

National Constitutional Assembly

Fighting for a New Constitution: Human Rights Violations experienced by Female Members of the National Constitutional Assembly.

Report prepared by:
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December 2009

Preface

Since its inception, the National Constitutional Assembly [NCA] has steadfastly advocated for the need for a new, democratic and people-driven constitution for Zimbabwe. This perspective is generally shared throughout the nation, and is even reflected in the Global Political Agreement [GPA], although the NCA does not share the view that the current arrangements under the GPA are an adequate solution for the production of a new constitution. However, whilst the focus on constitutions is the primary concern for the NCA, it has also been an integral part of the community life of Zimbabwe, throwing its support behind many of the issues and concerns of civic society over the past 10 years. In 2005, it provided the only concrete evidence of the flawed pre-election climate, empirically validating its claim that the election could not produce a free and fair result.¹

Its members, both male and female, have been conspicuous in their efforts to keep this perspective i.e. the need for a people-driven constitution, in the national consciousness, and, as a result, have frequently drawn the ire of the Zimbabwe African National Union – Patriotic Front (ZANU PF) regime. Its leaders have been assaulted, tortured, unlawfully arrested and detained, intimidated, threatened, and generally vilified by the state press. The members of the NCA have suffered the consequences of the peaceful protests and demonstrations similar to the gross human rights violations suffered by its leaders.

No comprehensive report yet exists of the gross human rights violations perpetrated against the NCA and its members, and this report will only be partial in its treatment, as it looks only at a small sample of its female members and how they were treated in their peaceful pursuit for a new political life in Zimbabwe.

¹ See NCA (2005), *The 2005 Parliamentary Election. Flawed, Unfree and Unfair!* April 2005, NATIONAL CONSTITUTIONAL ASSEMBLY.

Introduction

Politically motivated violence against women is one of the more regrettable features of contemporary Zimbabwean political life. It is a feature seen in every election since 2000, and is the likely and common experience of any woman who dares to become politically or socially active. It can happen to women merely because they are perceived to be an opponent of ZANU PF, as was so clearly seen in the Presidential run-off in 2008². As was shown in a recent analysis of the violence in 2008, a woman who was an MDC member, or merely perceived to be a supporter of the MDC, was 10 times more likely to report a human rights violation than a female member of ZANU PF. More worrying was the finding that female supporters of ZANU PF were 40 times more likely to have been reported as a perpetrator³. It is abundantly evident that the women of Zimbabwe are deeply involved in the political crisis.

There are a number of reports detailing the violations recently experienced by women in Zimbabwe over the past decade. In 2006, the Zimbabwe Human Rights NGO Forum [the *Human Rights Forum*] reported on these, basing its findings on both the cases reported to the Human Rights Forum and its members as well as those cases in which the victims were assisted by the Forum in taking civil action against their perpetrators⁴. The report described 448 cases of violations against women, but this was a sub-sample of 967 cases in total. For the period 2000 to 2006, the most common violation reported by women was assault, followed by political intimidation and property destruction, but there were a number of interesting differences found between urban and rural women. It is important to note that during this period Zimbabwe had 3 national elections, i.e. 2000, 2002 and 2005 and it is known fact that violence increases during election years. Rural women were reported to have experienced property destruction, displacement, rape, and torture more frequently than their urban counterparts, whilst urban women reported assault, unlawful detention, and death threats more frequently. A similar pattern was found in 2008.

The alleged perpetrators during this period were said to be most frequently members of ZANU PF, with the sample alleging ZANU PF supporters in 80% of cases. If ZANU PF youth were added to this total, the members of ZANU PF were allegedly responsible in 86% of all these cases. The Zimbabwe Republic Police [ZRP] were the next most frequent category of alleged perpetrators [11%], followed by “war veterans” [8%].

² Opposition members (perceived or real) were targets of organised violence and torture during the run off period, an estimated 500 people were killed, over 25000 were displaced and thousands suffered sexual violence. See Women’s Coalition of Zimbabwe Statement to the Human Rights Council June 2008.

<http://www.ifor.org/articles/Reports/Zimbabwe%20Statement%20HRC%20June%202008.doc>

³ See CSVR (2009), *Subliminal Terror? Human rights violations and torture in Zimbabwe during 2008*. June 2009. JOHANNESBURG: CSVR.

