

“Securing Women’s Rights through the Constitution,”
Presentation by Mary Robinson at the Zimbabwe High Level Dialogue on
Women’s Empowerment in the Political and Economic Arena
April 26, 2010

Thank you Honorable President and Prime Minister, Ministers, and guests. As my friends in Liberia say, “All protocols observed.”

I am honored to join you at this High Level Dialogue on Women’s Empowerment in the Political and Economic Arena. I welcome the very good participation of Government at the highest levels, the UN and International bodies, and women’s civil society organizations here today. Indeed, promoting and protecting women’s rights is something we must all work together on achieving.

I visited the Republic of Zimbabwe last in October 1994 on a State visit as President of Ireland. On that visit I had the opportunity to see some of your beautiful country—to visit Victoria Falls, Hwanga National Park and Great Zimbabwe. I met with the Chief Justice of the High Court and even had an opportunity to join President Mugabe on a visit to his former school, Kutama College.

So I am delighted to return today. It is a particular pleasure to do so as you mark this year the 30th anniversary of your independence.

Allow me to add my voice to the many others who have expressed their strong support for your ongoing efforts to build an open and participatory democracy which ensures respect for the rule of law and protects the fundamental human rights of all people. The Global Political Agreement that you committed to lays out the

framework and provides the mechanism for this to happen, especially as it contains a clear commitment to gender equality and women's participation.

I know many challenges remain for the people of this great country, but I believe that by working together in good faith you will achieve full implementation of your Global Political Agreement and shape a more inclusive and transparent government that protects all Zimbabweans.

I am honored today to be here with a delegation of prominent women leaders from Africa. We have come to listen and learn from Zimbabwean women. We wish to demonstrate our solidarity and our support for women's role in transitional governance, especially in the constitutional review process. We hope to bear witness to a more inclusive narrative of the reality of Zimbabwe that includes a diversity of perspectives and the healing and development processes underway.

Let me introduce the distinguished women who have accompanied me:

- Dr. Brigalia Bam (South Africa)—Chairperson, Independent Electoral Commission, South Africa; former General Secretary, South African Council of Churches.
- Dr. Achola Pala (Kenya)—former Africa Chief, UNIFEM; former Senior Policy Advisor, Africa Bureau, United Nations Development Programme (UNDP)
- Dr. Thelma Awori (Uganda/Liberia)—President of the Board, Ellen Johnson Sirleaf Market Women's Fund; Member, Civil Society Advisory Group on UNSCR 1325, United Nations; former director of UNDP's Africa Bureau; UN Resident Representative in Zimbabwe; and President of Isis-WICCE

- Ambassador Counsellor Lois Bruthus, Liberian Ambassador to South Africa, former President of the Female lawyers association in Liberia and also served as the lawyer in the Ministry of Foreign Affairs.
- Mrs. Nyaradzai Gumbonzvanda (Zimbabwe)—General Secretary, World Young Women’s Christian Association (YWCA); former Regional Director for East and the Horn of Africa, UNIFEM; and Human Rights Officer with UNICEF in Zimbabwe and Liberia. Founder of Rozaria Memorial Trust (Zimbabwe).
- Ms. Elizabeth Lule (Uganda)—Manager, Operational, Quality and Knowledge Services for The World Bank; former Director of the World Bank’s program on HIV/AIDS and manager of the Bank’s HIV/AIDS work in Africa.

I’m grateful to each of these experienced leaders for their willingness to join me for this visit. Their commitment – like mine – is to listen and to engage in dialogue with all of you. We hope we will also be able to share what we’ve learned through our experiences and how it might support you today. We are glad to be making several field visits tomorrow, and I look forward to being part of the group going to Bulawayo to listen to women’s organizations there.

I hope to learn more from all of you about the Constitutional Review process in Zimbabwe in the days ahead. Without wishing to suggest that I in any way have full knowledge of this process, or the challenges and opportunities you currently face, allow me to offer some general principles on process and content that I believe are crucial for securing women’s rights.

Process

First, with respect to process, it cannot be overemphasised that the legitimacy of a new constitution is as dependent on the way it was developed as it is on the content of the final document.

The Constitution of Zimbabwe which was adopted as part of the 1979 Lancaster House Agreement was a process where there was no women's representation.

Zimbabwe will rightly develop its new constitution informed by the past, present and future aspirations of its people. But it should be noted that most constitutions which have been adopted in recent times have been developed through processes in which people participate directly. This has demystified the tradition of constitution-making by "experts" and brings it into the sphere of democratic participation.

A democratic Constitution cannot be written for a nation, nor can one be written in a non participatory approach. Hence Zimbabweans' expressed commitment to a participatory constitution-making process is commendable. The challenge, of course, is to ensure that, in reality, it entails inclusive, participatory and gender sensitive processes and outcomes.

Effective participatory constitution-making has to provide for women's equal representation in the process and outcome. No process which excludes or marginalizes the majority of the population can be representative. No constitution which has failed to fully ensure the perspectives and concerns of women can be seen as fully legitimate over time. The equal participation of women and men in constitution making is an essential element for democratic governance. The public outreach phase being planned is a vital stage in the process.

