims and survivors with an opportunity to begin to deal with the past, and the acts of reconciliation through statements of forgiveness gave room for empathy and acceptance to take place²⁸ .

The Sierra Leone, TRC did not make any specific reference to women, but the commission interpreted the provisions of the act to mean that special attention was needed for women and girls in light of the sexual violence that had been perpetrated against them. The proposed reparations schemes took into account both gender issues and the specific needs of women. The harm based approach that was adopted by the commission, focusing on the vulnerability of women and children and prioritizing marginalized groups as victims for the reparations, was one positive aspect of transitional processes in Sierra Leone.²⁹ A participatory approach was used to include women's interests in the healing process. The commission through consultation with victims, women groups and organizations working on women's issues, came up with a number of policy and methodological consideration in dealing with women victims of sexual violence during the investigation stage. The government however failed to implement the recommendations of the programme due to lack of financial resources.

Traditional mechanisms of transitional justice

Traditional justice systems have also been use to reconcile communities in the aftermath of violence. The Gacaca system in Rwanda is among the well known examples 'the aim of the Gacaca court was twofold; to speed up the trials and empty the prisons and, to involve the community in establishing the truth and, through that, promoting reconciliation.'³⁰ Gacaca courts were state-sanctioned criminal tribunals created by statute, whose legitimacy was derived from the traditional conflict resolution mechanisms. Gacaca functions were to punish crimes committed during the genocide, establish a truthful history of that period, eliminate a "culture of impunity" within Rwanda, and reconcile Rwandans with each other.³¹ The courts were successful as Le Mon's report mentioned but there were challenges such as victims 'who feared to report, corruption by some of the judges, and the implication of some judges in the genocide crimes. There was evidence of neglect of the gender dimension of the violence.

The challenge with traditional mechanisms is patriarchy which confines women's participation to culturally defined roles. The other challenges are how to standardise values, norms and processes throughout a country; how to ensure

²⁶Ibid.

²⁷RAU, 2009

²⁸Rothberg 2000

²⁹

³⁰Uvin P, The Gacaca Tribunals in Rwanda (extracted from Reconciliation after Violent Conflict), 2003, International Institute for Democracy and Electoral Assistance

³¹Service of Gacaca Jurisdictions, "The Objectives of the Gacaca Courts," available at <http://www.inkiko-gacaca.gov.rw/En/En/Objectives.htm>, cited in Christopher J. Le Mòn, Rwanda's Troubled Gacaca Courts.

victims do not feel that justice has been compromised; and how to avoid overburdening the community with the large and difficult task of administering justice³².

Conclusion

Studies worldwide confirm that transitional justice processes are neither comprehensive nor conclusive in restoring and healing communities after violent conflicts. However integrative methods of criminal tribunals, truth commissions, traditional mechanisms and the strengthening of the domestic justice delivery system are key components in any attempted to reconcile societies. The absence and limited participation of women in the formulation and implementation of transitional justice mechanisms deny women the opportunity to define national healing in their context and to ensure that gender justice is achieved.

Background to gender and National Healing in Zimbabwe

The Lancaster House constitution

The Lancaster house peace agreement which brought independence to Zimbabwe omitted the key elements of transitional justice and national healing. The Lancaster house agreement was 'born out of a compromise between the liberation movements ZANLA and ZIPRA, the former colonial power Britain and the settler elite government of Ian Smith, and was constructed within a particular set of international pressures.' They were no women representatives and gender issues were not discussed.³³ The female guerrillas and women in general had high expectations at the end of the war. However, the gender ideology that emerged from the liberation struggle was deeply ambiguous and even contradictory.³⁴ The demobilization phase disadvantaged most female combatants who were demobilized as refugees and hence did not receive the same demobilization benefits as their male counterparts. The new government whilst acknowledging the wrongs of the past did not introduce any mechanism to deal specifically with the violations women experienced during the war of liberation. The children born from the war, the rape victims who needed counselling and support to rebuild their lives were left to find their own ways of dealing with the past. The state did not provide for any forms of support to cope with the traumatic war experiences.³⁵

The then Prime Minister, Robert Mugabe, pardoned the Rhodesia front and guerrillas for liberation war atrocities and by amnesty. The reconciliation policy pursued sowed the seeds for impunity through the message of forgiving and forgetting the past without any accountability. The reconciliation policy at state level meant integration of the 3 armies the RF, ZIPRA and ZAPU and an inclusive government.

³²Anderlini, S.; Conaway, C.P. and Kays, L. Transitional Justice and Reconciliation

³³Raftopoulos B & Savage T, 2004, Zimbabwe: Injustice and Political Reconciliation, Institute of Justice and Reconciliation (IJR)

³⁴Nilsson, 2006.

³⁵Nhongo-Simbanegavi, 2008.

When the government introduced the war veteran's compensation scheme no provisions were made to address gender based violations suffered by women during the liberation war. The criterion for compensation was physical disability. Ultimately the fund was bankrupted and embroiled in controversy and alleged fraudulent disability claims by mostly the male senior party and government officials some who claimed over 80% and even 100% and above disabilities in order to increase the money given by the fund.

Attempts at memorialisation were made with the building of the Heroes acre and shrines at Chimoio and Nyadzonia and reburial of Heroes. There was great recognition and honour given to male heroes. At the National Heroes Acre there are just two women who have been honoured, namely Mrs. Sally Mugabe, the late wife of the President and Mrs. Joshua Nkomo, wife of the late Vice President of Zimbabwe, Joshua Nkomo. The hero's day commemoration lacks the national outlook and has tended to be dominated by ZANU PF.

