



Women Human Rights Defenders Honoured

A question has been posed about the need to form an organization by female lawyers for the advancement and protection of women's rights. This came about as an observation of the vast challenges women still face, and its belief that Zimbabwe Women Lawyers Association (ZWLA) has a duty to help them.

"Women have suffered under various economic and socio-political challenges alongside men. They've also had to cope with discriminatory laws and deeply entrenched gender inequality". For this reason, ZWLA has acknowledged and honoured the women and men who are working at local, regional and global level to advocate for women's rights as well as working tirelessly to defend women.

Last Saturday, ZWLA conferred the third annual Women's Human Rights Defenders Awards to human rights defenders who have been working at different levels of activism. The recipient of this year's award is Nyaradzayi Gumbonzvanda and the runner up is Alec Muchadehama's.

Nyaradzayi Gumbonzvanda works at the global level, under the YWCA, organizing and formulating policy. She is a trained human rights lawyer who has vast experience in women's human rights and conflict resolution. With over 15 years of work in crisis countries focusing on violence against women and girls, Nyaradzayi once served as an interim coordinator for ZWLA. She is a holder of a Masters Degree in Private Law from The University of South Africa, and post graduate training in conflict resolution from Uppsala University, Sweden. During her 10 years of work with the United Nations, Nyaradzayi significantly contributed to the integration of gender equality in peace and security negotiation processes and post conflict reconstruction especially for Sudan, Northern Uganda and Somalia. She was behind advocacy initiatives, which subsequently led to the adoption of the Protocol on Sexual and Gender Based Violence for the Great Lakes Region. Nyaradzayi was the Zimbabwean

WINNER: Nyaradzai Gumbonzvanda (right) has been recognised for her sterling work in defending human rights. -pic supplied

In celebration of Women's Month, Zimbabwe Briefing is running a series of features on Women who have shaped and continue to shape the struggle for democracy and women's rights in the SADC region. We would like to hear your story so tell us via email - media@crisiszimbabwe.org



nominee for consideration for the position of head of UN Women in 2010, and recognition for her work in women's rights.

She was recently appointed the President of the NGO Committee on the Status of Women based in Geneva. A founder of Rosaria Memorial Trust-Zimbabwe, she combines her global advocacy work with practical interventions in communities.

Alec Muchadehama's, the runner up, is a practising lawyer who has been in private practice since 1991. His law firm has been operating since 2001. Alec has been the key defender for the Women of Zimbabwe Arise (WOZA), a local women activists organization in the several times that they have been arrested for their peaceful demonstrations against women's human rights violations. He has also

represented various Human Rights Defenders facing arbitrary arrests and he is currently representing Munyaradzi Gwisai and other activists who were charged with treason which was later amended.

Alec has also represented various members of the Movement For Democratic Change - T (MDC - T) arrested during incidents of politically motivated violence, some of whom included women. He has thus done significant advocacy for women's human rights in Zimbabwe. In light of the political environment in Zimbabwe ahead of the elections, Alec's work will significantly safeguard the peace and security interests of women in pre and post election period. Alec Muchadehama's nomination is significant as it is a clear case of a male lawyer who has championed for wom-

en's peace and security rights and ZWLA recognizes this valuable contribution.

The award ceremony also recognized law students who have and continue to show excellence in their studies of women's law. The top student for 2009 was fadzai Mamvura, and Belinda Chinowawa was the runner up. For 2010 the top student was Noreen Muchena, and Natsai Machekano was the runner up.

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Civics reflect on strategies to combat xenophobia

On the 30th of July in Durban, Crisis in Zimbabwe Coalition Regional Office partnered with Human rights Institute of South Africa, Zimbabwe Solidarity Forum, Solidarity Peace Trust, South African Council of Churches and SANGCO to host a seminar at the University of KwaZulu Natal. Over 100 Zimbabweans and South Africans attended the seminar meant to inform people on the current political situation in Zimbabwe, revive activism and discuss ways of combating xenophobia.

Dewa Mavhinga, Crisis in Zimbabwe Coalition Regional Coordinator, in his presentation noted that the Global Political Agreement had failed to resolve the political conflict in Zimbabwe as instruments of violence remained intact and polarization remained entrenched. He further noted that the proposed elections roadmap being developed under the SADC auspices had so far been rejected by both ZANU-PF and MDC-T political parties, leaving the entire process uncer-

tain and hanging in balance.