⁴ See Zimbabwe Human Rights NGO Forum (2006), *A Woman’s Place is in the Home? Gender Based Violence and Opposition Politics in Zimbabwe*. Published by the Zimbabwe Human Rights NGO Forum. December 2006, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Another study carried out on Zimbabwean women victims in the refugee population in South Africa came up with rather more worrying findings⁵. Assault (*severe beatings*) was the most common form of physical abuse among the sample, but other forms of abuse that are commonly reported in studies of torture – sensory overstimulation, burnings, falanga, and electrical shock – were also reported. However, forms of psychological abuse were the most common violations, and it should be remembered that these forms of abuse would conform to torture under the United Nations Convention Against Torture [UNCAT]. As was the case with the Human Rights Forum report, ZANU PF supporters [53%] and ZANU PF Youth [26%] were the commonly mentioned perpetrators. However, militia [10%], police [18%], and “war veterans” [16%] were also mentioned with high frequency.

The findings in another Human Rights Forum report⁶ derived from the legal cases being litigated by the lawyers in the Public Interest Unit [PIU] of the Forum are important because the success rate in the courts has been remarkably high. The plaintiffs received favourable judgments or acceptance of liability in over 90% of cases. This provides strong evidence that state agents were violating human rights. Reporting upon 68 women out of 298 cases in all, the Human Rights Forum found that aggravated assault [57%], assault [37%], and torture [21%] were the most frequent violations. The most common alleged perpetrators were the Zimbabwe National Army, reported in 68% of the cases. However, this was probably due to the high percentage of cases from the food riots in 1997, and does not constitute a pattern seen subsequently.

However, related to the NCA cases to be described below, it is the reports on the violations experienced by the members of Women of Zimbabwe Arise [WOZA] that are most relevant. In a series of reports, WOZA demonstrated the perils of both being an activist and female⁷, showing both the kinds of abuse and the consequences of this abuse.

Of a sample of 1983 WOZA members, 42% reported assault, 33% reported physical torture, 64% reported humiliating and degrading treatment, and 78% reported political threats. These violations were all experienced in the course of peaceful protest. Many violations occurred during the course of protests, but it was also the case that equally many took place in police custody.

As regards the alleged perpetrators, the WOZA members, because of their activism, reported that the Zimbabwe Republic Police [ZRP] were overwhelmingly the most frequent perpetrators, with the Uniformed Branch [43%]

⁵ See CSVR (2006), *Women on the run: Women survivors of torture amongst refugees in South Africa*. Report produced for the Centre for the Study of Violence and Reconciliation and the Crisis in Zimbabwe Coalition. ZIMBABWE TORTURE VICTIMS/SURVIVORS PROJECT: CENTRE FOR VIOLENCE AND RECONCILIATION.

⁶ See also Zimbabwe Human Rights NGO Forum (2006), *An Analysis of the Zimbabwe Human Rights NGO Forum Legal Cases, 1998–2006*. Published by the Zimbabwe Human Rights NGO Forum. June 2006, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

⁷ See WOZA (2007), *A Preliminary Report on Political Violence Against Women of Zimbabwe Arise* [A report by Women of Zimbabwe Arise (WOZA). March 2008. ZIMBABWE: WOMEN OF ZIMBABWE ARISE; WOZA (2008), *The traumatic consequences of gross human rights violations suffered by WOZA women*. HARARE: WOMEN OF ZIMBABWE ARISE.

most frequent amongst the various branches of the ZRP. War veterans [19%], youth militia [10%], and traditional leaders [10%] were also mentioned with some frequency.

Thus, the pattern of violations is somewhat different between women that are self-proclaimed activists and women that merely support a political party – the MDC - or that their members of their families support, or are merely assumed to be supporters due to their non-obvious support of ZANU PF. The categories of alleged perpetrators are also different, and activists, such as members of WOZA, report much higher frequencies of violations at the hands of state agents, whilst the other groups (described immediately above) are much more likely to report violations at the hands of members of the ZANU PF political party.

Rape and sexual abuse

There is a strong link between elections and sexual violence with sexual violence being used as a political weapon to silence dissent or intimidate opponents. In Kenya and Zimbabwe for example the elections that were held between 2007 and 2008 point as evidence to this proposition. Sexual violence was used as a form of punishment or a retaliation tool to those who are perceived to be responsible for the unfavourable outcome of the election results. The Waki report commissioned to investigate the election violence in Kenya in 2007-2008 is evidence to the above. It was concluded in the report that the violence that was witnessed after the Kenya general elections was more than citizen to citizen opportunistic assaults, but they were systematic attacks on Kenyans based on ethnicity and their political affiliations. What started off as a reaction to the allegations of rigging later manifested into a well organised and coordinated attack on members affiliated with the Presidency or Party of National Unity [PNU].⁸ A similar finding can be said about the violence that was witnessed in Zimbabwe during the Presidential run-off in June 2008 after President Robert Mugabe lost the presidential election to his opponent Morgan Tsvangirai. From these findings the evidence points to the fact that political elections contribute to sexual violence being perpetrated against women.

