



Zimbabwe  
**HUMAN RIGHTS**  
NGO Forum

**“A Woman’s Place is in the Home?” –  
Gender Based Violence and  
Opposition Politics in Zimbabwe.**

**Report produced by the Zimbabwe Human Rights  
NGO Forum as a contribution towards *16 days of  
Activism against Gender Based Violence***

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## Introduction

*'Women throughout the world face systemic attacks on their human rights and chronic, routinized and legal discrimination and violence, much of it justified through cultural and religious arguments. Even where discrimination is prohibited it often persists in practice. By any reasonable measure, state failure to uphold women's rights as full and equal citizens sends an unmistakably clear message to the broader community that women's lives matter less, and that violence and discrimination against them is acceptable.'*<sup>1</sup>

Gender stereotyping, usually associated with a society which identifies with patriarchal norms, is easily identified as prevalent in Zimbabwe where it often presents itself under the guise of traditional African or conservative Christian values<sup>2</sup>. On several occasions in post-independent Zimbabwe such values have been expressed by parliamentarians in the course of debating gender-focused legislation. The most recent of many available examples arose in a parliamentary debate over a Bill aimed at curbing domestic violence. The following excerpt from a press article on the debate, quoting MP Timothy Mubhawu<sup>3</sup>, is illustrative:

*"I stand here representing God Almighty. Women are not equal to men," [Mubhawu] said amid jeers from women parliamentarians. "It is a dangerous Bill and let it be known in Zimbabwe that the right, privilege and status of men is gone. I stand here alone and say this Bill should not be passed in this House. It is a diabolic Bill. Our powers are being usurped in daylight in this House." The proposed law, Mr. Mubhawu said, was crafted in a manner that promoted western cultural values. .... Mr. Mubhawu said the issue of proper dressing by women should also be addressed in the Bill as "some of the dressing by women is too inviting." Women in positions of authority, he said, should be role models in their marriages. "Women leaders in Government, judiciary and Parliament should be exemplary by at least marrying," he said.*<sup>4</sup>

In Zimbabwe, despite equality clauses in the country's Constitution and the fact that Zimbabwe is a signatory to CEDAW<sup>5</sup>, the perception of women as in some way "belonging" to men or beholden to them remains strong<sup>6</sup>. The Domestic Violence bill proved controversial precisely because of the perception amongst some men that they should, and indeed ought, to physically

<sup>1</sup> 'In War as in Peace: Sexual Violence and Women's Status' Human Rights Watch Report 2004

<sup>2</sup> A useful outline of traditional practices appears in a Country Report on gender based violence by the Zimbabwe Attorney-General's Office available at: [http://www.unafei.or.jp/english/pdf/PDF\\_rms/no69/11\\_P144-158.pdf](http://www.unafei.or.jp/english/pdf/PDF_rms/no69/11_P144-158.pdf) accessed 21/1/06

<sup>3</sup> Interestingly, Mubhawu is believed by fellow female MDC legislator Trudy Stevenson to have orchestrated the severe assault to which she was subjected in 2006, though he was acquitted of the charges brought against him in this regard.

<sup>4</sup> The Herald (Zimbabwe) *Debate on Domestic Violence Bill Persists* October 05, 2006

<sup>5</sup> Convention on the Elimination of Discrimination Against Women.

<sup>6</sup> See fig 2 above.

“discipline” their wives when the occasion requires<sup>7</sup>. While the Legal Age of Majority Act in 1982 removed the status of women as perpetual minors under the guardianship of either father or husband, the legislation did not, of course, immediately alter this traditional perception<sup>8</sup>. It is still the case that instances of rape in the rural areas are dealt with outside of the courts by village leaders. Frequently, the settlement requires the rapist or his family to pay compensation, not to the woman or girl, but to her father. The compensation which is paid is regarded as ameliorating what would be a reduced bride price “roora” paid to the bride’s father on account of the violation. As will be seen below, this “proprietary” ethos in relation to women has a sinister dimension in facets of political violence against women.

Both civil conflict and internal displacement have been key characteristics of Zimbabwe since 1999. The source of internal displacement has been twofold, firstly, through the displacement of farm labour during the invasion of white-owned farmland from early 2000 to 2005 and secondly through the now-notorious “urban clean-up” operation called “*Operation Murambatsvina*”<sup>9</sup> which saw the demolition of homes and the displacement of an estimated 700 000 people. It has been noted that women and children, are the most common victims in situations where organized violence and torture become prevalent and are frequently the first victims in civil conflict. They are also the most greatly affected in cases of internal displacement. This report, examining the violent and turbulent years between 2000 and 2006, shows that Zimbabwe has been no exception in this regard.