Fortunately, there are lessons to be learned in both process and content from other African countries such as Namibia, South Africa, and Rwanda. I hope we will hear about some of those experiences during our time here together.

Another point I must stress in the strongest terms possible concerns the security of all those who participate in the constitution-making process. Women and men must be allowed to operate in an environment free from violence and intimidation. Violence must be prevented – but where it does occur effectively prosecuted in Zimbabwe domestic courts.

I further encourage that members of the international community be invited to serve as observers of the Constitution-drafting and outreach process, particularly in rural areas.

Content

Let me say a few words now about issues of content which should be front and center in any constitutional review.

First, Constitutions clearly should comply with international human rights norms and standards, including a provision guaranteeing the equality of men and women under the law, including customary law. This means issues including women's rights to access land, especially in communal areas, and to equality in family matters must be affirmed and protected.

Important guides for Zimbabwe in this respect are the rights enumerated in the international human rights treaties to which Zimbabwe is a party. The overarching

principles and provisions entrenching non discrimination, gender equality and equity must be stipulated in Constitutional guarantees.

As a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Beijing Platform of Action, the African Union Protocol on Women's Rights, and the SADC Protocol on Gender and Development, Zimbabwe has made commitments to protect the rights of women and address gender inequalities which must now be fully implemented and embraced as part of the constitutional review process. This is a great opportunity for domestication of these international women's rights instruments.

The current Constitution allows for discrimination on the basis of culture. Women need to be guaranteed a Constitution that values women's rights and dignity above cultural and religious norms and practices.

Jurisdictional issues must be managed in ways which grant women unrestricted access to the judicial system to enforce constitutionally- protected rights regardless of religion or customary traditions.

Another critical issue to address involves equal representation in decision making positions in line with AU and SADC protocols which Zimbabwe has ratified. The women of Zimbabwe are demanding a constitution that guarantees more women in decision making positions through adoption of mechanisms such as the Proportional Representation electoral system and women's quotas in party nominations. My colleagues and I have seen how such systems can work effectively in different countries and I look forward to hearing more views on these and other issues today.

One final area I wish to highlight involves economic and social protections. Given women's historically disadvantaged position, affirmative action of different kinds will be required for women's social and economic empowerment. The socio-economic challenges that Zimbabwe has faced in the past decade have resulted in the further marginalization of women in education and employment. The new Constitution must have measures to protect the girl child and ensure her equal access to education. Special provisions must be considered to close the gap particularly in tertiary education.

Finally, the current Constitution's Bill of Rights does not affirm the right to the highest attainable standard of health. The high and increasing maternal mortality rate in Zimbabwe bears testimony to women's lack of access to health care. I would urge you to ensure specific provisions on health, focusing on access to free or affordable health and reproductive health care.

My African sisters and I who have come to support women's empowerment in Zimbabwe were very pleased to learn that there will be discussion of a proposed Plan of Action under Security Council Resolution 1325 for Zimbabwe. We see this as an important preventive measure, and note that Kenya has also embarked on a national Plan of Action in recent months. I believe we can have a very constructive discussion, and I am aware there are possible plans for an International Women's Colloquium here next year.

Our group has considerable experience on Security Council Resolution 1325. We have seen first-hand in countries from every region the critical role women play as peace-builders, as community organizers, as voices for those who are marginalized.

We are convinced that strengthening women's leadership at every level is key to advancing peace, sustainable development and human rights in the 21st century.

Realizing Rights, the organization I lead, works with many others to bring the voices of women into the public arena by connecting international women leaders to women at the local and national levels, generally in the context of conflict and post-conflict situations. We know that women and girls are a force for positive change in society, and that positive change comes about when women's and girls' rights are protected and when individuals are empowered and enabled to reach their potential.

We have a particular involvement with UN Security Council Resolution 1325 on women, peace and security which will mark its 10th anniversary in October of this year. Despite greater calls for action, the reality of women in conflict situations around the world continues to be one of insecurity and the worst forms of human rights abuse. Despite their expertise in security issues and their critical role as peace builders in their own communities, the voices of women are rarely heard as part of conflict resolution and reconciliation processes. It is critical that the international community uses this anniversary to re-focus efforts on commitments made to the world's women.

We are working with partner organizations in a new Civil Society Advisory Group which advises the UN Deputy Secretary General and a steering committee of heads of UN agencies on how to improve on-the-ground actions to protect women in the context of armed conflict and strengthen their participation in preventive processes, peace processes, post-conflict governance and reconstruction. I am co-chairing this Civil Society Advisory Group with Bineta Diop, Executive Director of Femmes

Africa Solidarité and am pleased to be joined today by two members of the advisory group - Thelma Awori and Nyaradzai Gumbonzvanda.

2010 is the 10th anniversary of UNSCR 1325, the 15th anniversary of the Beijing conference on women, and the beginning of the AU Decade for African Women. These events must be marked by practical actions for women's empowerment, not just fine rhetoric.

What kinds of practical actions would we like to see?