Gukurahundi and the Unity Accord

The divisions and conflict between ZAPU and ZANU dated back to the liberation struggle. At independence outbreaks of violence began in the assembly points between ZANLA and ZIPRA with serious violence at Entumbane in 1981. Some of the disgruntled ZIPRA left the assembly points and armed dissidents were reported from 1982. The government launched an attack against the dissidents using the army and a second attack on ZAPU and unarmed civilians using the 5th brigade.³⁶ The conflicts that ensued led to the death of an estimated 20,000 civilians.

Talks to end the conflict began in 1983 and ended in 1987 with the signing of the Unity Accord by both ZANU-PF and PF-ZAPU. The accord was a political negotiation which had neither gender considerations nor any transitional justice elements. The violent atrocities of Gukurahundi were not addressed. The Unity Accord was simply meant to bury the perceived political difference between the elites of the two nationalist movements and did not seek to benefit the ordinary citizens especially those directly and indirectly affected by the violence³⁷.

The state's Commissions of Inquiry into the Matabeleland Disturbances, the Dumbutshena Inquiry into the Entumbane conflict the Chihambakwe Commission tasked to investigate the Gukurahundi atrocities, both never made public their findings. In an effort to expose the truth the Legal Resources Foundation and the Catholic Commission for Justice and Peace produced a report entitled "Breaking the Silence, Building True Peace" in 1997. The report was an attempt by civil-society to interrupt the state-sanctioned silence around the events in the early 1980s. The report compiled statements from victims and other key informants during the Gukurahundi era. The report made recommendations on the need for a national reconciliation process, compensation for the victims and their families and, decent burial for all those who died. Although the report is commendable there is no gender disaggregated data which examines the way the violence differently affected men and women.

³⁶CCJP and LRF report, 2001

³⁷The Centre for Peace Initiatives in Africa, 2005

The Post 2000 violence

From 2000 to 2008 Zimbabwe witnessed an upsurge in violence which was connected to the waning popularity of the government. The violent land invasions began in 1999 and were led by war veterans and ZANU PF youths. The invasions were intended to dispossess white farmers of land and redistribute to the black majority. The invasions led to deaths, injury of white farmers, property damage and displacement of farm workers. Although some women took part few benefitted from the land allocations.

In 2005 the government carried out operation Murambatsvina (restore order) which started in Harare and quickly developed into a deliberate nationwide campaign, destroying what Government termed "illegal" vending sites, structures, other informal business premises and homes, literally displacing hundreds of thousands of people.³⁸ Murambatsvina displaced 700,000 people and an estimated 2.5 million people were indirectly affected.³⁹ Women were greatly affected as they had to take care of their children and extended family members in the open, on the streets. The UN responded by sending an envoy to investigate the human rights violations of Murambatsvina. The report declared that Murambatsvina was a gross violation of human rights and had caused psychological trauma to those affected. The government's operation Garikai intended to provide proper accommodation to victims of Murambatsvina lacked financial resources to partake such a massive project. As a result only a few people benefitted from the project. There was no closure or healing for the victims of operation Murambatsvina.

The Global Political Agreement (GPA)

For nearly a decade, the relationship between the MDC and ZANU PF has been characterized by a violent rivalry which has had dire socio-economic consequences for Zimbabwe. Power, governance, ideology and resource distribution were all cardinal factors that contributed to this conflict.⁴⁰ The GPA is a watershed agreement which witnessed ZANU PF and the two MDC formations resolving to work together towards consolidation of peace and reconstruction of the country's shattered economy and political landscape. Furthermore, in the Global Political Agreement, parties also agreed, "...to work together to create a genuine, viable, permanent, sustainable and nationally acceptable solution to the Zimbabwe situation."⁴¹

While the agreement is silent on the use of the word 'transitional justice', article 7c 's states that the GPA will "give consideration to the setting up of a mechanism to properly advise on what measures might be necessary and practicable to achieve national healing, cohesion and unity in respect of victims of pre- and post- independence political conflicts". This proposed framework resulted in the establishment in February 2009 of an Organ of National Healing, Reconciliation

³⁸Tibaijuka Anna Kajumulo, 2005, Report of the Fact – Finding Mission to Zimbabwe to assess the Scope and Impact of Operation Murambatsvina by the UN Special Envoy on Human Settlement Issues in Zimbabwe.

³⁹ibid

⁴⁰Mutisi M, 2011, Beyond the Signature: Appraisal of the Zimbabwe Global Political Agreement (GPA) and Implications for Interventions, Accord Issue 004

⁴¹http://www.zimbabwejournalists.com/uploaddocs/AGREEMENT_ZPF-MDC%5B1%5D.pdf in Mutisi M, 2001

and Integration(OHRI) led by 3 ministers from ZANU-PF and the two MDCs. 'Its mandate is to advise on a 'national healing' process in terms of Article VII of the GPA.Machakanja (2010) critiques Article VII highlighting how the issues of equality, national healing, unity and cohesion are expressed in general terms thereby masking the so important details relevant for TJ. The Article spelt no specific timelines for mechanisms and processes for national healing to start. Key words such as justice and reconciliation are missing in the article and most of the provisions are expressed as willingness and not commitment⁴² .

Articles 18 on Security of Persons and Prevention of Violence' provide opportunities to address issues of justice and peace by pledging to refrain from violence, abusive language and most importantly bringing perpetrators to book⁴³. Article 18 recognizes that violence dehumanizes and engenders feelings of hatred and polarization within the country. ⁴⁴The provisions on violence prevention are inseparable to healing and transitional justice. The study showed that impunity was rife and at grassroots levels perpetrators of violence had not been prosecuted. There is evident lack of commitment to the implementation of the GPA and therefore national healing is blurred. The GPA provisions for a constitutional process addressed in article 6 speaks to the enhancement of full citizenship and equality of women which can only be achieved by inclusion and participation of women. Constitution making as part of institutional reform in the national healing agenda should ensure that the new constitution removes ambiguities on gender equality in the current constitution and craft specific terms on women's rights.