### **The data**

The data given below derives from two main sources. Firstly, some 967<sup>10</sup> cases of gender-based violence reported, in the period under examination, to the Zimbabwe Human Rights NGO Forum (“Forum data”). Of these, 448 cases to date have been entered into an electronic data-base facilitating the analysis which follows. The analysis is thus based on this smaller group of 448, but could be extrapolated to the full 967 cases. Secondly, data has been captured by the Human Rights Forum from 425 cases in the public domain (“press data”). Of these cases, 221 were reported as having been motivated solely by the political affiliation of the victim.

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<sup>7</sup> UNICEF-Zimbabwe *UNICEF denounces violence against women and calls on all Zimbabweans to halt the horror*. March 01, 2006.

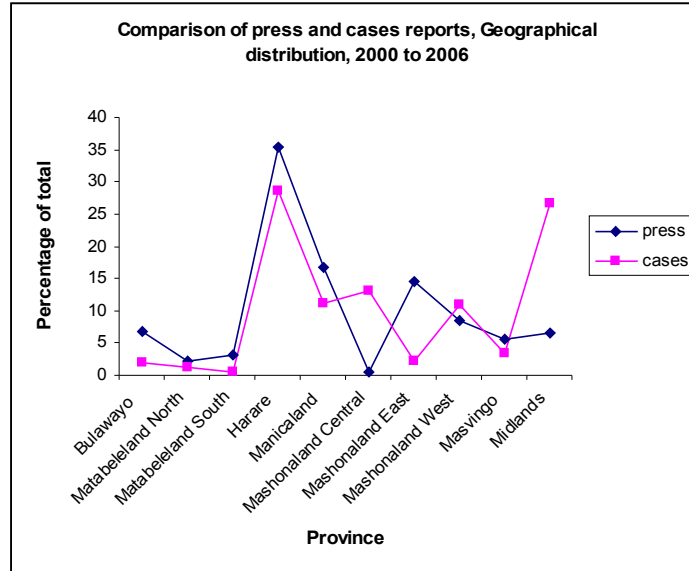
<sup>8</sup> See generally AFROL Gender profiles at: [http://www.afrol.com/Categories/Women/profiles/zimbabwe\\_women.htm](http://www.afrol.com/Categories/Women/profiles/zimbabwe_women.htm) accessed 21/11/06

<sup>9</sup> A literal translation of the term would be “drive out filth”.

<sup>10</sup>The Zimbabwe Human Rights NGO Forum has reported over 15,000 human rights violations since July 2001.

The “press data” and the “Forum data” were compared in order to determine their comparability and hence the validity of the “Forum data”.

**Figure 1**

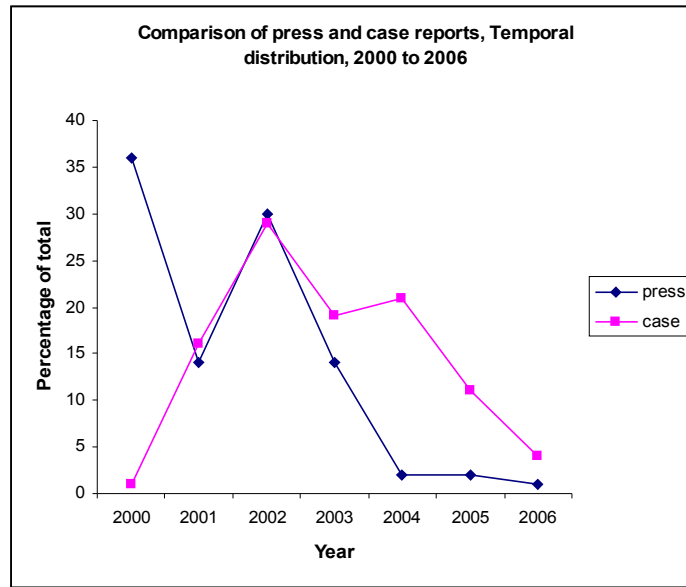


\*11

As can be seen from Figure 1, there was a reasonable fit between the data from the public domain and the case reports made to the Human Rights Forum in the geographical distribution of reports and cases. However, as can be seen from Figure 2 [over], the data from the public domain and the case reports show no common pattern, except that there is some agreement for the years 2001 to 2003, and both data sets show a decline in violations from 2004.

<sup>11</sup> There was no correlation between the two data sets here, although this was approaching significance [0.56; >p=0.05].

