Women, Human Rights Defenders
ABOUT BUWA!

Guided by the feminist principle that ‘the personal is political’, BUWA! is a journal published by the OSISA Women’s Rights Programme annually. BUWA! services as a tool and platform to explore a variety of themes and topics that are pertinent to African women today.

The journal receives both commissioned and unsolicited articles primarily from women on the African continent. An editorial team decides on the themes and topics, and participates in the editorial process. The publication seeks to promote open society ideals through providing a platform for women’s voices, amplifying these across the continent and beyond.

BUWA! also explores African women’s experiences through a policy lens, to shed light on international, regional, national, and local debates and policies that shape women’s choices and lived experiences.

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In honour of women at the frontlines

This 10th issue of BUWA! stands in solidarity with Women Human Rights Defenders (WHRDs) at the frontlines of confronting injustice and inequality. Whilst acknowledging that women human rights defenders (WHRD) may broadly denote activists who defend women’s human rights, we pay special attention to women, lesbians, queer and transgender women who defend women’s rights. Around the world, women activists risk their lives in the fight for fairness, equity, transparency, accountability as well as women’s freedoms and rights. Their zeal is unmatched, unrelenting and universal. Their work is crucial for advancing women’s rights and consequently, human rights. Yet, their stories remain untold and in other cases, the stories are told through a problematic patriarchal lens.

Our theme is timely. In this moment of heightened political and domestic violence, false charges, arbitrary detentions, unfair trials, increased surveillance and systematic attacks on human rights and pro-democracy activists across the globe, it is important to amplify the voices of all those who are pushing back against these excesses. More so in Africa.

While all HRDs have increasingly faced tougher operating conditions, WHRDs have borne the harshest brunt, given the way in which patriarchy conveniently colludes with other oppressive systems to target women. Hence, WHRDs face additional barriers of economic and structural discrimination and unique challenges driven by deep-rooted discrimination against women and stereotypes entrenched in patriarchal societies in relation to gender and sexuality. In the line of duty, WHRDs face sexual abuse, harassment, domestic violence, threats against their families and smear campaigns, to name but a few violations. In fact, CIVICUS monitor data shows that women, including groups advocating for women’s rights and WHRDs, are the most commonly

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mentioned groups of victims and targets of violence by a large margin. They are also the groups most commonly mentioned (20%) in reports on the CIVICUS Monitor – at a global level. Regrettably, in the wake of the COVID-19 pandemic and its implications on human rights, women’s rights as well as the possible erosion of human rights gains altogether, it is quite likely that more WHRDs will face increased threats and attacks. This is especially true for states and regions with rising authoritarianism and democracy deficits.

In this issue, we unpack the experiences of WHRDs on the continent. We document WHRDs resistance and the challenges faced in the fight for fairness, justice and equality. To map the terrain, we attempt to define WHRDs – a complex endeavour given the richness of the individuals involved in the work and the diversity of their work. Even without a shared definition, we acknowledge that at present and historically, WHRDs occupy spaces in all spheres of life, from grassroots to global levels.

There is always a determined Winnie Madikizela-Mandela, a Queen Nzinga of Ndongo and Matamba, a Mbuya Nehanda Nyakasikana in the political and liberation struggle! There are the likes of Chief Kachindamoto, relentlessly fighting traditions and cultural practices that undermine the rights of the girl-child. There are the Sudanese women in the Intifada. The Mama Malewas' of the DRC fighting for economic justice. WHRDs across the continent are deeply etched in the throngs of history and their valour will be told for years to come!

It goes without saying that there is no better protection for women human rights defenders than the strength and support of their own movement. However, the gender dynamics articulated in preceding paragraphs sometimes mean the exclusion and exclusion of WHRDs from mainstream human rights defenders work, networks and coalitions. This forces WHRDs to work alone, making them easy targets for communities and states intending to silence dissenting voices and undermine human rights. Nevertheless, there are formidable emerging WHRDs movements consisting of rural women, informal traders, sex workers, domestic workers and others mobilising across the continent. Despite this growth and progress in organising, questions still remain on coordination and collaboration. For example, leadership contestations are especially critical in cases where WHRDs are part of larger groupings, including trade unions. Leadership is critical in spaces designed to further progressive ideas and ideals. Additional concerns around inclusiveness remain critical.

5 Hina Jilani, former UN Special Representative of the Secretary-General on the situation of Human Rights Defenders, quoted on https://www.awid.org/special-focus-sections/women-human-rights-defenders
remains inclusive and firmly rooted in fairness, justice and equality. Anything short of this, places the movement at risk of replicating the very unequal and toxic power systems that it is fighting to topple.