Legal frameworks and gender

Zimbabwe has passed laws and acceded to international conventions that advocate for women's rights. The Domestic Violence Act of 2006 addresses gender based violence against women, men and children. The weakness of this Act is its separation of gender based violence in the domestic and public sphere. The result is that gender based violence during political conflicts remains unattended. Zimbabwe is a signatory to the SADC Protocol on Gender and Development which encourages state parties to prosecute gender based crimes and to include women in peace building processes⁴⁵. It is apparent that legal measures are not sufficient to effect gender justice and whilst these are commendable they should be accompanied by education on the law, dissemination of information and judicial systems that enable women to easily access justice.

Methodology

Introduction

The study employed a victim centred approach that examined political violence and took into consideration the socio economic impact of violence on women.

⁴²Machakanja ,2010,

⁴³Global Political Agreement, 2008.

⁴⁴Ibid.

⁴⁵SADC Gender Protocol, 2008.

The study approach also tried to establish the divergent views of the victims, women's organizations and other stakeholders to get the different perspectives of national healing and its intersection with gender. The study therefore aimed at exploring the gender dynamics of national healing in order to move beyond the reconstruction of pre violence gender relations and instead encourage fundamental transformation of relations and institutions in order to contribute towards comprehensive social justice and full recovery through national healing.

Objectives of the study

The study sought to achieve the following objectives;

- To better understand the through documentation of literature the gender dynamics of national healing as a transitional justice framework in Zimbabwe using a gender oriented human rights lens.
- To identify and differentiate the experiences and needs of women and men on politically motivated violence and national healing.
- To collect data about the violence perpetrated against women in particular during the period of political violence with a view of supporting investigations, counseling and legal processes in search for justice for women victims and survivors.
- To gather concrete views and demands of different communities and stakeholders in Zimbabwe in relation to the type of transitional justice, national healing and reconciliation and peace processes desired in order to bring the voices of the Zimbabwean people back into policy making discussions.
- To identify strategies and mechanisms to address crimes and human rights violations committed during the recent violent political conflicts that could allow communities to move forward allowing space for previously unmanaged ideas and locating traditional justice mechanisms in the specific context of Zimbabwe.

Research Design

The research was undertaken using qualitative methods of data collection which included;

Semi structured interviews

Semi structured interview were held with victims of political violence in the different eras of violence in post independence Zimbabwe such as the Gukurahundi violence of 1982 to 1987. Interviews were also conducted with victims of the 2008 electoral violence. Interviews were held in areas that were hot spots for violence to establish the level of awareness of the national healing agenda and the envisioned type of transitional justice.

Focus Group Discussions

The researchers held focus group discussions in the 5 provinces with women and some groups with mixed community members to augment the data from the semi structured interviews. Focus group discussions were also held with some members of the ZANU PF women's league and the ZANU PF youth league in Mutare.

Key Informant Interviews

Key informants were selected from the officials of ONHRI, JOMIC; CSO's including women's organizations. The Women's Coalition of Zimbabwe (WCoZ) and Zimbabwe Women lawyers Association (ZWLA). Heal Zimbabwe was also interviewed as an organization that is working on healing programmes with victims of political violence. The study also engaged with the Churches in Manicaland and community leaders such as chiefs and councillors and leaders of the political parties and war veterans.

Study Site

This study was conducted in the 5 provinces of Manicaland, Mashonaland Central, Matebeleland North. Bulawayo and Harare. The following criterion was used to identify sites;

- Areas that experienced serious form of violence in the different eras to establish their perspectives of national healing. Research was conducted in Matabeleland North in the Nkayi district. The focus of the study was the Gukurahundi violence.
- Areas that experienced violence and are still experiencing conflict to determine local and national level interventions. The study was conducted in the Mashonaland central province of Chiweshe.
- Urban areas of Harare and Bulawayo were included in the study to compare the rural versus urban dichotomy on gender and national healing.
- Areas with strong traditional justice mechanisms to interrogate traditional mechanisms and gender justice.

Study Limitations

The study could only be confined to 5 provinces were due to budgetary constraints and the limited time constraints to data gathering. Researching political violence in sensitive and requires adequate time for communities to gain confidence in the researcher and speak freely.

Ethical Considerations

The research sought informed consent from all respondents and committed to preserve confidentiality and anonymity of the informants.

Population Sample

Purposive sampling was used for the study. This was used as the study wanted the experiences of victims of political violence, and other relevant individuals and organizations that would provide information and are engaged in issues of gender and national healing in the country. The population included victims of political violence in selected communities, ONHRI, non-governmental organizations, women's groups, traditional chiefs, councillors and youths.

Data Analysis

Data was coded and analysed through the development of sub themes to capture the different conceptualisations of gender dynamics of national healing from the different constituencies. A gender lens was applied to analyse the transitional justice proposals.

Findings on gender dynamics in national healing Summary

It emerged from the study that the state was actively involved in the perpetration of violence in all the post-independence violent eras. The study also established that the forms and patterns of violence were similar with varying degrees of intensity. Political violence was used as an instrument of ascendancy to power and as a bulwark against contenders for that power.⁴⁶ The methods of violence used by the Smith regime such as torture of political opponents took root in the victims and the liberation movements themselves re-emerged in the post-independence era. There was also continuation of coercive methods of gaining support borrowed from the liberation struggle and the intolerance to any forms of dissent. The study confirmed that a culture of violence was embedded in the Zimbabwean society and national healing was imperative.

Forms of Violence

Illustrated on the figure which follows is a summary of the forms of violence that communities experienced during Gukurahundi and the post 2000 electoral violence especially the 2008 violence.

⁴⁶Sachikonye, 2011. When a state turns on its citizens.