Figure 2



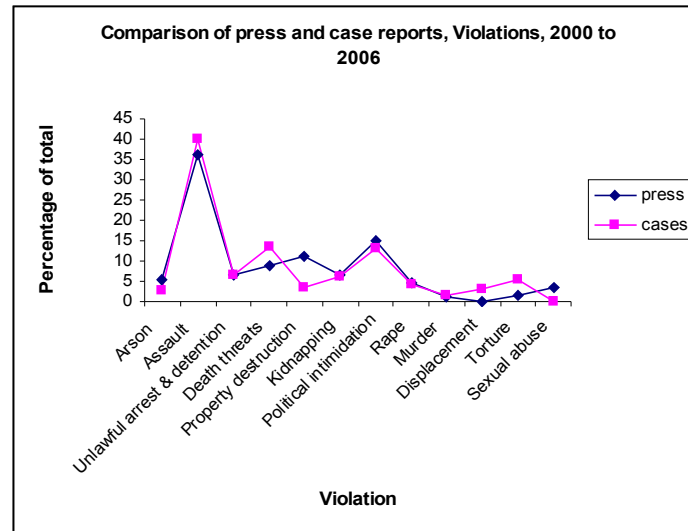
\*12

It should be pointed out that the two data sets in Figure 2 differ in 2000 as the Human Rights Forum was only recently established, so most of the reports were from the press domain. After 12 September 2003, there was no more reporting of any kind from the *Daily News* newspaper, and it can be seen that there is indeed a steep decline from 2003 in reports about violations to women in the press domain.

There was extremely strong agreement between the two data sets in respect of the violations. As can be seen from Figure 3 [over], the violence reported ranged from assault, arson, property destruction, indecent assault, rape, death threats, political intimidation, disappearance, displacement, kidnapping and torture. Assault was the most common offence reported, and this mostly involved beatings of one kind or another.

<sup>12</sup> There was no correlation between the two data sets as regards temporal distribution [0.009].

Figure 3



\*13

So, the comparison of the press domain data and the cases shows a mixed effect. There is strong agreement over the violations, moderate agreement over the geographical distribution, but no agreement over the temporal distribution. This may well explain the lack of agreement between the two data sets in respect of the temporal frequency of reports, but the agreement in other areas suggests that there is reasonable validity for the case reports.

## The evidence

### *Rape and Sexual Violence*

The 2004 Report of the UN Special Rapporteur on Torture and other Cruel, Inhuman and Degrading Treatment noted that:

*"Torture of women frequently includes sexual violence with a view to humiliating and degrading the victim. Besides the physical and psychological damage caused by the torture, sexual abuse has additional consequences for women, such as the risk of being infected with sexually transmitted diseases and of pregnancy, miscarriage, forced abortion or sterilization. In a large number of socio-cultural contexts, rape and sexual abuse continue to entail the stigmatization and ostracism of the victim upon her return to her community and family. The social stigma attached to rape in most societies often leads to the rejection of the victim by her male relatives."*

Gender-based violence against women is more acute where, as in Zimbabwe, traditionalist patriarchal values persist. This is not only due to a value system which treats women as being in

<sup>13</sup> There is a very strong rank order correlation for violations [0.95; p=0.01].

some way lesser people than men, and thus not worthy of the protection of the law, but arises directly from the proprietorial attitude described above. As male "property" women are not treated as actors in their own right. Hence the epithet "Tsvangirai's Whores"<sup>14</sup> directed at female members of the opposition by state agents and ZANU (PF) supporters, implying that they are merely acting on behalf of a man, motivated by considerations other than their own desire for change or political activism. Furthermore, sexual violence perpetrated upon women is perceived not so much as an assault on the woman herself, but an attack on the "property" of the "owning" male. Combined with traditionalist attitudes towards sexuality and virginity, there is a perception that sexual violence perpetrated upon women members of the opposition is viewed by the perpetrator as a particularly effective way of attacking and humiliating male members of the opposition. The resultant social disruption is extensive.

Rape has now been acknowledged as a war crime, and, in 2001, the International Criminal Tribunal for the former Yugoslavia (ICTY) instituted prosecutions for the systematic rape that took place. The International Criminal Tribunal for Rwanda (ICTR) too has been empowered to prosecute rape as a crime against humanity and a violation of the Geneva Convention. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines torture as 'any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.' Therefore 'Sexual assault can constitute torture and can be prosecuted as a transgression of international law.'<sup>15</sup> Broadly, four kinds of rape can be identified in conflict:<sup>16</sup>

***Opportunistic rape*** takes place when combatants run amok, assured of impunity in a lawless context. There have been reports of youth militia and soldiers raping women, knowing full well that they can get away with it. Taking advantage of South Africa Women's Day, commemorated on August 8, 2003, the South African-based Zimbabwe Advocacy Campaign in collaboration with Crisis in Zimbabwe Coalition brought five women from Zimbabwe to tell their stories. In a moving testimony that left many in tears, Patience Makoni (not her real name) described how she was attacked. "Ten men came to fetch me. They accused me of receiving support from (MDC leader) Morgan Tsvangirai. They walked me to a bush nearby, started assaulting me with their guns and fists. One of them tore

<sup>14</sup> Morgan Tsvangirai is leader of one faction of the opposition Movement for Democratic Change.

<sup>15</sup> Richard Goldstone, former prosecutor ICTR.