Of all the gross human rights violations, it is rape and sexual abuse that is particularly inflicted upon women and it is of concern that so little is accurately known about the prevalence of rape or sexual abuse in contemporary Zimbabwe. There are obvious reasons why these abuses are so infrequently reported; fear and shame are the most common, but, in Zimbabwe, the stigma of HIV and AIDS is an additional complication. There has been considerable anecdotal reporting of rape and sexual abuse over the years since 2000, but very little systematic documentation of rape; the general finding of the under-reporting of rape holds true, it seems, for what might be termed “political rape”.

Sexual assault, whether forced or coerced, is criminalised in most countries and is often investigated and punished at much lower rates than other crimes of similar severity. One of the main reasons for this is that

⁸ Waki Report on the Kenyan General election Violence 2007-2008, Executive Summary p.VIII. p.23

prosecution of sexual assault suffers from stereotypes about women and about female sexuality. Law enforcement officials often believe that survivors of sexual violence are complicit in the abuse either through provocation or by consent that was later revoked. As a result women often feel ashamed to report rape and when they do report, they often find their own behaviour on trial rather than their assailants.⁹

The mistreatment of rape survivors is a significant factor that has contributed to the low percentage of reported rapes. Stereotypes of raped women are often subscribed to by police officers and women who do not fit those assumptions must convince the police that they have been raped. For instance, women face greater difficulties in filing rape charges if they do not resist physically, do not sustain serious injuries, do not appear sufficiently distressed, dated the perpetrator, dressed “provocatively” or are prostitutes.

Thus, it is perhaps unremarkable that, in the civil suits mounted by the Public Interest Unit of the Human Rights Forum, not one case of rape is reported. In the general reports of the Human Rights Forum up to November 2008, where nearly 40,000 violations are recorded, rape is reported in only 27 cases¹⁰. However, it is noteworthy that rape was significantly more likely to occur during elections than at other times.

The frequency does rise when women feel safer to report, as shown in a report on Zimbabwean women refugees¹¹. Here the frequency rose to 15% in the sample of women seen. This strongly supports the notion that women are unlikely to report rape whilst within Zimbabwe¹².

Sexual abuse, however, has been reported more frequently. In the studies carried out by WOZA, sexual abuse – mostly in the form of forcing women to remove their underwear whilst in custody – was reported by nearly 14% of the WOZA members¹³. This would represent degrading treatment in the terms of the definition of torture in the UN Convention on Torture and Other Forms of Cruel, Inhuman and Degrading Treatment and Punishment.

It is evident that there is very poor information relating to rape and sexual abuse of women, and it must be a priority for the future to overcome this, if only to refute the considerable anecdotal claims that there has been a very high incidence of rape and sexual abuse since 2000.

⁹ Askin & Koenig *Women and International Human Rights Law* Vol 1 (2000) 149

¹⁰ See Zimbabwe Human Rights NGO Forum [2009], *Only Bruises on the Soles of their Feet? Torture and Falanga in Zimbabwe*. Report produced by the Zimbabwe Human Rights NGO Forum. February 2009. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

¹¹ See again CSVR (2006), *Women on the run: Women survivors of torture amongst refugees in South Africa*. Report produced for the Centre for the Study of Violence and Reconciliation and the Crisis in Zimbabwe Coalition. ZIMBABWE TORTURE VICTIMS/SURVIVORS PROJECT: CENTRE FOR VIOLENCE AND RECONCILIATION.

¹² See Aids Free World [2009], *Electing to Rape: Sexual Terror in Mugabe's Zimbabwe* Report produced by Aids Free World. December 2009. NEW YORK: USA: AIDS FREE WORLD

¹³ See again WOZA (2008), *The effects of fighting repression with love*. A report by Women of Zimbabwe Arise (WOZA). March 2008. ZIMBABWE: WOMEN OF ZIMBABWE ARISE.