The nexus between WHRDs and the domain of politics, governance and law is also an interesting one, not least because these domains are male-dominated spaces shaped by patriarchal systems that oftentimes advance patriarchy. The militarisation of states and the erosion of democracy on the continent has brought a new and intensified wave of violence against WHRDs. The new norm is an almost subtle but highly-charged violence perpetrated by state machinery and state systems that use legal frameworks to sanction abuse. Inspite of the prevalent and inherent challenges, trailblazing women have dared to defend women’s rights and more broadly, human rights within these spaces.

In Uganda, the iconic Stella Nyanzi defiantly speaks truth to power. Inspite of numerous arrests and prolonged detentions without trial, Stella remains relentless in “using her pen and sharp tongue” to fight for democracy and women’s rights under the authoritarian regime of Yoweri Kaguta Museveni (see page, 119). In Zimbabwe, Jestina Mukoko was abducted and detained in an unknown location for many weeks without access to legal representation, medical care, let alone her family. Her crime: documenting and exposing human rights violations (see page 121). Quite recently, a journalist was detained in Madagascar for daring to document and print stories around COVID-19. There are many more women who have faced detention without trial and others have paid with their lives. May their souls rest in peace and may justice avenge their deaths.

The dynamics of how the various legal systems on the continent protect WHRDs ought to be interrogated. Well, in the context of receding democracies and the rise of authoritarian states, legal systems are proving to be sometimes compromised. Increasingly, the law works to serve the political interests of the state and not necessarily justice. That this happens in states with Constitutions hinged on protecting human rights and – in some cases – states that have either signed or ratified various international instruments aimed at respecting the rule of law is not only ironic, but mirrors the challenges currently faced, and more importantly points us towards the struggle that lies ahead.

Technology is the wild card that throws everything into disarray. Technology can be used by youth militia acting at the behest of political parties to target WHRDs. State surveillance through technology and big data, especially in countries with weak information, privacy or data laws, is fast-becoming the norm across Africa. We are seeing social media smear campaigns and public shaming that leverages on existing citizen and community biases especially in places where WHRDs have a history of questioning the very structural foundations of societies including, religious and cultural institutions as well
as legal frameworks. In Madagascar for instance, WHRDs working on issues of sexual reproductive health rights and pro-choice options have long been the target of social media harassment. On the positive side, technology presents WHRDs with endless possibilities for advancing the women’s rights agenda at a scale never before imagined. It should matter, therefore, how WHRDs are using technology and digital spaces such as the Internet to organise, mobilise actions and amplify voices with the aim of reaching more people. In doing so, their safety (privacy and digital security) matters and needs to be protected (see page 129).

When all is said and done, we need to ask: who defends and cares for the women human rights defenders? This often neglected area ought to be critically interrogated to ensure our most valued assets – the human capital – remains functional to fight another day. In this issue, we tease out what self-care and wellbeing looks like for WHRDs. Quite often, it means having to overcome feelings of guilt (for not doing enough or doing too much at the expense of family responsibility) before finally settling into care mode. We strongly encourage our women at the frontlines to pause, whenever they can, and exercise some self-care.

Perhaps a moment of slowing down will result in ventures into the world of imagination and creativity. Through prose, poetry, music, graphic illustrations etc. we can discover and rediscover who we are, what drives us and ultimately, how we can express ourselves differently. The creative works in this issue evoke different emotions. Our creative contributors call and demand that our attention be directed towards creating a world in which the vulnerabilities of WHRDs are not exploited; a world in which WHRDs are recognised and heard; a world in which the tools at our disposal can be used for different things; a world in which WHRDs exist as human beings in their own right.

As you journey through this publication, we invite you to engage with all the articles, and where possible, expand to the multimedia links attached to selected content. It is our hope that you can see yourself and those close to you in some of the articles. After all, you too, are a human rights defender. We salute you. Thank you for your support.

In solidarity,

Cynthia Ngwalo Lungu
Editor-in-Chief

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MAPPING THE TERRAIN

Nikiwe Kaunda
Manase Chiweshe

Manase Kudzai Chiweshe
Mapping the Terrain
This tenth edition of BUWA! is dedicated to our womxn human rights defenders across Africa and the articles highlight the many contributions of those who may not always be recognised for the major shifts in mindsets and changes that they bring about by challenging unjust social, political and economic systems. We are celebrating trailblazers who, at great personal and family cost, embark on this often lonely journey to fight for social, political, economic, climate and environmental justice. We bring to you this edition to raise the profiles and visibility of these womxn and ask that you stand in solidarity with them and their cause for justice and equality. With this tenth edition of BUWA!, we celebrate womxn human rights defenders, recognising their roles and their bravery amid the fear and uncertainty around them.