<sup>16</sup> 'Focus on Rape as a Political Weapon' 8 April 2003 [IRINnews.org](http://IRINnews.org)



off my underwear and they took turns to rape me, while holding me down by the neck," she testified.<sup>17</sup>

**Forced concubinage** involves the conscription or kidnapping of young girls to wash, cook, porter and have sex with soldiers and militiamen. As stated above, this occurred during the second *Chimurenga*<sup>18</sup>, the young women were known as *zvimbido*. This began again in 2000 when the government introduced the youth militia. There have been girls who escaped the camps and have told horrific stories about what goes on within the confines of the camp<sup>19</sup>.

**Political rape** punishes individuals, families or communities who hold different political views. According to Amnesty International's Report on Zimbabwe in 2003, the number of reported cases of rape and other forms of sexual torture perpetrated against women suspected of supporting the political opposition increased. For example, in a film<sup>20</sup>, 16-year-old Sarudzai (not her real name) recalled how she was alone in the family home with three younger siblings when militiamen surrounded it. Her father was at a funeral. Her mother was in the bush, hiding from the militia. Fearing they would set the hut on fire, Sarudzai stepped out. She was raped right there, she said, to punish her mother for supporting the opposition party.

**Genocidal rape**, as in Rwanda and the Balkans, seeks to destroy an ethnic or political group perceived as being the enemy.

In the *Forum data*, rape was reported in 3% of cases (8 cases). *Press data* indicates a frequency of 6% (26 cases). 35% of these rapes were gang rapes and in most cases the rapes were carried out in full view of the woman's community. This accords with the view that the intention of the perpetrator is to use rape as a means of attack on the community as a whole, as indicated above. The rape having been publicly perpetrated, it may also be indicative that the reason why these rapes are reported and not others, is that silence is no longer an option. 4% of the women reported sexual abuse in press cases, which included being stripped naked in public, having their genitals poked with rifles, iron rods and fingers, as well as being ordered to simulate sexual motions. It appears as though in most cases the rape is witnessed by a number of people as some of the women are raped in front of their families or they are raped together with other women, but this is not substantiated by the legal cases. As mentioned above, the stigma of rape seems to outweigh the desire to have the perpetrators prosecuted.

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<sup>17</sup> "Zim women speak up" News24, 11, August, 2003

<sup>18</sup> See *The Man in the Middle: Torture, Resettlement and Eviction and Civil War in Rhodesia*, reports by the Catholic Commission for Justice and Peace in Rhodesia

<sup>19</sup> See the Solidarity Peace Trust report "Shaping youths in a truly Zimbabwean manner" 2003

<sup>20</sup> "In a Dark Time", a documentary film about sexual abuse in Zimbabwe perpetrated by pro-government militia premiered at Witwatersrand University at an event organized by the Wits Institute for Social and Economic Research, April 2003.

Anecdotal evidence indicates a far greater prevalence of rape and sexual abuse than the above statistics suggest and that such violations are widespread. This form of evidence often emanates from incidents, which reportedly took place in bases established by the ZANU (PF) militia on invaded farms and in the Border Gezi Training Camps for ZANU (PF) youth in the 2000 – 2002 period<sup>21</sup>. Some of this evidence also includes allegations of enforced concubinage. The figures above reflect a much lower incidence of rape than might be expected under the violent conditions prevailing during the period under examination. However, it appears that most married women do not report sexual assault fearing ostracisation by their husbands, family and community or that they will be blamed for bringing the attack upon themselves - particularly where the women are political activists. An additional stigma and motivation for silence arises from prejudice towards those considered to be HIV positive.

The net result is most women's reluctance to report incidents of sexual violence or to be tested for HIV after an assault. Sexual violence is thus greatly under reported. Despite the under-reporting of sexual violence, evidence of politically motivated rape is unequivocal. Some of this evidence is harrowing, as indicated in filmed-interviews with rape survivors<sup>22</sup>.

The majority of women that reported rape were also victims of severe torture in the form of beatings, electrical shock, and psychological torture. Furthermore these women were also usually the victims of multiple instances of torture with the first instance usually having taken place in the closely contested 2002 Presidential election. 2002 had the highest incidence of rape in the past 6 years under review.

In addition to this form of direct politically motivated sexual violence, *Operation Murambatsvina*, discussed below, has also greatly increased the vulnerability of women and girls to sexual abuse and exploitation.

### ***Other violations***

Assaults were the most commonly mentioned violation with an incidence of 58% in the Human Rights Forum data. This violation is followed by property destruction and political intimidation in terms of frequency. Violence of one kind or another – assault, torture, rape, murder and sexual abuse – comprised 47% of the total number of violations reported.

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<sup>21</sup> See for example *Women fall Victim to ZANU-PF Militia* at <http://www.genocidewatch.org/Zimbabwejuly2002.htm> accessed 26/11/06

<sup>22</sup> A short film "In Dark Times" features interviews with several rape survivors.