Women and Transitional Justice

As far as we know, this is the first study in Zimbabwe to specifically examine both violence and attitudes to transitional justice in women. There have been expressions about the need for a gender focus in transitional justice previously, as, for example, in the recommendations of the 2003 Johannesburg Symposium¹⁴, but such expressions have been of a generalised nature. In a small study of activists and victims carried out in 2008 by the Research and Advocacy Unit (RAU), which was not focused on women, two questions were related to women¹⁵. In the first, the interviewees were asked whether women had been affected differently to men by political violence, and 64% of the sample felt that they had been so affected. In answer to the question as to whether women should be compensated differently to men, 53% felt that this should be so. The effect was greater when education was taken into account. Given that the sample was only composed of 43% women, it was clear that some men felt in agreement with these sentiments.

In another report by the Research and Advocacy Unit¹⁶ it was made clear that women have increasingly become the victims of conflict, where men instigate violence against each other but the fight is conducted on the bodies of their female counterparts. In this way the violence impacts differently on women as it does on men. The report asserts that it is imperative during transition that women's voices are heard, as women's experiences of conflict are different from men and their experiences should be handled in a gender sensitive manner. In yet another report¹⁷ by RAU, insight into what other countries have done to address violations against women in their own countries was given. This report points out that in some cases women's issues were not given enough priority as was the case in the South African Truth and Reconciliation Commission and the International Criminal Tribunal for Rwanda (ICTR).

The survey with NCA women juxtaposed violations committed against them with their views on transitional justice. Interesting findings can be deduced from this sample but the overriding impression is that the women's experiences shaped their views and determined their attitudes towards transitional justice. The majority of the women in the survey are against amnesty and this aversion to amnesty is probably in light of their fear of the recurrence of such violations in the future. These findings are therefore clearly stating women's viewpoints towards accountability by perpetrators, namely that perpetrators of violations against women must be held accountable for all their actions.

¹⁴ See Themba Lesizwe (2004), *Civil Society and Justice in Zimbabwe, Proceedings of a symposium held in Johannesburg*, 11-13 August 2003, PRETORIA: THEMBA LESIZWE.

¹⁵ See RAU (2009), *Transitional Justice in Zimbabwe: A pilot survey of the views of activists & victims*. Report produced by the Research & Advocacy Unit. January 2009. HARARE: RAU.

¹⁶ See RAU (2009), *Putting it Right: Addressing Human Rights Violations Against Women in Zimbabwe*. Report produced by the Research and Advocacy Unit. March 2009. HARARE: RAU

¹⁷ See RAU (2009), *Human Rights Violations against Women and Truth Commissions*. Report produced by the Research and Advocacy Unit. July 2009. HARARE: RAU

Study Methods

This survey examines the period from 2000 till 2008 in relation to how women activists were treated. A questionnaire for interviews was developed using a previous survey conducted with WOZA as a basis. The final questionnaire covered the following areas that were seen as relevant to an understanding of gross human rights violations against women activists: Personal details; Arrests; Violations since 2000; Perpetrators; Legal actions; Loss of property; Medical treatment and Transitional Justice.

Following the finalising of the questionnaire, a training workshop was held for the interviewers who were chosen from amongst the NCA members. The interviewers then interviewed each other so that they could familiarise themselves with the questionnaire and find out whether they had any problems with the questions. The interviewers were then deployed into the community, and this resulted in nearly 250 interviews of NCA women members taking place. The data was cleaned and the final analysis is based on 231 questionnaires. The interviews were conducted in various high-density suburbs of Harare, Rusape Mutare, Masvingo, Bindura, Shurugwi, Headlands and Shamva.

This data was entered on a customized computerized data base, written in Epi Info.

Only statistically significant findings are given in the report, and the report does not deal with all aspects of the data, merely those features that seem important in the present context. The statistical findings are reported below. The sample is first described as a whole in terms of the frequencies and averages found. A number of key issues were then examined more closely due to their importance. When findings of statistical significance were found they are reported, together with the probability value of the findings. These were mostly tests of frequencies.

Results

The sample was comprised of 231 female members of the NCA, with an average age of 39 years. Hence, these were mature women, and most [56%] were married, but a significantly high percentage was widowed [17%]. Virtually all [93%] had a national identity card or a birth certificate [73%], but very few [27%] had a passport. There was a skew in the geographical distribution of the sample, with the majority [65%] coming from Mashonaland West Province, and there was no data from Matabeleland North or South, Bulawayo, and the other two Mashonaland Provinces. This is not to say that there were no NCA members in these areas but none were part of the training and hence none conducted the survey.

Violations

172 [75%] reported that they had been victimised because of their own active involvement in politics, whilst 130 [56%] reported that they had also been victimised because a member of their family was involved in politics. So women can become victims both due to their own involvement, but also because of others, and, in the latter case, they are victimised in order to put pressure on their family members.

Violations alleged by NCA women.