On the constitutional making process, participants at the seminar indicated that they preferred a genuinely people-driven process as opposed to the current process run by political parties. Citing the recent violence and disruptions of parliament business by ZANU-PF supporters who were not arrested, one Zimbabwean lamented that it is very difficult if not impossible to have a people driven constitution with the current environment in Zimbabwe of intimidation, state sponsored violence and extreme intolerance. One exciting thing that the participants shared in common was their unshakeable faith and hope for a better Zimbabwe in the near future.

The solidarity from South Africans in the crowd was so powerful as speaker after speaker urged Zimbabweans to be resolute in their struggle for democracy and justice. Turning to Xenophobia, most Zimbabweans in Durban expressed their fear due to the expiring of amnesty.

Dr Lucas Mogoetjana, the Provincial head of Advocacy [SACC] in Durban advised that a lot needs to be done at community level in South Africa as a way of cubing Xenophobia. He informed that SACC, together with South African Police in Durban, are going into the communities and show people the advantages of staying together as human beings - social cohesion. He noted that SACC is using language and culture as forces for social cohesion, to build understanding and mutual respect and to dispel feelings that give rise to xenophobia, the fear or dislike of strangers or foreigners which is often acted upon in violence. He noted that SACC had also resorted to use of South Africa's constitution, laws and statutes to address the challenge of xenophobia and to promote social cohesion.

These sentiments were echoed by Ms Gugu Shelembe, also from the SACC when she described SACC's cultural exchange programs and cultural festivals to foster social cohesion. She noted that

at the heart of xenophobia is the issue of competition for resources and power that is not equally shared, and misuse of language to promote differences. SACC is engaged in community dialogues and capacity enhancements that include relevant government departments such as the police who come together to engage with communities.

The seminars came up with recommendations and mandated the organising committee to forward them to SADC, Zimbabwe government and South African government. On the recommendations, the people want a clear point of action of the South African government on undocumented Zimbabweans, allowing Zimbabweans outside the country to vote and increasing community based activities amongst foreigners and South Africans.

By Tafadzwa Maguchu, Intern, Crisis in Zimbabwe Coalition Regional Office

SADC: Time to Flex Muscle on Zimbabwe

Coordinator's Note



dewaMAVHINGA

With the recent brutal clamp-down on protests in Malawi that left at least 19 people dead, Swaziland's intolerance for free political activity and Zimbabwe's continued resistance to democratic reforms, one gets the sense that it is high time SADC moves in a decisive way to defend basic rights and stop the rot that is creeping into southern Africa. It appears both Swaziland and Malawi are following in the footsteps of Zimbabwe and are learning the art of repression from the best practitioners in the region. At its upcoming Luanda Summit mid-August, SADC leaders must show that they are prepared to take necessary measures to prevent the cancer of dictatorship and repression from engulfing the entire region.

Options for action open to SADC in the event that Zimbabwe leaders continue to frustrate reform efforts include

isolating errant leaders and slapping them with effective, punitive sanctions. SADC sanctions are likely to be more effective than the current regime of EU and US targeted travel restrictions that have not quite achieved the objective they were set for but have provided ZANU-PF with ample propaganda ammunition. It is much easier to build international consensus around sanctions led by SADC as most international bodies often take their cue from SADC and with SADC sanctions ZANU-PF will not be able to resort to the tired and discredited propaganda that the fight in Zimbabwe is a fight between the west and Africa.

SADC must be under no illusion that it can talk nicely to hardliners within ZANU-PF who are frustrating reform efforts and hope to get desired results. All indications are that elements within ZANU-PF who wield power are prepared to take Zimbabwe to

the brink. And it will take much more than words and resolutions to stop them. The case of Zimbabwe, Swaziland, and Malawi present SADC with a rare opportunity to make a clean break with the past and take the regional bloc in a new political direction where human rights, good governance and democracy sacred values that are jealously guarded.

Under president Zuma, South Africa is best placed to provide moral leadership to SADC and to ensure that the regional bloc does not go the Zimbabwe way. South Africa must not shy away from being the big brother in SADC; it has both the economic and political clout to demand good governance accountability from its smaller colleagues. The hopes and aspirations of millions of long-suffering Zimbabweans are pinned on SADC, our sincere hope and fervent prayer is that the regional bloc will rise up to the challenge.

Now we know SADC's heart is in the right place, the regional body wishes for Zimbabwe to hold free and fair elections under conditions of free political activity and no violence or intimidation. But is SADC prepared to ensure that its wishes become reality?