**Table 1**  
**Alleged violations [n=447]**  
 Source: Human Rights Forum ["Forum data"]

	<b>Number [percentage]</b>
Arson	16[4%]
Assault	246[58%]
Attempted murder	2[0.5%]
Civil rights violations	22[5%]
Death threats	28[7%]
Displacement	20[5%]
Kidnapping	39[9%]
Murder	9[2%]
Political intimidation	81[19%]
Property destruction	83[20%]
Rape	26[6%]
Sexual abuse	1[0.2%]
Torture	32[8%]
Theft	23[5%]
Unlawful arrest & detention	40[9%]

Given that women are less likely to be in the forefront of political activism than men, the high incidence of women who have experienced assault suggests the possibility that women who do become exposed to situations where violence may occur may be as likely or more likely to experience assault.

### ***Operation Murambatsvina***

Although billed by government as an “*urban clean-up*” operation in which municipal by-laws were enforced, there can be little doubt that the motivations for this action lie elsewhere and numerous explanations have been proffered. The suggestion of extending the operation to affluent suburbs where violations of building regulations are also evident appeared to be a token gesture by government, merely intended to support the idea that the operation was an enforcement of by-laws. No bulldozers appeared in these suburbs. The target was clearly city dwellers who were not in formal employment or formal accommodation. The government was disaffected with this group for several reasons<sup>23</sup>. Many of those in informal employment traded in the numerous flea markets that had grown up in and around the city<sup>24</sup>. Goods for these flea markets were purchased by cross-border traders, in most instances women, who sourced foreign currency on the black market to buy goods in South Africa for resale in Zimbabwe. This upset

<sup>23</sup> Brian Raftopoulos *The Battle for the Cities* June 08, 2005 available at [www.kubatana.net](http://www.kubatana.net)

<sup>24</sup> Most of which within the city were established in accordance with the law and the majority of traders paying licence fees to the City

government's plans to force all foreign currency to be traded through the banks at a sixth of the black market value.

The infrastructure in several cities, having suffered from a lack of capital investment, was struggling to maintain the official populace, let alone the large numbers of people forced into the cities out of economic necessity, political violence or displacement from farms and living in informal or semi-formal structures<sup>25</sup>. Insufficient water, electricity supplies, inadequate waste and garbage disposal services had reached critical levels<sup>26</sup>. Most of this group was struggling to survive the economic meltdown that has characterized Zimbabwe since 1997, and was exacerbated after 2000. Furthermore, the government was aware that conditions were about to take a marked turn for the worse.

Already high inflation was shortly to reach further and higher unprecedented levels after the implementation of a scheme to print a vast amount of money. The money was required to purchase the foreign currency to stave off IMF expulsion. Security czars reportedly thus regarded this group as highly volatile, comprised as it was of predominantly urban, opposition supporting constituents<sup>27</sup>. It appears that these concerns from various quarters converged as the motivation for the operation. The operation was carried out with brutal disregard for the law, impact upon those affected or political affiliation<sup>28</sup>. Given then, that the motivation was believed to be these political concerns, rather than social engineering, and given that women felt the greater impact of the operation, *Operation Murambatsvina* is included here as an instance of gender-based violence.

The most obvious effect of *Operation Murambatsvina* is overcrowding in the more limited accommodation available. The loss of housing impacts more severely upon women in a society where they are viewed as primary care-givers. Many of these women affected by the operation often had the burden of looking after children orphaned by the aids pandemic in addition to their own or providing home based care to relatives living with AIDS. An ActionAid report indicated that 23% of affected families were hosting at least one person with HIV/AIDS before *Operation Murambatsvina*<sup>29</sup>. 40% of surveyed households reported that the family unit had broken up as a

<sup>25</sup> It must, however, be noted that 76% of affected person were rate payers.

<sup>26</sup> None of the suburbs in Harare at present (11/06) receive constant water supplies or electricity.

<sup>27</sup> As will be seen in the section on demonstrations below, government remains deeply fearful of people massing in the cities for any reason.

<sup>28</sup> Zimbabwe Doctors for Human Rights estimated that 8 people died (two of whom were infants) as an immediate result of the operation with many more at risk due to malnutrition and exposure. See *ZADHR Statement on New Developments in Operation Murambatsvina* July 04, 2005

<sup>29</sup> See ActionAid *An In-Depth Study on the Impact of Operation Murambatsvina/Restore Order in Zimbabwe* November 2005 (ActionAid Report) accessed from [www.kubatana.net](http://www.kubatana.net)

consequence of *Operation Murambatsvina*<sup>30</sup>. Women affected by *Operation Murambatsvina* had little choice other than to move to the rural areas with or without those to whom they were providing care<sup>31</sup>. After *Operation Murambatsvina*, the number of people surveyed by ActionAid receiving home-based care fell from 63% to 24%. Many people receiving subsidised ARV treatment were no longer able to continue their drug regime as a result of these upheavals<sup>32</sup>. The number of people using Nevirapine dropped from 20% to 7% and the use of ART from 61% to 33%. Women form a disproportionate number of those living with HIV/AIDS<sup>33</sup>.