Violation	Number [percentage]
Abduction of self or family member	108 [47%]
Assault	185[80%]
Death threats	204 [88%]
Forced to attend political meeting	217 [94%]
Forced to remove underwear	23 [10%]
Had house burnt	69 [30%]
Had property destroyed	142 [62%]
Harassed at work	103 [45%]
Held against your will	77 [33%]
Humiliating & degrading treatment	94 [41%]
Insults by police officers	106 [46%]
Murder of family member	104 [45%]
Political threats	218 [94%]
Rape	19 [8%]
Refused medical treatment	79 [34%]
Refused right to receive food	173 [75%]
Refused right to see lawyer	30 [13%]
Torture [physical abuse]	196[85%]
Torture [psychological]	197[85%]
Unlawful detention	68 [29%]

As regards those that reported assault, 66 [29%] reported the use of baton sticks, 34 [15%] the use of booted feet, 82 [36%] the use of sticks, 107 [46%] the use of whips, and 115 [50%] being slapped with open palms. It is evident that being a woman does not inhibit the police from assault, and assault using weapons.

These women reported a wide range of injuries, and, given the use of weapons as described above, many were serious. 22% reported receiving severe bruising, whilst [10%] reported fractures, back injuries [8%], and lacerations [6%] were also reported. 57 [25%] reported a miscellany of different health problems, or exacerbations of existing conditions. Two women reported having miscarriages as a result of the ill-treatment, and six women reported being raped; three of these reported contracting HIV as a consequence, and another suffered vaginal injuries.

Forty four percent [44%] of these women sought medical treatment as a result of their ill-treatment. Of those that did not seek treatment, 56% stated that this was because they had no money for medical fees and a further 19 [38%] stated that the nurses in the clinics or hospitals were either unable or unwilling to assist them. A small number [3 or 6%] stated they were afraid to seek medical assistance. 47 [20%] reported having been admitted into hospital, and 56 [24%] received counselling. For those whose treatment was paid for by others, 53 [23%] reported such help from the MDC, and 18 [8%] from the Counselling Services Unit.

Since age was a possible confounding factor, in that older women might have experienced more violations than the younger women, a comparison between the under-30 and over-30 age groups was done. This revealed a number of significant differences. Bearing in mind that 79% of this sample was over 30 years, and that 29% was over the age of 40 years, it is very possible that the older women were much more likely to have an involvement with organised violence and torture in a previous decade. There is an inference that this might be so from another measure – the period for which investigation on violence should focus – where the older women would accept the period 1980-2008 [34% v 19%], and the younger women were more focused on the period 2000-2008 [81% v 62%].

Firstly, the *Over-30* group were significantly more likely to report having been arrested than the *Under-30* group [64% v 32%], and to have been intimidated by the police during arrest [41% v 15%].

Secondly, the *Over-30* group reported significantly higher frequencies of a number of violations – assault [82% v 75%], physical torture [87% v 75%], being deprived of food in custody [80% v 58%], and a higher frequency of weapons [batons, sticks, whips, etc] in their abuse [1.89 v 1.45; p=0.07]. The *Under-30* group reported higher frequencies of having their houses burned [43% v 27%] and having property destroyed [77% v 60%]. This group also reported significantly higher frequencies of the army being a perpetrator [58% v 40%].

Activism

Since this research was interested in the consequences for women of their involvement in civic activism, it is noteworthy that 75% reported that they had been a political activist, with 41% reporting that they had been arrested, with 29% having been arrested twice. Of those arrested, 35% reported having been intimidated during the arrest, whilst 46% reported that the worst treatment came from male police officers, 29% reported that female

officers were worse, and 29% reported that both were equally bad. 9% reported having children brought in with them into custody, on average having the child in detention with them for nearly 12 hours, but 5 women reported that this period had exceeded 24 hours. 79% were arrested at a political meeting or a rally, and only 19% at a demonstration.

A series of cross-tabulations was conducted, comparing those of the sample that were self-declared *political activists* with those that were merely members of the NCA. A number of significant differences emerged. Unsurprisingly, *political activists* were much more likely to have been arrested and intimidated during the arrest. Furthermore, they were more likely to report serious human rights violations, as can be seen from the Table below.