African history is replete with powerful women leaders who drove strategic warfare, peacebuilding, community development and social cohesion, and who challenged socio-cultural norms that exclude women or caused harm. Historically, we have had heroines such as Queen Nandi, Yaa Asantewaa, and Queen Njinga and, more recently, in the 20th and 21st centuries, we have recognised the transformative roles of womxn like Chief Kachindamoto, Funeka Soldaat, Imelda Mishodzi Molokomme, Carole Rakotondrainibe, Vera Chirwa, Bessie Head, Lucy Sichone, Dambisa Moyo, ‘Masechele Caroline Khakelila, Unity Dow, Nsofwa Petronella Sampa, Ruth First, Tsitsi Dangarembga, Adelaide Tambo, and Winnie Mandela.

What we have come to appreciate is that powerful women bringing about transformation, peace, equal opportunities, justice and change do not only belong to history. They are with us in our everyday lives. They are women at the forefront of domestic workers’ rights, sex workers’ rights, and spearheading fair treatment and opportunities for informal traders and entrepreneurs. They are LGBTQI+ activists, teachers, health workers, social and cultural rights defenders, farmers, and environmentalists.

Womxn human rights defenders work on a myriad of issues: sexual and reproductive health and rights, access to justice, labour rights, and lesbian and trans womxn’s rights. These are womxn who may or may not be part of a formal civil society organisation. They may be part of a movement working in and with local communities. They may be directors, farmers, authors, politicians, janitors, domestic workers, and they are...
activists in their own right.

Every generation has its own women who, against the odds, and in the face of patriarchy, contest the spaces that restrict them, limits their opportunities, marginalises and excludes them, but still they rise and are able to defend the values they believe in. These values help advance our societies and result in more womxn accessing healthcare services, girls and boys accessing education, and womxn’s increasing participation in politics, arts, agriculture, the economy, and peacekeeping.

These are womxn who fight against oppressive governments that continue to persecute them through the misuse of the police and legal systems. Womxn who stand up to corrupt civil servants and public officials. Womxn who demand accountability from business and the private sector, demanding that they protect all human rights and natural resources. These are womxn who challenge State abuse of authority and the private sector’s pilfering of resources which contribute to further inequalities and deprive many womxn of access to critical services, resources and opportunities.

Across the southern African region, we have seen increased citizen engagement. We have witnessed girls and women at the forefront, leading advocacy and protests around issues as far-ranging as electoral reform, access to healthcare, sexual and reproductive healthcare services, land rights, education, trade, and political participation. None of these battles – for that is what they are – have been easy. They are undertaken at great personal cost, often amid threats to their lives and those of their families.

The increased visibility of womxn’s activism and voice has also demonstrated to us some of the many challenges that womxn defending human rights face: harassment, defamation, cyber-bullying, State-sponsored prosecution and violence, the use of rape and sexual violence, unlawful incarceration and detention, lawsuits, arbitrary arrests, and physical violence. Womxn human rights defenders have had their homes petrol-bombed, their cars hijacked, they have faced bullets, been raped and even killed – all because they are in pursuit of justice. They defend womxn’s rights, and work on gender justice and equity, but they are really promoting the human rights of all of us. They stand against perpetrators, including the State.

But who will stand with them? Who will protect those who protect our rights? Who will defend those on the frontline? It is critical that we work together in large networks to rally the public to the cause; conduct mass protests; pressure governments to clean up their act; ensure the media gives extensive, widespread cover of injustice against womxn human rights defenders; care for the young, the elderly, the disabled and other vulnerable individuals; and strengthen, protect and support one another through difficult times. A luta continua, vitoria é certa!
Every generation has its own women who, against the odds, and in the face of patriarchy, contest the spaces that restrict them, limits their opportunities, marginalises and excludes them, but still they rise and are able to defend the values they believe in.
An illustration of Mbuya Nehanda with the mhondoro - the lion spirit - she was believed to be possessed by. Illustrator: Wynona Mutisi.
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Introduction
In Zimbabwe, women human rights defenders (WHRDs) face increased intimidation, unlawful arrests and detention, and are subjected to ill-treatment. This paper provides a review of WHRDs in post-colonial Zimbabwe, detailing the evolution of the fight for the emancipation of women in the country. This analysis seeks to provide answers to some essential questions in the context of the struggle for women’s rights. These questions include:

• What have WHRDs achieved thus far?
• How have institutionalised and state-embedded patriarchal structures responded to the work of WHRDs, and how has this impacted the movement towards gender equality?
• What opportunities and threats are there for WHRDs within the new political dispensation in Zimbabwe post 2017, which saw a change in leadership from former President Mugabe to President Mnangagwa?
• How can the work of WHRDs be enhanced to respond to challenges in attaining women’s rights?