In many other instances people doubled (or tripled) up in houses and rooms available in the cities, often in the tiny one or two roomed buildings which house domestic workers on properties in the wealthier suburbs. Such cramped conditions, combined with economic hardship, are widely recognised as creating the conditions for the sexual abuse and exploitation of vulnerable women and children<sup>34</sup>. Women arriving in rural areas, having lost their means of livelihood would not have been in any better position as they encountered widespread food shortages and reports that food distribution was politicised. 54% of surveyed households reported that they were in a position of food insecurity since *Operation Murambatsvina*<sup>35</sup>. The loss of economic independence would inevitably have created the conditions for sexual exploitation, with 73% of surveyed households reporting that they had lost their source of income<sup>36</sup>. This dependence on food handouts meant that political choice would be greatly reduced as a result.

A second option to relocation into the rural areas, was to cross the border into South Africa to seek refuge or work. Single, childless women could more easily join the tide of refugees who have crossed the border to South Africa since 2000<sup>37</sup>. Indeed, ZTVP (Zimbabwe Torture Victims/Survivors Project) reported a large increase in women approaching it for assistance in the aftermath of *Operation Murambatsvina*<sup>38</sup>. The average age of the women surveyed by ZTVP was thus only 29, with the majority unmarried.

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<sup>30</sup> ActionAid Report p18

<sup>31</sup> *ibid*

<sup>32</sup> ActionAid Report pv-vi

<sup>33</sup> HSRC *Gender and HIV/AIDS: Focus on Southern Africa* 7 June 2004 at [http://www.hsrb.ac.za/media/2004/6/20040607\\_2.html](http://www.hsrb.ac.za/media/2004/6/20040607_2.html) accessed 26/11/06.

<sup>34</sup> 35% of people surveyed in the ActionAid Report acknowledged increased vulnerability to such abuse p18.

<sup>35</sup> ActionAid Report p3

<sup>36</sup> *Ibid*.

<sup>37</sup> There are an estimated three million Zimbabweans in "the Diaspora" as this relocation has become known.

<sup>38</sup> See ZTVP(2006), *Women on the run: Women survivors of torture amongst refugees in South Africa. Report produced for CSV & Crisis in Zimbabwe Coalition, JOHANNESBURG: CSV [in press]*.

### **WOZA and other demonstrations**

Women of Zimbabwe Arise is a women's NGO formed specifically in response to the impact of worsening economic conditions upon women<sup>39</sup>. The numerous demonstrations called by this group have all ended in the arrest and detention of most of the women concerned<sup>40</sup>. Despite the fact that the group has no overt political agenda, in a rare admission, protests against economic hardships are perceived by government as being opposition-affiliated. Here customary gender based discrimination falls away, and the women are treated by the police in the exactly same way as their male counterparts in respect of the appalling conditions under which they are held (often together with their infant children), the excessive and often brutal force used in affecting their arrest and lack of provision of sanitary towels<sup>41</sup>.

The police have sought to justify the arrests in terms of the widely abhorred Public Order and Security Act (POSA). However, both in the case of WOZA and other demonstrations the police have interpreted the provisions of POSA as giving them even broader powers than the draconian provisions of the Act itself. The result has been the acquittal of demonstrators in most instances when the matter comes to court<sup>42</sup>. While the intent behind the arrests is usually harassment and deterrence, rather than successful prosecution, the impact on already overburdened courts and the police force has, in 2006, resulted in a change of tactics by the Zimbabwean state.

As recent demonstrations in September and November 2006 have shown<sup>43</sup>, the policy of the police is now to deter non-government sanctioned demonstrators by halting the demonstration, meting out brutal assaults and then telling the would-be demonstrators to leave. Secretly filmed footage obtained by the Human Rights Forum of a National Constitutional Assembly<sup>44</sup> demonstration in November 2006, shows would-be demonstrators seated in a circle being beaten by several police officers whose attitude and expressions are more apposite to people threshing grain than perpetrating an assault. After the beating the men and women were told to leave. The degree of force used showed no gender bias. On several occasions, President Mugabe has openly given his imprimatur to the violence used in suppressing demonstrations<sup>45</sup>.

### **Who is responsible for the violence?**

<sup>39</sup> See the WOZA page at <http://www.kubatana.net/html/sectors/wom010.asp?sector=WOMEN> accessed 26/11/06.

<sup>40</sup> The six demonstrations called by WOZA in 2006 have all ended in this manner.

<sup>41</sup> Human Rights Watch "You Will Be Thoroughly Beaten" *The Brutal Suppression of Dissent in Zimbabwe* November 2006 Volume 18, No. 10(A) p23 (Human Rights Watch Report)

<sup>42</sup> Human Rights Watch Report p16

<sup>43</sup> Particularly the NCA demonstration described immediately below and the well publicized torture in custody of Zimbabwe Congress of Trade Unions officials in October, 2006 see the Human Rights Watch Report for details of the ZCTU protest.

<sup>44</sup> An NGO lobbying for constitutional reform.