**Comparison of violations, use of weapons, and police involvement:
Activists and ordinary members.**

Violation	Ordinary Member	Activist
Assault	33[69%]	152[83%]
Torture [physical]	32[67%]	164[89%]
Unlawful detention	4[8%]	64[35%]
Insults by police officers	12[25%]	94[51%]
Abductions of self or family	12[25%]	96[52%]
Police use of whips	16 [33%]	91 [50%]
Number of violations	9.45[2.9]	10.69[2.71]
Number of branches of police involved in violations	0.45 [0.88]	0.94 [1.08]

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Activists were more likely to make reports to the police about their ill-treatment [46% v 15%], as well as reporting that more branches of the ZRP were involved [see table above], but neither of the two groups reported getting much assistance from the police. It should also be noted that age was not a factor in defining oneself as an *activist*.

¹⁸ All significant at p=0.01 or greater.

Place of abuse

The questions about the kinds of violation experienced also attempted to get a sense of where the violations took place, with three main options – in a police car, at a police station, or at a “base”. This last option was included since many human rights groups had reported that abuses took place at “bases” set up mostly by ZANU PF supporters or war veterans, or both¹⁹.

Comparison of place of violation: “Base” versus Police Station

Violation	Base	Police Station
Murder of family member	46[20%]	2[0.9%]
Assault	111[48%]	21[9%]
Physical torture	107[46%]	18[8%]
Psychological torture	99[43%]	26[11%]
Rape	13[6%]	1[0.4%]
Humiliating or degrading treatment	53[23%]	13[6%]
Death threats	75[32%]	15[7%]
Forced to attend political meetings	70[30%]	2[0.9%]
Political threats	77[33%]	7[3%]
Refused right to receive food	36[16%]	12[5%]

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This contrast is very interesting, and clearly demonstrates the significance of “bases” commented upon so much in previous human rights reports since 2000, showing that one strategy for intimidating perceived opponents of the ZANU PF regime is to remove the site of intimidation from the public eye. Most “bases” are reported to be in the rural areas of Zimbabwe (although not exclusively so), and, in many instances, are operating from public facilities owned by the state or local government – in schools, offices, and even clinics.²¹

¹⁹ For a summary of the use of bases and violations thereof, see Zimbabwe Human Rights NGO Forum (2002), *Are They Accountable?: Examining alleged violators and their violations pre and post the Presidential Election March 2002*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM. See also Reeler, A.P. (2003), *The Perpetrators of Gross Human Rights Violations in Zimbabwe from February 2000 to March 2003*, Paper presented to “Civil Society and Justice in Zimbabwe: A Symposium”, organised by the Zimbabwe Human Rights NGO Forum, Themba Le Sizwe and the International Bar Association, Holiday Inn, Johannesburg, 11-13 August 2003.

²⁰ All significant at $p=0.01$ or greater.

²¹ Here see Reeler, A.P. (2003), *The Perpetrators of Gross Human Rights Violations in Zimbabwe from February 2000 to March 2003*, Paper presented to “Civil Society and Justice in Zimbabwe: A Symposium”, organised by the Zimbabwe Human Rights NGO Forum, Themba Le Sizwe and the International Bar Association, Holiday Inn, Johannesburg, 11-13 August 2003.

Comparing those that reported being taken to a “base” with those that did not have this experience, a number of interesting findings emerged. Firstly, single women were significantly more likely to report having been abused at a base than other women, and, secondly, those reporting abuse at a base were significantly more likely to report having been abused through the use of weapons – sticks and whips – than those who did report having been taken to a base. Thirdly, those taken to a base were significantly more likely to claim that women were affected differently to men, and to claim that women require different treatment to men.

Perpetrators

The alleged perpetrators are very similar to those described in other human rights reports.

Alleged perpetrators

Perpetrator	Number [percentage]
Police [Uniform Branch]	91 [39%]
Police [Riot Squad]	46 [20%]
Police [CID]	26 [11%]
Police [PISI]	30 [13%]
Youth Militia	167 [72%]
War Veterans	194 [84%]
Political party members	216 [93%]
Army	101 [44%]

The police from various branches are reported with some frequency, but the overwhelmingly most frequent alleged perpetrators come from the youth militia [72%], war veterans [84%], and political party members [93%]. The political parties were not identified, but it is probable that these were members of ZANU PF in common with most human rights reports since 2000.

From the interviews, it is evident that not only were the police involved in the ill-treatment, but they were also very unhelpful. Unsurprisingly, only 6% of the sample ever made a report to the police about their ill-treatment, with 18% reporting that it was the police involved in their ill-treatment, 21% stating that they were not allowed to make a report, and 31% not making a report out of fear.

Only 26 [11%] managed to get a lawyer to either represent them in court or to assist them to get out of police custody. Of the organizations that offered legal assistance, the most support was for those that were also MDC

members, with 22 [10%] reporting having been assisted. The NCA [2%] and Zimbabwe Lawyers for Human Rights [4%] were also mentioned.

