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Policy Brief on the Gender Dynamics of National Healing

CCSF



POLICY BRIEF ON GENDER DYNAMICS OF NATIONAL HEALING IN ZIMBABWE

Executive Summary

This policy brief is premised on the findings of a study conducted on gender dynamics of national healing in post independence Zimbabwe. The study engaged a victim centered approach that captured mostly women's experiences of conflict and their conceptualization of healing at personal and community level. The study revealed that historically post conflict policies did not adequately address the healing of wounds and the trauma that resulted from conflict. The research recommended that due to the gendered nature of violence post conflict transitional processes should take into account existing gender disparities and guarantee women access to justice and increased representation in decision making.

Introduction

Globally confronting past human rights violations has remained a contentious and contested issue in post conflict societies. In the aftermath of violence emphasis has largely been placed on political settlements, economic recovery and reconstruction. The healing of nations has often been relegated to peripheral status and is often downplayed by post conflict governments. The national healing discourse is further made complex by the debates on defining national healing, on what constitutes healing, on how the process should be conducted and the evaluation of whether a nation has healed or not. The broad term given to such mechanisms is transitional justice which encompasses justice, truth, reconciliation and guarantees of non repetition through trials and truth commissions established to deal with the legacy of human rights abuses and violations during a society's transition to democracy. The absence of a gender approach in transitional justice has perpetuated inequality and led to the exclusion of women in post conflict processes. The pursuit for a gender lens to a process wrought with its own complexities demands an analytical perspective into the conceptualization, formulation and implementation of national healing mechanisms.

The study sought to achieve the following objectives;

- ❖ To examine through the review of literature the gender dynamics of national healing as a transitional justice framework using a gender oriented human rights lens.
- ❖ To document and recognize the different experiences of women and men during conflict and recommend the pursuit of justice and psycho social support for survivors of violence.
- ❖ To analyze the views and perspectives of different communities and stakeholders in Zimbabwe in relation to national healing.
- ❖ To recommend the implementation of strategies and policy frameworks to achieve gender equality and gender justice.

The research was undertaken using qualitative data collection methods that involved narrative enquiries from victims of violence, focus group discussions with communities and key informant interviews with CSO organizations and government institutions. Participatory learning workshops were held with academia and CSOs. Information was also drawn from secondary data on transitional justice, gender, peace and conflict resolution studies.

The key findings in the study were summarized as follows;

The gendered patterns of violence

- ❖ The research unveiled that during conflicts women were disproportionately affected by violence because of their gender and the intrinsic power relations that exist between men and women.
- ❖ Sexual violence was used as a tool to instill fear, punish women and men for political activism and that the political environment gave room for opportunistic sexual violations.
- ❖ Women were not just victims of violence they acquiesced and actively participated in the perpetration of violence. However women played socially ascribed supportive roles and in a few exceptional cases were directly involved in the perpetration of violence.
- ❖ Violence polarized communities along political and ethnic divisions affecting community relations and gendered social interactions.

Gender and political Power

The study revealed that;

- ❖ Women occupied the lowest ranks in power structures from local to national levels and hence had limited influence in decision making at the highest political levels.
- ❖ Women were tools of male ascendancy to and assertion of political power within political parties and constituted a huge powerbase for most political aspirants.
- ❖ Violence was a means used to discourage and stop women from active political participation especially for those seeking political leadership.
- ❖ The patriarchal nature of our societies predisposed women to violence and confined women's participation and engagement in political processes.

National Healing Perspectives

- ❖ In the national healing agenda women played nominal and peripheral roles in defining the form and structure as well as the process of National Healing. The Global Political Agreement of September 2008 had only one female negotiator Priscilla Misihairabwi- Mushonga and women's organizations lobbied outside the main negotiations for gender sensitive reforms.
- ❖ The gravity and intensity of violence influenced how justice and healing was conceptualized at individual levels.
- ❖ Impunity for alleged perpetrators of violence and insecurity of the victims hampered efforts of Peace building at community levels.

- ❖ Emphasis on reparations or compensation for wrongs was founded on the knowledge of the formal justice system and traditional practices. The study demonstrated that victims expected a dual system of redress through prosecution of perpetrators in formal courts and compensation for losses using traditional mechanisms.
- ❖ The study exposed a glaring information gap at community level on national healing and on the state's endeavors to build peace through institutions such as ONHRI.

Post conflict Political Peace Settlements in Zimbabwe

- ❖ Post conflict political settlements in Zimbabwe such as the Lancaster house agreement of 1979, the Unity Accord of 1987 did not address national healing or transitional justice and the ad hoc compensation for war victims did not take into account gender considerations.
- ❖ The Global Political Agreement of 2008 though acknowledging gender inconsistencies did not implement fully its provisions and hence stalled healing and justice.
- ❖ Article 7c of the GPA stated that it 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 and Integration (ONHRI). ONHRI in turn proposed the establishment of a peace and reconciliation commission now enshrined in the new constitution.

International Policy Frameworks

International frameworks could be used to convince local actors of the need to adopt international best practices that support a gender approach to national healing. The frameworks also serve as precedence for ongoing initiatives to incorporate gender into transitional justice mechanisms.