Murmurings from within ZANU-PF indicate that the party could be planning to call for president Zuma to step down as Mediator on Zimbabwe at the next SADC Summit in Angola ostensibly because South Africa will become chair of the SADC Organ Troika thereby creating a potential 'conflict of interest.' The same plotters argue that mediation over Zimbabwe should be done a former president from the region. Such views are baseless and totally without merit. The truth of the matter is that president Zuma's effectiveness and no – nonsense approach in mediation has provoked the ire of the so-called hardliners who are now

pushing for Zuma to step aside.

SADC should dismiss these calls and ensure that the able Facilitation Team reporting to president Zuma continues with its mandate to push for critical electoral, constitutional and legislative reforms to prepare Zimbabwe to hold free and fair elections under conditions of free political activity and in the absence of violence or intimidation. Pandering to the whims of ZANU-PF now will be catastrophic for the democratization process as it will take us several steps and years back in reforms.

If ZANU-PF decides to go for broke by rejecting Zuma as mediator, then SADC should then take the only option available, to isolate hardliners and use all means necessary to push for democratic reforms in the country.

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Only a united front will help bring justice

As the old age adage goes, 'hell hath no fury like a woman scorned', (let alone a black woman). This rather gender insensitive saying came to be proven correct this past week, for me at least. However, not in the negative as the saying actually connotes. You injure one Zimbabwean woman, you injure all. Women and all other human rights activists came together in a show of unity, solidarity and love and launched a rather persistent, well coordinated and deserved attack on the justice (injustice?) system in Zimbabwe, pushing to have Cynthia Manjoro (pictured with her son) and others remanded with her freed. Well, the efforts have truly paid off. On 28 July 2011, Cynthia Manjoro was granted a US\$500 'temporary free ticket voucher' (read bail).



For me, this story is a clear testimony of how working together can bear much fruit. As Zimbabweans, this is a real attitude that takes us forward. The issue is not whether you are from ZANU PF, MDC or indeed any other political party. The issue is if there is a human rights violation, then it should be dealt with and dealt with accordingly! What this means is that indeed we can make a difference in our communities and country at large. Zimbabwe is our homeland and it is entirely up to us to ensure that we make the best out of it by making a deliberate choice to bring transformation one life at a time, moment by moment.

The pressure that was placed on different institu-

tions made this bail application a success and it is well worth mentioning that it was you and me that made that possible! I have been told over and over again that when one achieves something, it is good to celebrate that success and learn from it not forgetting to then forge ahead and make even bigger victories. Now that Cynthia is out, we still need to continue supporting her and her family to ensure that she begins to live a near normal life and is able to restore her career.

For lack of a better way of putting it, the legal/justice system in Zimbabwe leaves a lot to be desired, if the Cynthia Manjoro case is anything to go by. The amount of inconsistency within that framework is appalling to say

the least. It is not only unfair that it abuses the very rights of the citizens it ought to protect but also some members of this arena have made it their business to be corrupt and build wealth at the expense of other innocent people's lives.

What I would want to bring to your attention, dear reader, is that such a crumbling system may be a reflection of things much deeper than we thought. Reflect on the socio-economic and political climate of Zimbabwe then maybe, just maybe, you may begin to understand where I'm going with this. For me, this has become a cancer whose cure is yet to be found but is spreading at a frightening rate.

Arrests, unlawful incarcerations, starvation and even killings have become the norm and this is wrong. Many of us see it but do nothing about it as a result of many reasons and fear is one of them.

However, I have learnt an important lesson; we can make a difference and transform the lives of other people. It is not something we may need to spend financial resources on but our time and just maybe a tweet, Facebook status update. It is up to you and me to make a difference and transform Zimbabwe into the country that we want it to become, so let us join hands and see to it that the rest of those suffering injustices receive the necessary pardon. Indeed we can!

Grace Chirenje-Nachipo is an activist.

UPCOMING ACTIVITIES:

- > SADC Summit; Luanda, Angola (14-19 August)
- > Seminar: Managing Transition; University of Kwazulu-Natal, Durban, South Africa (30 July). This event is organised by Zimbabwe Solidarity Forum, Solidarity Peace Trust, South African Council of Churches and Crisis in Zimbabwe Coalition

Africa is not one country...yet

Southern Africa has been patiently waiting for its Egypt moment ever since the North African uprisings erupted, first in Tunisia and then spreading, like wild fire, across the Arab world. It has been a rather impatient wait in Southern Africa, however. Meanwhile, the obvious question is being asked; why can't Zimbabwe beget a Tunisia or an Egypt? It seems the right question to ask.