One question dealt indirectly with the issue of “child soldiers”, and 197 [86%] said that they knew of children that had been forced to join groups perpetrating violence. The notion of who constituted a “child” was not explored, but it is probable that these women were referring to young persons, adolescents or young adults.

Attitudes to Transitional Justice

A range of questions dealt with attitudes to transitional justice, exploring amnesty, truth commissions, and prosecutions. This sample was deeply unsupportive of amnesty with only 8 [4%] feeling that amnesty should be given for people who have committed politically motivated crimes or crimes against humanity. 207 [90%] felt that a truth and reconciliation commission should be established, and even more, 225 [98%], felt that people who committed violence against women should be prosecuted. 214 [94%] felt that people who committed violence against women should be compelled to publicly admit their crimes before a truth commission, but only 38 [17%] felt that public admission of crimes could lead to exemption from prosecution.

A question focusing on the leaders of violence produced some interesting findings. For “base commanders”, military commanders, the police, and the youth militia, the sample was massively in favour of prosecutions in courts of law, over 90% in all cases, and rejected amnesty by the same magnitude. However, for ordinary persons involved in the violence, those “*who were sent*”, a small percentage [9%] felt that amnesty could be extended, but still over 90% favoured prosecutions.

Since the survey was dealing mainly with violations since 2000, or roughly the life span of the NCA, it was interesting to examine the attitudes of these women towards which period in Zimbabwe should be investigated for violence. Not a single person had any interest in any investigations for the period from 1960 to 1980, nor for the period from 1980 to 1987. 148 [65%] felt that investigations should cover the period from 2000 to 2008, and 78 [34%] felt the period should cover the time span from 1980 to 2008. We comment below on the absence of any interest for the period 1980 to 1987.

189 [83%] believe that women have been affected differently to men by politically motivated crimes. 219 [96%] believe that victims of politically motivated crimes or crimes against humanity should receive compensation, and 174 [76%] think that women need to be compensated differently to men.

As for who should compensate the victims, 57 [25%] felt that this should be done by the government, 92 [40%] the inciters of the violence, and 62 [27%] felt it should be the actual perpetrators themselves. When asked about how women should be compensated, a choice was given between restorative justice, medical care, and

monetary compensation. These women felt strongly about medical assistance [87%] and monetary compensation [89%], but less strongly about restorative justice [69%].

Since there was a substantial number of interviewees that expressed interest only in the period 2000 to 2008 for the ambit of transitional justice processes [see table below], a cross-tabulation was conducted comparing this group with the others. This revealed a number of significant differences.

Preferences for period of investigating political violence

Period	Percentage
1960 to 1980	0
1980 to 1987	0
2000 to 2008	65
1980 to 2008	30
1960 to 2008	5

Firstly, the lack of interest in the period 1980 to 1987 [see table above] is clearly an artefact of the sampling, where no persons from Matabeleland were included in the sampling. Other studies have shown a very high interest by persons from Matabeleland in this period due to the serious violations that took place in Matabeleland and the Midlands in the so-called Gukurahundi.²² Furthermore, the preference for periods is significantly related to age, with the period 2000-2008 being a preference for those women under 30 years, and the preferences for the periods 1980-2008 and 1960-2008 being for those over 30 years.

Secondly, there were no differences in the violations reported, apart from a significant difference for those preferring *other periods to 2000-2008* to report being held against their will. Furthermore, this group also reported significantly more violent treatment – being assaulted with baton sticks [39% v 23%] and booted feet [23% v 10%], and overall reporting a greater use of weapons against them [2.15 v 1.61; p=0.01]. This was related to the higher probability of the *other periods to 2000-2008* group being admitted to hospital [15% v 29%]. This group also reported a wider range of different perpetrators involved in their abuse [3.52 v 3.30; p=0.01].

Thirdly, the *other periods to 2000-2008* group was significantly more likely to claim that women are affected by violence differently to men [90% v 77%], and to claim that women victims should be treated differently to men [88% v 69%], as well as stating that they would want restorative justice as a form of compensation [81% v 61%].

²² See RAU (2009), *Transitional Justice in Zimbabwe: A pilot survey of the views of activists & victims*. Report produced by the Research & Advocacy Unit. January 2009. HARARE: RAU.

Fourthly there were differences between the two groups in their attitudes to transitional justice. The 2000-2008 group were significantly more likely to demand that perpetrators admit their crimes before a truth commission [97% v 84%], but both groups felt that this was desired.