Forms of Violence ;

MURDER

TORTURE

ABDUCTIONS

FORCED DISAPPEARANCES

RAPE & OTHER SEXUAL CRIMES

ARRESTS & PROSECUTIONS

ASSAULTS

ARSON

CURFEW & MILITARY

IMPOSITION

HARRASSMENT AND INTIMIDATION

FORCED DISPLACEMENT & MIGRATION

PROPERTY THEFT, DAMAGE &

DESTRUCTION

LIVESTOCK KILLINGS

FOOD SUPPLIES & CROP

DESTRUCTION

Organisation of violence

The violent eras depict similarities in the organization and orchestration of violence. The Gukurahundi violence was perpetrated by a trained branch of the army called the 5th brigade. Violence was also perpetrated by the dissidents, the ZNA, CIO, Police Support Unit and the ZANU PF youths.⁴⁷ The army was deployed in Matabeleland and parts of the Midlands. Gukurahundi was targeted on all Ndebele people who were accused by the state of supporting dissidents. The people of Matabeleland viewed the conflict as an ethnic cleansing of the Ndebele by the Shona led government. In the view of the informants the 5th brigade targeted civilians and not dissidents.

In the post 2000 violence perpetrators were from different state institutions such as the army referred to as the 'junta' by informants in the 2008 violence, the police, CIO and non-state institutions such as war veterans, politicians and youth militias and party supporters. The organization was not openly state controlled but the state was complicit by commission and omission. There was an increased level of participation in the perpetration of violence by civilians especially in the 2008 violence. The violence was targeted at the opposition especially the MDC.

The gendered nature of the violence

In all the conflicts men were the main targets of murders, abductions and disappearances. This was attributed to the active participation of men in politics. As a result most men fled the violence and went to hide in urban areas and neighbouring countries. The absence of men increased women's vulnerability and compromised women's security. Women were abused physically and sexually. Women were also punished on behalf of the absent men. In the 2008 violence abusing women became a tool used to force men who fled to return. The conflicts portrayed militarized masculinities which ascribe aggression and the military as male characteristics. In the post 2000 violence, women were not innocent spectators, however their roles were largely confined to supportive roles such as chanting slogans, singing songs and ululating at the bases whilst opponents were beaten and victimized. In the few cases where women perpetrated violence the communities reported extreme forms of cruelty which were inconsistent with societal expectations of women behaviour. In Chiweshe victims described how a woman militia shocked the community when she spat on the body of a slain MDC leader. In other cases women led the militias and Junta in identifying homes of suspected and known MDC leaders. Reports were also given of women who took part in the destruction of homes and burning of property during attacks on opponents. Women politicians were also implicated in orchestration of violence. Although the MDC supporters were principally the victims in some cases they also perpetrated violence. In Mashonaland central some members of the MDC organized attacks on ZANU PF members. The study confirmed that in one village MDC supporters burned homes of ZANU PF supporters in retaliatory attacks.

⁴⁷CCJP Report, Breaking the Silence

Sexual violence

The study in Matabeleland North and Bulawayo showed that memories of violence were still vivid despite the time lapse. Gukurahundi occurred in 1982 to 1987 but victims were able to give detailed accounts of what happened. Memories signified the level of pain and suffering brought by the violence. Memories illustrated the gruesome nature of violations and effects on victims and witnesses. Most women's narratives in Matabeleland described sexual violence, abductions and murders. The accounts on sexual violence were collective probably because of the shame associated with sexual violations.

Women in Matabeleland reported that rape was rampant and women were raped by the soldiers and the dissidents whom they could not distinguish as they appeared the same. Women were raped in their homes and in public places. Other women were raped in front of husbands or other family members. Some women bore children from the rapes. Pregnant women had their wombs ripped open to kill the babies inside. Other women were forced to pound their babies using pestle and mortar. Women and men were forced to undress in public and were humiliated.

In Mashonaland and Manicaland informants reported sexual violence and there was prevalence of gang rape. Incidences of the rape of elderly women by militias were very high. The perpetrators were in most cases known to the victims and included community members. The cases of rape were not very widespread but there were greater occurrence of other forms of sexual violence such as forcing people to undress and then beating them on genitals.

The shame associated with rape contributed to women suffering in silence. The study revealed that addressing crimes such as rape would be a challenge as many women in Matabeleland explained that the time lapse made it difficult to identify the perpetrators. The rapes were sometimes not disclosed for fear of being divorced and fear of ostracisation by communities. The study showed that rape was used as punishment for the alleged support of the 'enemy'. The women in Matabeleland narrated that their genitalia was beaten and referred to as 'dissident possessions'. Sexual violence was perpetrated to demonstrate the power over the victim and the opponents. Sexual violence was intended to instil fear in the victims and entire communities. Studies of sexual violence have also shown that sexual violence is intended to humiliate men on the other side and demonstrate their failure to protect their women.⁴⁸ It is also apparent in the 2008 violence that rape was opportunistic and made possible by the lawlessness with no political motive. Sexual violence was not confined to opponents young women confirmed that violations occurred at the bases. Women militias were raped, others consented to sexual relations with commanders to gain power and protection. Further studies will be required to establish the extent to which sexual violence was part of the organized forms of violence or opportunistic violations. There was also evidence of sexual violence against men. There were no reports on male rape however there were reports of men who were assaulted on their genitals.

⁴⁸Cockburn, 2004

Transitional Justice and Healing

Effects of violence

Communities in Matabeleland were severely traumatized and destabilized by the violence of Gukurahundi and in their view Gukurahundi was perpetuated in structural forms. Gukurahundi orphans were denied citizenship because they could not acquire birth certificates and national identity cards without parents' death certificates. There is as sustained fear of associated with the Gukurahundi discussion and general mistrust of strangers. Intergenerational transmission of trauma was evident in the communities. There was a lot of emotions and anger associated with the discussion of Gukurahundi even among the youths who have been told of the stories. The Ndebele felt marginalized socially, economically and politically. The study confirmed that many youths preferred to identify themselves as Tswanas or South Africans and many migrated and sought foreign citizenship. The socioeconomic effects of the violence worsened poverty and led to under development of the entire region.