In answering these questions, this case study provides a space to understand and celebrate the work of WHRDs and how their work has evolved in Zimbabwe, to provide an analysis of the structural challenges WHRDs face, and further provide recommendations to overcome these challenges. The statement ‘down in the trenches’ in the title emerged out of the various stories of courage and strength of WHRDs in Zimbabwe who continue to fight in very tough conditions.

WHRDs in the context of Zimbabwe
The UN Special Rapporteur on the situation of human rights defenders defines WHRDs as female human rights defenders as well as other human rights defenders who work in women’s rights or on gender issues (OHCHR, n.d.). In this
paper, the focus will be mainly on women human rights defenders, and secondly other individuals involved in defending and fighting for the rights of women in Zimbabwe.

History of WHRDs in Zimbabwe

Zimbabwe has a rich history of WHRDs with notable achievements, despite working in a largely hostile environment. In 1890, Zimbabwe (known as Southern Rhodesia at the time) was colonised by the British and under the leadership of Cecil John Rhodes (Mlambo, 2014). During this period, women played an important role in the liberation movement, particularly Nehanda Charwe Nyakasikana, more commonly known as Mbuya Nehanda, who was a spirit medium and one of the leaders of the First Chimurenga (war of liberation), which the colonial government was able to quell.

By 1923, women were actively involved in politics through the formation of the Southern Rhodesia Bantu Voters Association, which brought with it issues of the participation of women in politics. The Association had a vibrant women’s wing that organised a successful boycott of the beer hall in 1934. These actions, however, were mainly framed within a nationalist paradigm that sought liberation for all black people from colonisation. This continued in the coming decades, with women actively participating in the Second Chimurenga, which led to Zimbabwe gaining independence in 1980.

Post-independence, the black women who participated in the war as fighters, informants and in other accompanying roles realised that they had erroneously thought that women’s rights and gender equality would naturally flow from political independence. Alexander (1993: 160) argues that ‘the re-emergence of the traditional leadership, after independence, was perhaps the most surprising development in rural politics after the war in Zimbabwe’, thus questioning ‘the extent to which patriarchal power was undermined during the war.’ Schmidt (1992: 416-417) therefore concludes:

Despite ZANU-PF’s claim to be an emancipatory force for women, the movement’s rhetoric was not matched by reality. In both military and civilian life, women continued to be subordinate to men... As ‘natural’ teachers and nurturers, women rallied support among the local population and nursed the sick and injured. Relatively few women served as guerrilla fighters. With the exception of a limited number who were connected to powerful men, women were generally excluded from positions of power and authority.

Further to this, ‘Women especially in rural areas in terms of gender relations returned to the disadvantages and inequalities of colonial Rhodesia and thus for them the revolution was betrayed’ (Bhebe & Ranger, 1996: 28). In the post-colonial state, women’s organisations were depoliticised, and the feminist agenda was overtaken by language that de-emphasised the need for women’s empowerment (Win, 2004).

Celebrating the achievements of WHRDs

In celebrating the achievements of WHRDs, it is important to understand first that women’s rights in Zimbabwe are still in a perilous state. Some scholars argue that even the decades of minimal gains in women’s rights from the 1980s onwards have been undone in more recent years, as the patriarchy has consistently reconstituted itself to deny equality across society (Chiweshe, 2017). There are, however, specific instances of success that need to be celebrated as major milestones in the face of the great
odds against WHRDs. Such a celebration is meant as a stock-taking exercise to highlight what has been achieved, while acknowledging the long arduous road that surely lies ahead. The achievements are outlined under two themes, legislative and political, below.

**Legislative sphere**

In 1982, the Legal Age of Majority Act was promulgated, which granted women majority status from 18 years of age, which it appeared would open the way to their further political and economic empowerment (Essof, 2005). There have also been reforms and improvements since 1980 in inheritance laws meant to protect women. This includes the Deceased Persons Family Maintenance Act and the Deceased Estates Succession Act, which describe equal inheritance rights after the death of a spouse (Human Rights Watch, 2017).