As Table 2 below illustrates, ZANU (PF) supporters were reported to be the alleged perpetrators in the majority of cases. 80% of the sample reported ZANU (PF) supporters as the main perpetrator. State agents were also mentioned with some frequency, and the Zimbabwe Republic Police [ZRP] were the next most frequently mentioned [11%].

**Table 2**  
**Alleged perpetrators [n=445]**  
*Source: Human Rights Forum ["Forum data"]*

	<b>Number[percentage]</b>
CIO	1[0.2%]
Farm invaders	9 [2%]
MDC <sup>46</sup>	0
Other	3[0.7%]
Suspected Zanu(PF)	1[0.2%]
Unaffiliated individual	1[0.2%]
Youth Militia	5[1%]
Zanu(PF) supporter	357[80%]
Zanu(PF) Youth	28[6%]
Zimbabwe National Army	5[1%]
Zimbabwe Republic Police	49 [11%]
ZNLWVA	36[8%]
ZRP CID	2[0.5%]
ZRP Riot Squad	7[2%]

The incidents of violence were most frequent during the election years of 2000, 2002 and 2005. Nonetheless the coincidence of the frequency of violations over this period suggests a clear correlation with the elections thus supporting what is often overtly stated by the violators, that the gender-based violence is politically motivated.

Given that the smaller, and more complete sample ["Forum data"], was mostly comprised of rural women, it seemed worthwhile to examine the contribution of rural identity. Here the sample was sorted into rural and urban groups, and the data examined.

<sup>45</sup> "We want to remind those that might turn on the state that we have armed men and women that carry guns and are allowed to pull the trigger on them." Mugabe: Human Rights Watch Report p24. Mugabe addressing delegates at the Zimbabwe embassy in Cairo, Egypt, September 23, 2006 in relation to the ZCTU torture: "When the police say move, you move." This falsely suggested that the injuries sustained were due resisting arrest.

<sup>46</sup> This is not to suggest that violence is never perpetrated by MDC supporters but simply that this is the case in this sample.

**Table 3**  
**Comparison of Rural and Urban women over time**  
*Source: Human Rights Forum ["Forum data"]*

	<b>Rural [n=291]</b>	<b>Urban [n=157]</b>
2000	2[1%]	1[1%]
2001	61[21%]*	8[5%]
2002	98[34%]*	30[19%]
2003	27[9%]	56[36%]*
2004	58[20%]	35[22%]
2005	37[13%]	12[8%]
2006	5[2%]	15[10%]*

\*47

Firstly, a number of differences emerged due to the year of violation. As can be seen from Table 3 above, the rural group was significantly more likely to report violations in 2001 and 2002, whilst the urban group was more likely to report violations in 2003 and 2006.

Secondly, a number of differences emerged between the two groups in the alleged perpetrators: rural women were more likely to report Zanu(PF) supporters as the violator, whilst the urban women reported the ZNA and war veterans as being more commonly the perpetrator.<sup>48</sup>

The most dramatic differences emerged in respect of the violations reported. Women from the rural group were significantly likely to report having experienced multiple violations,<sup>49</sup> and, furthermore, reported most violations more frequently than their urban counterparts. Rural women reported all the following more frequently: unlawful arrest; property destruction; interference with their basic freedoms; political intimidation, discrimination, and victimization; rape; displacement; and torture. Urban women reported assault, unlawful detention, and death threats more frequently than their rural counterparts.

<sup>47</sup> These years were all significantly different on tests of frequency: 2001 [19.9; p=.005]; 2002 [10.7; p=0.005]; 2003 [46.7; p=0.005]; and 2006 [14.2; p=0.005].

<sup>48</sup> See Table 9, Appendix 1.

<sup>49</sup> Rural women reported significantly more different types of human rights violation: Rural versus urban [2.47 v 1.89; p=0.00001].



**Table 4**  
**Comparison of violations against Rural and Urban women**  
*Source: Human Rights Forum ["Forum data"]*

	<b>Rural [n=291]</b>	<b>Urban [n=157]</b>
Arson	0	0
Assault	137[47%]	96[61%]*
Attempted murder	1[0.3%]	2[1%]
Death threats	1[0.3%]	5[3%]
Displacement	51[18%]*	6[4%]
Disappearance	1[0.3%]	1[0.6%]
Interference with freedoms	27[9%]*	1[0.6%]
Kidnapping	2[0.7%]	3[2%]
Murder	0	0
Rape	10[4%]**	0
Political intimidation	83[29%]*	25[16%]
Political discrimination	77[27%]*	20[13%]
Political victimization	83[29%]*	20[13%]
Property destruction	25[9%]*	3[2%]
Torture	20[7%]**	4[3%]
Theft	0	0
Unlawful detention	107[37%]	75[48%]**
Unlawful arrest	94[32%]	35[23%]**

*\*p=0.005; \*\*p-0.05*

On further analysis, this difference between the rural and urban women turned out to be whether or not the rural women came from a Mashonaland Province. The Mashonaland Provinces were more likely to report violations throughout the time period, except for during 2002, the year of the Presidential Election.<sup>50</sup> It was also a strong finding that Zanu(PF) supporters were more likely to commit human rights abuses than any other group, but, in the Mashonaland Provinces, Zanu(PF) youth and war veterans [ZNLWVA] were more frequently mentioned.<sup>51</sup> Assaults were shown to be the most popular form of abuse to take place in both Mashonaland and the other provinces, but most other violations were more frequently reported in the Mashonaland Provinces

### **Legal Cases**

<sup>50</sup> See Table 11, Appendix 1.