Finally, there were differences in the two groups in who they thought should be responsible for compensation. The 2000-2008 group felt that both the inciters of the violence and the perpetrators should be made responsible, whilst the *other periods to 2000-2008* group felt that it should be the responsibility of the government²³.

Findings

The NCA has a reputation for determined civic activism, and it is clear from these findings that this applies to the female members. The great majority [75%] described themselves as having been a political activist, with 41% reporting that they had been arrested, with 29% having been arrested twice.

These NCA women reported high frequencies of serious violations of human rights, civil liberties, and high frequencies reported that weapons had been used in their abuse. Thus, it is unsurprising that the sample reports high frequencies of injuries and subsequent health problems, 44% having sought medical treatment. Most serious were the cases of rape and consequent HIV infection.

Political activists from the NCA, in common with other activist groups, were more likely to be arrested and to suffer serious human rights abuses such as torture. However, not being a *political activist* did not prevent NCA women from being abused, since 56% reported that they had been victimised because of a family member's participation in politics. Both activism and age increased the risks, with both increasing the chances of serious violations, more types of violation, and a higher probability that abuse would involve the use of weapons.

This study also produced some important information regarding "bases", and, at least for this sample (but reflecting the assertions of many human rights reports), there were significantly greater frequencies of violations at "bases" in comparison with police stations by contrast. Murder, assault, physical and psychological torture, rape, and degrading treatment and the use of weapons were all significantly more common at "bases". Additionally, single women were more likely to report having been taken to a "base".

The allegations about "bases" are given added credence with the findings that implicate non-state actors – war veterans, youth militia, and political party supporters – as the main offenders. Although party supporters were not specified, it is probable that these were ZANU PF in the majority, as has been the case in all human rights reports since 2000, and reports have continually alleged the presence of these three groups at "bases". State actors – various branches of the police and the army – were mentioned with much higher frequency than should be the case, but this is also consonant with previous human rights reports.

²³ Inciters should pay [48% v 26%]; perpetrators should pay [35% v 12%]; government should pay [33% v 20%].

86% of this sample knew of children that had been forced to join groups perpetrating violence, but it is unlikely that these were “child soldiers” as in the DRC and Liberia: the sample, being mostly older women, were most likely referring to older adolescents or young adults.

The NCA women have very strong notions about transitional justice. They differ in respect of which period should be investigated for crimes of political violence; the older women [over 30] would include the period from 1980 to 2008, whilst the younger women are mostly concerned with the recent past, the period covering 2000 to 2008. However, they are all strongly opposed to amnesty for political violence, and strongly in favour of prosecutions. Even in the case of public admissions of guilt, they are still in favour of prosecutions. They all favour prosecutions for those responsible for inciting or organising the violence, with only a very small percentage [9%] expressing the view that “ordinary” perpetrators should receive amnesty.

As was found in a previous study, this group had the view that women are affected differently to men by political violence, and should be treated differently to men in the aftermath. Here they felt that medical assistance and compensation were the most important forms of compensation, with the varying attitudes as to who should be made responsible for such compensation. The older women felt that the government should be responsible, whilst the younger women were more likely to demand this from the “inciters” and the “perpetrators”.

Conclusions

In summary, the findings of this study demonstrate, as was the case with the reports on the WOZA women, that being female and a civic or political activist comes with severe risks. However, it is not only activists that are at risk, but, as was seen, ordinary women and ordinary members of civic groups are also at risk: it is how one is seen that seems the determining factor, and a women can suffer gross human rights violations and violations of civil liberties because of her associated relationships.

Whilst other studies of female activists have implicated state agents (and mainly the police) as the main perpetrators, the data from this study show that women are mostly at risk from non-state agents. And this study also demonstrated the odious influence of “bases”. Whilst “bases” are rightly celebrated for the Liberation War, they are places of terror, and, according to this study, the places where most human rights violations take place.

Thus, it is probably unsurprising that these NCA women, having suffered every rate of abuse that they allege (and are documented elsewhere) have such strong and unforgiving views on transitional justice. Thus, conversations about healing and reconciliation are unlikely to find much favour with groups like the NCA women unless they address the central issues of the harms they have suffered, and the way in which they would like reconciliation approached.

Recommendations

- Women activists should participate in any civil society activities without fear of reprisal and/or brutal treatment from law enforcement agents.
- Women's voices should be heard in any transitional justice mechanism that may be set up for Zimbabwe.
- Law enforcement agents and other state sponsored groups should respect women; they are to be seen as individuals in their own right and should be not treated as the property of men.