



STATEMENT BY THE ZIMBABWE GENDER COMMISSION ON THE CIVIL DISTURBANCES FROM MONDAY, 14 JANUARY 2019

On Monday the 14th of January 2019, Zimbabwe woke up to calls for a nationwide stay-away which was branded by the social media as #Shutdown Zimbabwe. The stay-away subsequently degenerated into violent demonstrations across the country in which roads were barricaded, retail shops looted, motorists stoned, and property burnt down. Other citizens who decided not to take part in the illegal demonstrations were attacked and regrettably, people died.

The Zimbabwe Gender Commission (ZGC) as one of the Independent Commissions provided for in terms of Section 245 of the Constitution and operationalised through the Zimbabwe Gender Commission Act [Chapter 10:31], with an express mandate to ensure compliance with the Constitution on Gender Equality, has been following these and other related events closely. The protests and the ensuing reaction by the security forces has indeed exposed the citizens to various violations of rights relating to gender.

As ZGC, we condemn unequivocally the violence that rocked the country last week in all its forms, regardless of who the perpetrators and victims were. While the right to demonstrate is indeed enshrined in section 59 of the Constitution of Zimbabwe, it is imperative to note that in exercising this right, protesters must accord due regard to other equally important human rights, including section 52 on personal security; section 58 on freedom of assembly and association; section 60 on freedom of conscience and section 64 on freedom of movement.

The interpretation of the Declaration of Rights has always been and will always be a balancing act; for the full enjoyment of any right there is always that dual duty to respect and avoid trampling on other recognised and cherished divergent rights others may subscribe to. It is also worth noting that the same section 59 which gives effect to enjoyment of the right to demonstrate and petition also compels participants to exercise that right peacefully.

It is common cause that in every violent situation, there are gender dimensions. Women and girls, invariably suffer more than their male counter parts. And indeed, allegations of gender-based violence against women and girls during and/or subsequent to the civil unrest of last week have come to the attention of the Commission. These acts are a violation of women's rights to human dignity, espoused in section 51, personal security and bodily integrity as guaranteed in section 52.

This state of affairs has compounded women's gender roles as carers since they now have an added burden of nursing the physically injured at a time when the socio-economic situation of a majority Zimbabweans does not allow easy access to affordable health care services.

The ZGC also notes that some people in the informal sector had their trading stalls destroyed and goods forcibly taken by demonstrators. A study by Ndiweni et al (2014) showed that women constitute 55% of those operating in the informal sector so destruction of their business premises constitutes a threat to their socio-economic rights, in violation of Article 11 of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and Article 13 of the Protocol to the African Charter on Human and Peoples Rights on Rights of Women in Africa (Maputo Protocol).

It is also common cause that 85% of productive employment is in the informal economy so any disruption to the daily routines, has far reaching socio-economic consequences for the women and men in Zimbabwe thus employed. This is ironic when the action was ostensibly triggered by the deteriorating socio-economic situation in the country.

The United Nations, in Security Council Resolution 1325 of 2000 recognises the differential impact of conflict and violence on women and girls. It calls for adoption of a gender perspective which considers the special needs of women and girls during conflict and post-conflict reconstruction. The same instrument also coincides with Article 10 of the Maputo Protocol which provides for the Right to Peace and reiterates the need for equal participation of women in conflict resolution. It is our hope that women will be included in the forthcoming National Dialogue since they are key stakeholders in the building of a peaceful Zimbabwe.

We therefore call upon the responsible authorities to do everything within constitutional provisions to investigate all criminal allegations and bring perpetrators to justice in fulfilment of the notion that no one is above the law.

As advocates for gender equality, and informed by the prevailing inequalities, ZGC strongly urges state and non-state parties to involve women in the process of seeking sustainable peace and inclusive development.

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