<sup>51</sup> See table 12, Appendix 1.

The findings above are further authenticated by the 298 legal cases the Human Rights Forum has taken to court since 1998 on behalf of citizens who have suffered abuses at the hands of the state.<sup>52</sup> In 68 of the cases the plaintiffs were women, representing 24% of the total cases. From these cases it is apparent that the police do not accord the women any special treatment, they are beaten and tortured just as the men. The only difference noted was that there were no cases of falanga (*beatings on the soles of the feet*) against women. The offences that were brought before the courts are listed in the table below, assault GBH and assault being the highest.

**Table 5**  
*Source: Human Rights Forum[2006]*

<b>Offence</b>	<b>Number[percentage]</b>
Arson	1[1%]
Assault	25[37%]
Assault(GBH)	39[57%]
Death	1[1%]
Property destruction	4[6%]
Torture	14[21%]
Unlawful arrest	2[3%]
Unlawful detention	4[6%]

63% of the abuses against women were perpetrated by the army whose methods of dealing with the public have generally been brutal and their involvement at the behest of the police questionable. In its conclusions the Legal Cases report stated 'The army should only be deployed against civilians under very unusual circumstances and, where these circumstances prevail, it is also clear that the army must show considerable restraint in dealing with civilians.'

In a judgment handed down on 25 October 2006, the High Court ordered the state to compensate the widow of a man shot dead five years ago by soldiers summoned to quell protests by workers at a state firm. In an extraordinary show of disapproval by the court of the government's methods of handling public protests, Justice Francis Bere described the state's actions "as unwarranted and excessive use of force". He ordered the Minister of Home Affairs, the Police Commissioner, the Minister of Defence and the Commander of the Army to jointly pay the plaintiff Z\$2 001 375 (US\$7 992).<sup>53</sup>

50% of the cases analysed involving women have been closed. 29% of those closed cases received a favourable judgement, and the plaintiffs were actually paid the damages by the state. Of all the cases involving women the amount claimed in damages was US\$ 220,733, of which

<sup>52</sup> See *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.

<sup>53</sup> 'High Court censures use of army to quell protests' Zim Online Thursday 26 October 2006.

only US\$12,285 – less than 5% - has been paid to date. The amounts were converted at the official exchange rate both at the time the claim was made and when it was awarded.

In most of the cases agency was renounced as the women have become demoralized and stop communicating when the legal process does not move at their anticipated pace. The economic factor must also not be understated: clients can no longer afford to come into town as and when they are called by the Human Rights Forum, their roles as wives and mothers also take precedence over seeing these cases concluded.

### **Conclusion**

There is thus ample evidence that human rights abuses against women are prevalent in Zimbabwe, contradicting the government's statements that these abuses are exaggerations made by organizations supported by the West.<sup>54</sup> The most severe form of this violence has been sexual violence perpetrated by ZANU(PF) supporters during the 2000-2002 period, motivated partly by the perceived lesser status of women in society and the perceived status that they are part of the male dominion. The extensive disruption and adverse effects of *Operation Murambatsvina* upon women cannot be overstated. Violence in the form of physical assaults upon women protesting the impact of the policies of the Zimbabwean government is common place, treated as unremarkable by those responsible and encouraged by senior ZANU(PF) politicians. Unsurprisingly, affected women show a high incidence (71%) of clinically significant trauma, often of such a degree as to require psychotropic medication and professional counselling.

Clearly the effects of the "complex emergency" are felt more acutely by women in Zimbabwe, particularly those from the lower socio-economic brackets. Accordingly, many of the policies of the Zimbabwean government directly in some instances, and indirectly in others, and actions of ZANU(PF) supporters against women, (often condoned or encouraged by government) may well be considered as legitimate targets for protest by those participating in the annual **16 DAYS OF ACTIVISM AGAINST GENDER BASED VIOLENCE**.

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<sup>54</sup> The latest being Paul Mangwana the acting minister of State Information who said when asked to comment on the Forum's statement that they were in possession of material that implicated state agents in human rights abuses. "These organisations are seeking relevance and fresh donor money by bringing back stale issues. We have not committed any human rights violations and our security agents are highly respected worldwide." Zim Online 'Group wants Mugabe to pay for rights abuses'; Tuesday 24 October 2006.