One can sense the growing fatigue around the Zimbabwe crisis. At press conferences, workshops, retreats, meetings and any other occasion where the Zimbabwe question arises, the same thing seems to be discussed over and over again. Why can't Zimbabweans just take matters into their own hands and demand the change they desire instead of hosting the vast amount of pity parties as they do in Johannesburg, Washington, Luton, Toronto, London all over the world pretty much?

In South Africa, for example, the xenophobic violence that broke out in May 2008 may have had that undercurrent; do something tangible about your circumstances back home and you will not have to steal our resources here. It is something that has refused to die despite assurances from authorities.

During that time of the xenophobic violence, Zimbabwe was looking ahead to a run-off election after the tensioned-filled March 2008 election had failed to thrust a clear winner forward. And then the Movement for Democratic Change's larger faction, led by Morgan Tsvangirai and contestant in the run-off election pulled out of the race citing personal security and increased violent behaviour from his rival, president Robert Mugabe of ZANU PF, a party that through its leadership, has previously claimed to have degrees in violence.

Notwithstanding the latter, the criticism for Tsvangirai's decision to pull out was brutally honest but also quite harsh. Had Tsvangirai accurately read the masses' mood and not pulled out of the June 2008 election run-off, the critics thundered, things could have turned out differently for Zimbabwe. After all, he had already won the March poll albeit without a sufficient majority. All that was needed then was to mobilise sufficient votes to become the clear winner in the run-off. Admittedly, the chances of a democratic



WHOSE TIME IS UP? Images expressing these sentiments - as seen in Tunisia - may not capture the imagination of many people in Southern Africa as yet.-New Statesman.com

transfer of power occurring after that were slim, especially with the way the security sector led by service chiefs was behaving at that time – and still behaves to this day! But at least he would have had some sort of legitimacy, like Alassane Quattara in Ivory Coast, something to work with and to use in demanding thorough and more decisive action in Zimbabwe.

To be fair, the strategy of pulling out from the election was designed to make Zimbabwe ungovernable. In retrospect and upon reflection from the Arab experience, it is clear that only people power alone is sufficient to make a country ungovernable. However, the climax of Zimbabwe crisis in December 2008 is what brought to being the Government of National Unity (GNU), a last ditch attempt at saving a collapsing country using the MDC's contacts and influence.

But the problem with negotiated outcomes such as GNUs is that they create false senses of unity in deeply polarised societies made up of a profoundly wounded – physically, emotionally and psychologically – people. Their true nature is that they are fierce power contests whose aim is for the parties involved to make repeated attempts at swallowing each other in a bid to obtain influential control and authority of government. There is absolutely no unity whatsoever embedded in them.

Hence, this explains the slow pace of targeted reforms across spectra of critical issues that need to be addressed before another election is even considered.

And then there was a country called Malawi which, on July 20, woke up to angry protests at fuel, forex, electricity and water shortages, high unemployment rates, escalating cost of living, increasing intolerance and blatant tribalism led by the head of state, president Bingu wa Mutharika.

A huge turn-out by the masses in the streets of Lilongwe (capital), Blantyre (commercial capital) and Mzuzu unsettled to regime which, as all this was going on, was arrogantly lecturing Malawians on what they were experiencing. Finally, North had met South. Or so we thought.

It is not yet clear whether there was a directive from the presidency or not, but not too long into the mass protests, a trigger-happy police force began to fire live rounds at the protestors. 19 people were killed. The police claimed it had shot people engaged in criminal activity. A number of civil society leaders and journalists were either harassed or arrested. And there was nobody on the streets the following day!

But Mutharika has been given until August 16 to respond to a petition issued to his office for his action in solving current crises besetting Malawi. If he does not re-

spond satisfactorily then he'll find Malawians out on the streets again on August 17.

Ironically, SADC is expected to be meeting in Luanda, Angola around that time and celebrating its 19th anniversary, if there is anything to celebrate at all. But yet again, hopes will be pinned on the body to act more decisively in insisting on the impartial enforcement of a roadmap to Zimbabwe's next elections, the crisis in Swaziland and emerging challenges in Malawi, this on top of several issues outstanding already.