The 2000 to 2008 violence also affected communities of Eastern Zimbabwe. The violence polarized communities along political affiliations. There was suspicion and fear of ZANU PF members. There were visible permanent injuries that still afflict some of the victims of violence. The presence of perpetrators in the communities intensified polarity and bred resentment and anger.

In the two rural communities women spoke about the extra burden of care that was brought by the violence. Many women could not flee because they had to take care of children, the sick and the injured. Women spoke about the challenge of assuming responsibility to provide economically for families in the absence or death of spouses.

Victims' perspectives of national healing

The rural women's conceptualization of justice was premised on their knowledge and use of traditional conflict resolution methods as well as their understanding of the formal justice system. The victims categorized violations according to their perception of its gravity.

Murder evoked emotions of anger and sentiments of revenge amongst the victims in both the Gukurahundi violence and the 2008 violence. Many women wept as they spoke about the murder of their loved ones. Reactions also differed depending on individuals. Some women vocalized and openly spoke about the events leading to the deaths while others had little to say or were unable to express themselves but exhibited extreme internalized pain. Women victims of violence viewed the death of loved not only in terms of loss of life but also the deprivation of breadwinners and loss of labour. The victims all alluded to the responsibilities that the men carried out and how that void could not be filled. Grandmothers were left with orphans to look after with no sources of income.

Rape was regarded by women as violation similar to murder. In Mashonaland central women demanded that the rule of law should be applied to the people

who violated them. "Rape is a form of killing and the people who committed rape must be arraigned before the courts and be imprisoned the same way that rapists are imprisoned in 'peace' times." The communities also expected that on return from prison the victims would pay compensation as demanded by tradition. In Matabeleland North women victims of sexual violence demanded compensation from the state in the form of women focused assistance such as development projects and financial assistance for orphans. In their view gender specific programmes would enable women to carry on with their lives.

The level and intensity of violence influenced the healing and transitional justice perspective of individuals. Those who lost family members or suffered extreme violations such as torture demanded justice and were hostile to reference to healing or reconciliation. There was visible tension between MDC supporters and ZANU PF supporters at community level. Communities in Mashonaland central were highly polarized. The study revealed that the Organ was not visible at the grassroots where most of the violence occurred. The majority of the informants had never heard of ONHRI but were aware of the government's message of forgiving the past and reconciling. A woman explained their predicament; "Our leaders encourage us to reconcile but how do I reconcile with someone who killed my son and destroyed everything that I owned? It is not possible."⁴⁹

Victim Demands

Transitional justice as a concept was not known to the rural communities but their demand were consistent with some of the internationally accepted transitional justice processes. In urban areas of Bulawayo there was a level of awareness and reference to the TRC and ICC as transitional processes. Communities made specific demands on transitional justice as follows:-

Acknowledgement/Public Apology

The communities in Matabeleland North and Bulawayo agreed that the first step towards national healing was publicly acknowledging the Gukurahundi violence. This would be followed by public apologies to communities by the government leaders. In Nkayi the women emphasized that the government officials should come in person and not send representatives such as traditional leaders or church leaders. The victims of 2008 demanded that the state should recognize and admit to the violations perpetrated by its institutions and not relegate the violence to community conflicts.

Truth telling

Lederach argues that for reconciliation to take place "people need opportunity and space to express to and with one another the trauma of loss and their grief at that loss, and the anger that accompanies the pain and memory of injustice"⁵⁰. Communities in Matabeleland demanded that the atrocities of the Gukurahundi era must be exposed. The reports on the public inquiries were never published and these should be known. Currently in Zimbabwe it is an offence

⁴⁹Interview held in Chiveshe with a victim of the 2008 violence who witnessed the murder of her son who was an MDC leader.

⁵⁰Lederach, 1997,p.26

to discuss Gukurahundi and many people have been arrested for doing so. The study showed that opportunities and platforms for truth telling were important to victims of violence. Many victims gave detailed narratives of their experiences although some wept, when offered to abandon the interview, they insisted that they did not want to stop; they wanted to fully tell their story. The informants expressed gratitude and some relief that someone had listened to their story and shared their experience. Truth telling validated their experiences.

Justice and Accountability

The MDC supporters who constituted the majority of victims in the post 2000 violence were very well informed about justice and accountability. They referred to the selective application of the law which protected perpetrators of violence and persecuted the victims. The victims demanded an end to impunity and prosecution for all crimes committed during the conflict. There was a blanket label given to all ZANU PF supporters as violent. There was deep rooted animosity and severe characterization and stereotyping of ZANU PF members.

The ZANU PF supporters who comprised the greater proportion of the perpetrators at community level denied perpetration of violence and yet continued to threaten victims with even more severe attacks. The perpetrators resisted any efforts aimed at reconciliation in the community. This could be attributed to the knowledge that reconciliation implied acknowledgment to committing crime which could lead to future prosecution. The study revealed that some of the party leaders continued to derail efforts of reconciling communities by fuelling violence against opponents.

Reparations and Compensation

Minnow argues that reparations are an important component of acknowledgment which facilitates forgiveness. In her view reparations without apologies are inauthentic and apologies without reparations are cheap⁵¹. The demands for compensation were expressed in cultural contexts by the victims of violence. In Mashonaland and Manicaland the nature of the violation determined the form of compensation. Traditional leaders in Manicaland articulated the point that when blood is shed compensation would be paid in the form of cattle and the number of cattle increased with the gravity of the crime. In cases of murder the victims explained that the deceased determined the form of compensation. The living it was argued were not able to determine compensation. The mother of a murdered MDC leader explained; "I cannot demand compensation. The one who was killed will determine the compensation they want. Those that killed him will pay according to his (victim's) demands."⁵² The foundation for this belief was stated as the strong traditional belief in "ngozi", the avenging spirits of the deceased victim.