- ❖ UN Security Council Resolution 1325 of 2000 on women's peace and security calls for actors in peace agreements to consider gender perspectives in negotiating and implementing peace agreements by taking cognisance of women's needs in post conflict. It calls for the support of women's peace initiatives and indigenous post conflict processes that take women into consideration. Emphasis is placed on the role of the state to end impunity and prosecute perpetrators of gross human rights violations and the need to remove sexual violations from amnesty provisions.
- ❖ 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 ensuring that transitional justice mechanisms reject impunity and strengthen national institutions such as health and judicial systems to facilitate the collection of data and evidence to prosecute perpetrators.
- ❖ UNSCR 1888, 1889 and 1960 all reiterate and strengthen the need for state parties to implement and monitor mechanisms to end gender based violence and to mainstream gender in all peace and security processes.

The Rome Statute established the International Criminal Court (ICC) in 2002. It became the first permanent court to deal with international human rights violations and scored landmark successes for gender justice. Although fraught with controversies acceding to the ICC has served as deterrence to gross violations of human rights across the world. Zimbabwe is not a signatory to the ICC but could benefit from its practices;

- ❖ The ICC codified and recognized rape, sexual slavery, enforced prostitution, pregnancy and sterilization and other sexual crimes as crimes against humanity and war crimes.
- ❖ 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 justice.

Regional and sub regional Instruments

The African Union has complimented global efforts for post conflict transitional arrangements. Although the African Union has no TransitionalJustice policy framework gender and national healing is cited in its existing protocols;

- ❖ The African Charter on Human and People's Rights (1981) urges state parties to ensure elimination of all forms of discrimination against women and to guarantee the protection of women's rights
- ❖ The Protocol to the African Charter on the Rights of Women in Africa(2003) calls for an end to all forms of gender based violence, the rehabilitation of victims and punishment of perpetrators.Article 10 calls for increased participation of women in conflict prevention, management and resolution at all levels and article 11speaks to the protection of women in conflict.
- ❖ The SADC Gender Protocol(2008) called on member states to ensure through constitutional provisions that by 2015 50% of all decision making positions in the public and private sectors are held by women.The SADC protocol also encourages state parties ensure implementation of Resolution 1325 and to legislate against gender based violence by 2015.

National Instruments/ policies

There is growing awareness of gender sensitivity and inclusivity in the formulation of laws and policies at national level.The Domestic Violence Act of 2006 was a response to the SADC protocol and other

international instruments. The new constitution of Zimbabwe has specific provisions that address the marginalization and exclusion of women in previous policy frameworks. Among some of the key elements are;

- ❖ Guarantees of gender equality and protection of women and men from violence in the public and private sphere.
- ❖ The promotion of gender balance through equal participation and equal representation in all institutions and agencies of government in response to the 50/50 call by the SADC protocol.
- ❖ The proposed establishment of a Gender Commission designed to monitor all issues concerning gender and ensuring that gender equality and gender justice is achieved.

The new constitution also made provisions for national healing through the proposed National Peace and Reconciliation Commission. The commission's role is to;

- ❖ Ensure post conflict justice, healing and reconciliation, truth telling
- ❖ Develop and implement and facilitate programs for conflict prevention, conflict resolution and national healing.
- ❖ Develop programs to support victims of torture and other forms of abuse to receive rehabilitative treatment
- ❖ To recommend legislation to ensure assistance is rendered to persons affected by conflict, pandemics and other circumstances

Recommendations

Despite the advances and best practices available challenges exist in the effective implementation of such policies due to lack of political will, ownership as well as budgetary constraints. The study therefore recommends that;

- ❖ CSOs should lobby government on the proposed NPRC so that women are consulted about the formulation, scale and process of national healing in order to adequately capture women and men's needs of justice and healing.
- ❖ CSOs should build the capacity of grassroots organizations to strategically represent and respond to the needs of their constituencies to fully utilize the NPRC during its deliberations.

- ❖ Participation alone does not guarantee success of gender policies, there is need to engage experts in gender and transitional justice in planning, implementation and evaluation of national gender frameworks
- ❖ CSO should develop programs to assist victims of sexual violence through psycho social support recognizing that violence is a continuum and that ending conflict does not imply that violence will cease.
- ❖ In implementation of any transitional justice program, women need platforms and forums specific to them and sensitive to their needs in order to capture their voices.
- ❖ Reparations could be considered as possible tool for gender empowerment by addressing not just the violence but social and economic inequality linked to gender. Reparations could redress an overall context of oppression and violation of women.
- ❖ Traditional mechanisms should be explored as possible methods of reconciling societies however caution should be exercised to avoid practices that undermine women's rights.
- ❖ CSO's should establish strategic links between parliamentarians, CSO's to hold state institution to account on implementation of gender policies
- ❖ CSOs should use existing international, regional and national frameworks to conduct gender responsive audits for adopted gender policies.
- ❖ Government should practice gender responsive budgeting to ensure that funding is available for the gender programs.

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 the 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 healing in their context and to ensure that gender justice is achieved.