For a start, my colleagues and I at Realizing Rights have been calling on more countries in every region of the world to commit to developing National Action Plans for the implementation of Resolution 1325 and its successor resolutions. This is an important step for all, not only those defined as being conflict or post-conflict countries. Resolution 1325 provides guidance on ensuring gender equality in political leadership, building gender-sensitive security forces, ensuring safety for women from gender-based violence, and insisting on accountability for sexual violence and other abuses.

While National Action Plans are themselves important signs of commitment, the process of dialogue, consultation and participatory planning can have lasting positive effects on a given society. I saw for myself the impact this approach had in Liberia, as I stood beside President Ellen Johnson Sirleaf taking the salute from a long parade of women in uniform and in protection services in that country.

A second action I would like to see in the time ahead is more dialogue and shared learning among countries. We must be creative and willing to reach out across

borders to learn from each other. There has been significant interest in the new and evolving concept of “twinning” or “cross learning” between countries on National Action Plan development and implementation. This has the potential for linking countries in an exchange of ideas, experiences and resources.

For example, Liberia, Ireland and Timor Leste are engaged in a cross-learning process on women, peace and security that recognizes the priorities and experiences of conflict-affected women. Finland and Kenya are developing a similar “twinning” relationship around Security Council Resolution 1325.

In recognition of the critical role of women and the regional nature of conflict, two regions of Africa are undertaking groundbreaking work to develop Regional Action Plans on women peace and security.

At the Great Lakes Regional Meeting in Bujumbura in August 2009, Rwanda, Burundi and DRC came together to introduce their National Action Plans and make progress towards a Great Lakes regional plan on women, peace and security. Rwanda will be hosting a follow-on meeting next month.

Learning from the work in the Great Lakes Region, the Mano River countries (Liberia, Sierra Leone, Cote d’Ivoire and Guinea) are beginning a similar cross-learning process. The Mano River countries will meet in July 2010 in Sierra Leone, in an initiative facilitated by Femmes Africa Solidarite and Realizing Rights.

Constitutional reform to secure women’s rights and a Plan of Action under SCR 1325 are not just abstract ideas on paper. They are vital to the future of Zimbabwe. As a friend of this country, who has not been here since 1994, I was saddened at the picture relating to women I saw, when I briefed myself for this visit. I learned that 1

in 3 women in Zimbabwe have experienced physical violence, and 25% of women reported experiencing sexual violence at some point in their lives (2006 Zimbabwe Demographic Household survey). The maternal mortality ratio is 725/100,000 live births, which translates into a life-time risk of dying of pregnancy-related causes of 1 in 42. Although the HIV prevalence has declined from 15.3% in 2008 to 13.7% in 2009, prevalence of HIV among young women 15-24 years is 7.5%, compared with 3.5% for their male counterparts.

Other factors are more positive. Women's representation in Parliament went up to 15% in 2008, and legislation such as the National Gender Policy Law 2004, the Domestic Violence Act and the Sexual offences Act have been adopted. These legislative improvements need to be enshrined in the Constitution.

What I see as a huge asset is the determination of women at all levels to be part of the solution. I was deeply impressed by the spirit of co-operation and deep commitment to shared goals of the Hon. Olivia Muchena, Minister of Women's Affairs, Gender and Community Development and the Hon. Sekai Holland, Minister of State for Reconciliation and National Healing when we had several meetings in New York during the UN Commission on the Status of Women. Our women leaders group is convinced this determination and common purpose is shared by the Womens' Coalition, by the UN agencies in support, and by ordinary women and supportive men the length and breadth of this great country.

But allow me also to take this moment – in the presence of this country's highest leaders – to express my sincere hope that ongoing reports of serious human rights violations in Zimbabwe will be fully addressed by the government and actions taken to ensure adequate remedies and prevent future abuses. Reports of torture,

harassment and politically motivated prosecutions of human rights defenders among other violations are extremely worrying. Just like all other citizens of the world, the women and girls of Zimbabwe are doubly impacted by any such violence, as persons, mothers, and community leaders.

I raise these issues as someone who has worked around the world to promote human dignity and respect for human rights, with no political agenda. I express these concerns as a friend of Zimbabwe who believes that the Universal Declaration of Human Rights and the international system which flowed from it must be realized for all. It is heartening that Zimbabwe is signatory to most of these instruments, including those commitments on this continent such as the Africa Protocol on Women's rights.

Excellencies, Ladies and Gentlemen:

This is a moment that the people of Zimbabwe, despite ongoing challenges and concerns, should embrace in a spirit of hope and possibility. You have an opportunity, in this your 30th year of independence, to reaffirm and give true meaning to what Article 1 of the Universal Declaration of Human Rights proclaimed more than 60 years ago - *All human beings are born free and equal in dignity and rights.*

That statement is as meaningful and as important today as it was in 1948. Our challenge is to ensure that it comes to life for all the women and men of Zimbabwe and for people around the world.

Thank you once again for the opportunity to return to Zimbabwe. Thank you for this chance to listen and learn from your courageous women. I stand ready to support you in any way possible today and in the days, months and years ahead.