In Matabeleland the cultural belief in the avenging spirit did not exist however there was consensus that reparations should be paid as a token or gesture to show remorse which should be determined by the state. Some victims suggested that compensation in lump sums of money and a monthly allowance could be

⁵¹Martha Minnow, 2004

⁵²Interviews with 3 women whose sons were murdered in 2008 violence, in Shona culture murder evokes ngozi the avenging spirit of the deceased. The spirit will haunt the family of the perpetrator usually and will possess one of the family members and demand compensation.

a form of reparations. There was consensus in Matabeleland on reparations in the form of development project consistent with the view that the province was marginalized and under developed.

At community level those that lost chickens, goats, sheep and cattle wanted the people who took their goods to return them or to compensate them for the loss of their wealth. For these crimes most people had names of suspects living in the villages especially the deployed army personnel, youth militias and war veterans. For this none were prepared to compromise on what was stolen and the possible offspring.

Devolution of power

The focus group held in Bulawayo urban however were agreed that the best form of Transitional justice for the Ndebele people was the devolution of power and giving the Ndebele people an opportunity to form their own government with power over the use of their resources as well as control of their own finances. If that was not acceptable to the current inclusive government then cessation was the only other option.

Prosecution of perpetrators

The urban informants exhibited knowledge of international law and argued that those that orchestrated the Gukurahundi violence should be prosecuted in The Hague by the ICC. The smaller perpetrators could be prosecuted locally through the national courts. Urban dwellers had no confidence in the use of traditional justice mechanisms.

Memorialisation

Survivors of Gukurahundi felt that they were not given the opportunity to mourn their dead. They had been denied mourning and according their dead decent burials. The people want to mourn in their traditional way and give the souls of the dead the rest they deserve. It also helps to give them closure and healing. In Mashonaland and Manicaland those murdered in the 2008 violence were buried hurriedly without proper burial rites. In some communities a local CSO's managed to organize memorialisation ceremonies and funded the costs of memorial ceremonies.

Reforms

Women victims referred to the need for institutional reforms especially in respect of insensitive police and prison services whose conditions were unsuited for women's needs. Women spoke of the injustice of arrest with no charge when they in fact were the victims and their anger at being arraigned before the courts and being informed for the first time of the charges by the magistrate.

⁵³Lederach, 1997p.29

Reconciliation/Healing

Reconciliation represents the point of encounter where concerns about the past and the future meet. Reconciliation must find ways to address the past without getting locked into a vicious cycle of mutual exclusiveness inherent in the past. At the same time reconciliation must envision the future in way that enhances interdependence.⁵³ Reconciliation leads to healing because it restores the relationship between victims and perpetrators. In the study reconciliation and healing proved to be the most difficult to victims and perpetrators. The failure by the state to address violence led to the desire for revenge some victims demanded that those that committed murder should also be killed. It appears that without truth telling, accountability and justice, healing and reconciliation would be problematic in some communities. The informants consistently insisted that redress be pursued first before forgiveness.

Reintegration

A key component of restorative justice is the reintegration of perpetrators into the communities. The research demonstrated that many young people who perpetrated violence in 2008 fled from their communities fearing reprisals. Reintegration efforts have also been hampered by the absence of a formal transitional process and hence individuals devise their own means of reintegrating. Perpetration of violence is ascribed to masculinity and women who perpetrate violence defy the expected social attribute of women as peaceful. A young woman and ZANU PF youth leader explained that people feared and avoided talking to her. The study revealed that female offenders who served prison terms struggled to be reintegrated into society they were stigmatized and alienated. Those who were married were usually divorced on return from prison and sent back to their families. There was also need to reintegrate victims of political violence. A woman who was arrested and falsely accused of murder described how their lives have been totally transformed. "People do not want to associate with us, no one ever comes here. Our home is like an Island. The few people who talk to us do so secretly⁵⁴."

State and Transitional Justice

There is apparent lack of political will to address human rights violations because the state has been the major perpetrator of violence. Despite the signing of the GPA and the establishment of ONHRI the parties to the agreement have different perceptions of national healing.

Organ of National Healing (ONHRI)

ONHRI held consultations with churches, civil society and traditional leaders but failed to set up a legislated transitional process to deal with the violent past. The vagueness of the mandate of the organ led to confusion, criticism and ineffectiveness of the organ. However the setting up of the ONHRI signalled admission of wrongdoing by the government and its existence has created

⁵⁴Interview with victim of 2008 violence who spend 2 months in remand prison on false charges of murder

⁵⁵Interview with ONHRI,

dialogue on violence and transitional justice. In the view of the informants the ONHRI should decentralise its activities and engage victims of violence on peace building efforts. It has engaged with traditional leaders but there was no visibility at grassroots level.

ONHRI has drafted a bill which it has sent to the parliamentary review committee. The draft bill addresses one of the key criticisms of ONHRI, that is, its lack of a legislative framework for TJ in Zimbabwe. According to ONHRI the National Peace and Reconciliation Council (NPRC) policy document has been tabled before the cabinet committee for legislation which was expected to forward it to parliament. ONHRI explained that the document had input from churches, CSO's and political parties. The NPRC according to ONHRI will be comprised of a nine member council which will include at least 4 women⁵⁵.

The NPRC hopes to implement the TJ process that parliament will adopt. The women's ministry and women's organizations were consulted to include gender issues. ONHRI's peace-building programmes include training of community leaders in conflict resolution. The ONHRI has also designed a political party code of conduct as means of mitigating political violence. There is also historical research on all violence epochs in Zimbabwe.