Quite critically, therefore, SADC needs to realise that its repeated failures in failing to solve problems in member countries will result – as we write elsewhere in this briefing – in the exportation of certain crises into the rest of the region. It is also an opportunity for SADC to prove that it is not a remarkable failure as its counterpart, the Arab League, which has sunk it oblivion as numerous crises unfold in Libya and the rest of the Arab world. Perhaps regional civics also need to revise their strategies and match them with the specific needs of countries in need of them.

As it stands – in SADC at least – solutions to both the Zimbabwe and Malawi crises will have to be different.

By Levi Kabwato, Media & Communications Officer in the regional office.

Disaster if Zimbabwe exports its crisis to the region

As a Zimbabwean now living in South Africa, I look with alarm at the violations of the rule of law that ZANU PF seems intent on exporting from Zimbabwe to the region.

I left Zimbabwe in January 2006 to pursue further studies at the University of Pretoria. At the time I was working as a magistrate in Mutare. By the time I left, the judiciary in Zimbabwe had been compromised by a number of factors.

Independent-minded judges had been hounded out of the High and Supreme Court of Zimbabwe and these superior courts were packed with complaint judges. Some of the judges were beneficiaries of farm gifts during the land redistribution programme. Due to the worsening economic crisis, magistrates in the lower courts were no longer earning a decent salary, leading to rampant corruption. Acts of intimidation against independent-minded judicial officers were not uncommon. Through a constitutional amendment in 2005, the government barred individuals with any right or interest in land from challenging state acquisition of their land in Zimbabwean courts. These factors severely undermined the independence of the judiciary and the rule of law in general.

It is impossible to watch current developments in the Southern African Development Community (SADC) without recalling these assaults on the Zimbabwean judiciary. The recent renewal of the suspension of the operations of the Sadc tribunal until August next year by the Sadc heads of state was largely inspired by Zimbabwe's attack on the tribunal for ruling against it. Sadc has refused to take any action against Zimbabwe for its failure to comply with this court's decisions. If the tribunal is revived, its founding instruments will be amended to block Sadc citizens from approaching the Sadc Tribunal in the event of a breach of their rights and interests, again largely at the instigation of Zimbabwe. Come August next year, it is near certainty that Zimbabwe will have successfully exported its distaste for independent courts to the region.

Zimbabwe citizens wishing to exercise their democratic right to choose their leaders, human rights lawyers and civil society activists creating and occupying democratic space, as well as political party activists have all been at the receiving end of Zimbabwe's intolerance for dissenting voices. Democratic forces are calling upon Sadc to direct Zimbabwe not to hold elections in the current environment where violence and intimidation prevails. Regret-

tably, now Zimbabwe's machinery of violence has been externalised to some of the Sadc states.

On May 20, I attended the Sadc extraordinary summit in Windhoek, Namibia, with human rights lawyers and civil society activists from Zimbabwe. As we monitored deliberations by our leaders from the outskirts of the summit's venue, uniformed Namibian police officers arrested us at the instigation of the Zimbabwe secret police (CIO). We were handed over to the feared CIO operatives, who interrogated us as if we were common criminals. Zimbabwe has succeeded in executing its illegal at a regional level.

Recently, as civil society activists from Zimbabwe held conferences and marches in preparation for the follow up Sadc extraordinary summit hosted by South Africa there was further demonstration of the deployment of Zimbabwe's secret police and aggressive ZANU (PF) representatives in an attempt to shrink the democratic space at the regional level. A civil society conference in Johannesburg on the need for security sector reforms in Zimbabwe nearly ended in chaos as a delegation of Zanu (PF) activists tried to disrupt the fruitful deliberations. They tried to disrupt another meeting, of the Crisis in Zimbabwe Coali-

tion, in the previous week – the Zanu (PF) chairperson for Johannesburg assaulting a participant with a piece of glass.

As I look to the future I, like so many living outside the country, hope for the return of a Zimbabwe which respects the rule of law, adheres to democratic principles and upholds fundamental human rights. After independence, the Zimbabwean Judiciary was respected in the region for its progressive jurisprudence and I enjoyed the benefits of an impressive educational system. We had a professional police force and a security service deployed generally for the protection of citizens and national security.

Although it may only be a dream that Sadc would help us restore our country, it would be the worst nightmare were the Zimbabwean crisis to be exported to all the Sadc countries.

Lloyd Kuveya is the project Lawyer, Regional Advocacy Programme at the Southern Africa Litigation. This article, dated June 15, 2011 appears on the Open Society Initiative for Southern Africa (OSISA) and is available here: <http://osisa.org/law/blog/disaster-if-zimbabwe-exports-its-crisis-region>