The greatest challenge according to ONHRI has been to get consensus from the 3 principals of the GPA. ONHRI has also been largely invisible to the victims of violence and yet their voice is important in the design of any transitional justice mechanism. The Organ is compromised by virtue of being a product of a political settlement of three political parties the 2 MDC's and ZANU PF therefore other smaller parties are excluded. In the study some informants in Manicaland commented that ONHRI was not relevant to them because they belonged to Mavambo. There is need for the ONHRI to be inclusive to accommodate all Zimbabweans. The composition of ONHRI has also been criticized as representing victims and perpetrators with each side defending its position. The ONHRI's outreach programme was criticized for not creating platforms for women and hence women's issues were not sufficiently captured. The credibility of the ONHRI has also been questioned because it is housed in the president's office. The Organ has also been accused of putting emphasis on healing at the expense of truth and justice.

Joint Monitoring and Implementation Committee (JOMIC)

JOMIC appeared to have more visibility and activity as compared to ONHRI. It has offices at provincial level and plans to have district offices throughout the country. It operates at the level of negotiators and through committees. Although political party representatives included women it was evident women's issues have not been at the forefront of JOMIC work. The negotiators have focused on contentious issues of the GPA such as sanctions, provincial governors and national heroes whilst the committees have deliberated on complaints such as interparty violence. To some extent visits by JOMIC to hotspots are believed to have reduced the levels of violence. However JOMIC operates by consensus of all the 3 parties to the GPA and therefore effectiveness is sometimes compromised.

⁵⁶Interview with ZANU PF JOMIC member.

The other challenge is that decisions and activities can only be made if all three representatives are in attendance. JOMIC is concerned only with violence after the GPA and thus cannot address past political violence which is the most contentious. The media committee has given publicity to JOMIC but has failed to monitor and discourage hate speech and ZANU PF propaganda on the national airwaves. A ZANU PF provincial JOMIC member commented on the positive effect that JOMIC has had;

*"In the past I could not sit side by side with an MDC leader and share a platform but now we talk and we even share a cup of tea. I think that is positive for peace in Zimbabwe."*⁵⁶

The challenge has been that such actions have not been transferred to the grassroots whilst at JOMIC level leaders can share platforms the same leaders will instigate violence in their constituencies. The dependence on consensus and the reliance on leadership of the warring political parties severely compromise the basic work let alone the prioritization of women issues such as the scourge of political violence against women.

Non State actors and Transitional Justice

Traditional mechanisms of transitional justice Patriarchy and culture still influence gender relations in rural communities of Zimbabwe; however the structures have space for women's issues especially at the domestic and community level. The study showed that in Manicaland and Mashonaland the traditional leaders played a pivotal role in the justice delivery system. The communities accessed traditional leaders for dispute resolution. In the court sessions attended in Mutare many women appeared with cases of domestic violence. Traditional leaders however pointed out that they had no jurisdiction to deal with matters of political violence. A chief in Mashonaland West argued that political violence cases would eventually come to them because cases of ngozi the avenging spirit are mediated by chiefs. The chief acknowledged the involvement in politics by some traditional leaders which could affect the traditional leaders' role in conflict resolution.

In Matebeleland the traditional structures appeared ineffective in addressing violence and communities reported to the police. The communities and the chiefs referred to the formal court all cases of violence.

The chiefs who maintained neutrality during political violence earned the respect of their communities. In Manicaland some traditional leaders took the initiative to order perpetrators to return livestock and property taken during the 2008 violence. Some perpetrators accepted but others reported to the police leading to the arrest of victims and the chiefs. Such cases stalled local efforts at national healing and the arrest of some of the traditional leaders undermined confidence of the victims and hardened perpetrators. The partisan nature of the some traditional leaders could prove to be a challenge in national healing. However it was evident that the traditional court was an accessible and recognised institution which communities and women especially depended on for resolution of conflicts.

⁵⁶Interview with ZANU PF JOMIC member.

Culture is dynamic and there were signs of positive transformation of cultural practices that infringed on women's rights. There have been appointments of women in traditional structures that were previously preserved for men. In some chiefdoms of Manicaland female sub chiefs and village heads were appointed. In another district a woman was the spirit medium of the land and was consulted by the chiefs. The national healing agenda could exploit such opportunities to advance women's issues. It was apparent however that women chiefs and village heads needed to be capacitated to confidently address matters brought to them by members of the community.

The role of civil society

Women's organisations documented political violence during the 2008 electoral violence and observed that domestic violence escalated during conflict and that the distinction between domestic and political violence was blurred. In their study the greatest numbers of gender based violence were linked to family grudges and community disputes. The collapse and polarisation of law enforcement institutions contributed to impunity⁵⁷. Their study corroborates argument of feminist scholars that violence is a continuum from the domestic to the political and that there should be no distinction between political and other forms of gender based violence. The women's organisations have lobbied ONHRI and political parties with a framework that applies resolution 1325 and 1820 on women and gender based violence.

Gender justice and equality involves the participation of women in political processes. Studies by Women's organisations during the constitutional outreach programme (COPAC) noted that women constituted 53% of participants but did not voice their contributions and therefore women's issues could not be included in the draft. The women's movement then decided to involve political parties and engaged with women leaders in ZANU PF and the two MDC's. Women's organisations argued that women's participation and engagement in political processes was crucial for inclusivity and for influencing decisions at policy level. Transitional processes in Zimbabwe neglected women's issues by the absence of women at the negotiating table. The women's organisations provided technical expertise in the gender thematic committee of the constitutional making process. The key issues they demanded in the constitution to protect women's rights are;

- Protection of women from gender based violence including political violence
- 50/50 gender parity in all elected and appointed institutions and commissions such as parliament
- Provision for socio-economic rights such as the right to food and water, health and the right to peace.

Women's organisations have played a crucial role in transitional justice by encouraging women parliamentarians to denounce political violence in their constituencies through the women's parliamentary caucus. The parliamentarians are encouraged to lobby for women's rights as a unit and set aside their party interests. The organisations should work with women at all levels to increase

⁵⁷Interview with women human rights organisation

effectiveness. There was a visible gap between policy makers and the intended beneficiaries.

The church and national healing

The church is an influential stakeholder in the national healing debate in Zimbabwe. The church's message of healing, forgiveness and reconciliation based on the Christian faith has become part of the TJ discourse. The church found itself in a precarious position during political conflict; those that condemned and spoke openly about violence were labelled as opposition supporters and faced persecution. The state's decision led to silence for fear of persecution and the actual persecution of those that stood firm and denounced violence. The state also infiltrated some churches and individuals who became mouth pieces of the state. The voice of the church during political conflicts was muffled.

The study disclosed that gender equality is a contentious issue in most churches and women though constituting the majority of followers did not have the same status and rights as men. The influence of the church however was evident amongst victims of violence. In the absence of psycho social support most victims depended on their faith for strength. In other cases the victims resigned their fate to their faith. The church was a source of refuge to victims of violence who sought safety during the conflict. The church's voice however was not loud in the pronouncement of justice. There seemed to be disjuncture between the church and followers on violence and transitional justice. There was no evidence of forums to discuss openly the violence and its implications.

Women Politicians and national healing

Polarisation was crafted by political parties as means to gain support and exclude opponents. It was effective in creating enemy images of opponents. The ZANU PF women's league members in the study expressed clearly that they do not interact with any opposition members. The GNU in their view was a source of the country's problems and not a solution. Women who belonged to the MDC expressed bitterness with their ZANU PF counterparts and blamed them for instigating violence inflicted upon them by youth militias. The women victims of violence named women who belonged to ZANU PF and described how they celebrated by singing and dancing when they were persecuted for their political affiliation. National healing is thus inconceivable when communities demonise and label each other. The work done by CSO's with women parliamentarians and senior politicians from ZANU PF and the two MDC's should be duplicated in communities to open up avenues for healing and reconciliation.

The youth and national healing

The young women in the ZANU PF youth wing were of the opinion that gender dynamics in the party were shifting positively for women. There was increased representation of women in the youth wing at the lower levels however women's representation declined at the provincial and national levels. The youth acknowledged perpetrating violence but they blamed the senior politicians for hiring young people to commit violence. In their view if young people are

gainfully employed violence would decline. Reconciling with the opposition youth was confined to sporting activities organised by CSO's. There have been no platforms or forums to discuss violence and national healing.

Analysis of the gender dynamics of national healing

Gender relations and identities rarely exist in isolation from other relations of power such as class, ethnicity and religion. The continuities and discontinuities of violence exhibited the differences of women's experiences depending on other relations of power. The rural woman and the urban human rights activist faced with the same persecution and predicament had different access to support and defence which influenced the type and extend of their respective responses in the quest for redress.

The concept of women as peacemakers and men as aggressors needs to be interrogated in the context of the observed participatory roles of women in the perpetration of violence against other women and perceived opposition supporters.

The study demonstrated that women had significant levels of power in the domestic environment which enabled them to participate and influence decisions in the home. Women's power decreased gradually from the home to the community and at national level. Men spoke on behalf of women and speaking through the men reduced influence on issues critical to women's rights. There was greater articulation and expression of views when women engaged on their own. Women's participation in national discourses such as national healing was subdued by patriarchy and power relations that subordinate women.

Conclusion

The complexity of transitional justice in Zimbabwe is grounded on the fact that the transition has not been completed. Transitional justice is commonly associated with political transitions and new political dispensation. Zimbabwe's GNU is an incomplete transition and the influence of perpetrators on a transitional process jeopardises its effectiveness. The conceptualisation of ONHRI and its silence on the term transitional justice is not accidental. The emphasis on healing and reconciliation is historically appropriate in Zimbabwean political transitions which emphasized reconciliation without accountability.

Recommendations

The women's charter has created a list of recommendations for gender and transitional justice and some of their views are incorporated below;

- The masculine nature and structured nature of violence against women needs to be acknowledged as should the fact that it is a continuum in order for policies, laws and processes to consciously address the historical, structural and nature of gender based violence in the quest for lasting healing and peace.
- The government must acknowledge all violations of the past in order to

- create an enabling environment for national healing to take place.
- Parliament must pass an enabling statute to facilitate the process of transitional justice and allow for investigations, public inquiries and truth telling.
- Women need to be consulted about the formulation, scale and procedures that will be used in the implementation of any national healing mechanism that will be adopted. A participatory and inclusive approach is required to ensure that the women's needs and interests are catered for.
- Gender should be mainstreamed in all policy frameworks and in institutions to ensure that gender equality is addressed and women's perspectives of gender justice are addressed at all levels.
- State institutions must be reformed particularly the police, security services and the administrations of justice to guarantee that justice is served for women in pre conflict, during conflict and post conflict phases.
- Perpetrators must be held accountable to end the culture of impunity.

Those responsible for crimes during conflict including sexual violence should be prosecuted.

- Compensations should be paid to individuals by perpetrators where possible and the state in view of its role in conflict
- The approach to memorialisation should be community and people driven rather politically driven.
- Amnesties previously granted on political grounds to perpetrators of violence should be reviewed taking into consideration UN Security Council resolutions 1325 and 1820.
- Reparations can be a tool for gender empowerment by addressing not just the violence but social and economic inequality linked to gender.

Reparations can redress an overall context of oppression and violation of women

- International instruments must be adopted automatically into Zimbabwean law and laws pending adoption such as the convention against torture must be promptly recognized
- Guarantees of non-repetition for should be secured
- Traditional mechanisms should be explored as possible mechanisms for reconciling societies however caution should be exercised to avoid practices that undermine women's rights.
- Transitional Justice mechanisms elsewhere should be reviewed to learn from other countries experiences especially on gender and transitional justice
- Further research and documentation on violence and transitional processes should be pursued.

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