Most important to note is the 2013 Constitution, which provides the basis for gender equality in all sectors of the Zimbabwean society. WHRDs were instrumental in drafting the Constitution, especially through the Women’s Coalition. Section 17 of the Constitution calls on the state to promote the full participation of women in all spheres of Zimbabwean society on the basis of equality with men, including political participation, property ownership, representation in public institutions, laws and legislation. The major challenge, however, is that by 2019, most of the laws in Zimbabwe have still not been realigned with the Constitution to ensure that there is true gender equality in the legislation.

**Political sphere**

Women’s participation has increased marginally over the years, and Zimbabwe is still far from achieving gender parity. The percentage of female parliamentarians was 9% in 1980, and in 2018 there were 85 women out of 270 seats in the National Assembly (Tshuma, 2018). The increase should be understood in the context of the 2013 Constitution, which has a quota provision (for two election cycles) which reserves 60 seats for women in the National Assembly, and equal gender representation for the Senate which is elected according to a party list in which women and men are listed on an alternating basis with women appearing first on the list. Sadly, Bhatasara and Chiweshe (2018) explain that these 60 women are derogatively called 'Bacossi MPs' (in reference to the Basic Commodities Supply Side Intervention subsidies on basic goods which have been derided for being substandard) (Dube, 2018), and they are disrespected in Parliament by both men and women.

Tshuma (2018) notes that the number of women directly elected to Parliament actually decreased as a result of the quota system. The quota system in Zimbabwe has thus been criticised as a tokenistic system that elects unqualified political cadres who are more interested in pleasing their political parties and not fully engaging in women’s issues (ibid). In 2019, there were still discussions over whether or not this provision should be made permanent. Despite the numerous political, economic and cultural
barriers, there is a gradual increase in the numbers of women holding onto positions of influence in Zimbabwe, though they face many battles.

**Backlash: Institutionalised patriarchal responses to WHRDs**

WHRDs have historically faced patriarchal backlash in their everyday work. This backlash has been perpetrated largely through state infrastructure that makes the work of WHRDs a high risk in Zimbabwe. The documented experiences of women such as Jestina Mukoko, a WHRD who was abducted from her home and tortured, provide a stark reminder of the great personal cost that fighting for women and human rights can have in countries such as Zimbabwe (Front Line Defenders, 2018). Below is an outline of these challenges.

**Physical violence**

Violence against WHRDs is the hallmark of institutional patriarchal backlash. Physical harm and threats of violence continue to be employed as a way to repress women. There is a multitude of documented cases where women at the frontline, fighting for equality, have been subject to kidnapping and other atrocities including murder (Hanzi, 2015; Research and Advocacy Unit (RAU), 2011; Amnesty International, 2007). Some of the examples include the injury and hospitalisation of 25 women participating in a Women of Zimbabwe Arise (WOZA) march in Bulawayo in November 2006. Among the injured were a mother and baby – both of whom suffered fractured leg bones (Amnesty International, 2007).

Sekai Holland and Grace Kwinjeh, two seasoned WHRDs, were beaten in 2007 during a prayer rally and were further refused travel to South Africa to seek treatment. Essof (2005) outlines various cases of state-sponsored violence against all political opponents, real and imagined, including women activists who have suffered brutal beatings, detentions and sexual assault over the years. A report by the US Department of State (2019) on the state of human rights in Zimbabwe notes the following, among many other recent human rights violations:

- Activists continue to suffer physical and psychological torture at the hands of state agents. Torture methods include beating victims with sticks, clubs, cables, gun butts, sjamboks (heavy whips), and by falanga (beating the soles of the feet).
- Between January and August 2018, 367 victims (including WHRDs) of organised
Manase Kudzai Chiweshe

Violence against WHRDs is the hallmark of institutional patriarchal backlash. Physical harm and threats of violence continue to be employed as a way to repress women.

violation and torture sought medical treatment and counselling after sustaining injuries in multiple incidents across the country.

• In August 2018, uniformed soldiers systematically assaulted civilians in the Harare CBD and suburbs of Chitungwiza, Highfield, Kuwadzana, Seke, and Warren Park.

Criminalisation
Repressive laws in Zimbabwe have for many years been “used by police to deny human rights defenders permission to hold peaceful demonstrations or to arrest or detain them arbitrarily” (Shaw, 2011). This includes the Public Order and Security Act and the Miscellaneous Offenses Act, which both urgently need to be repealed and replaced with legislation which shows due respect for human rights. Hanzi (2015) notes how in 2005, 265 women were detained in Harare, simply for conducting a peaceful prayer meeting in the central business district before elections.

On 11 September 2006, 107 members of WOZA were arrested for marching to the town house in Harare to demand better services. Criminalisation is accompanied by false accusations of human rights defenders being used by the British and American governments to remove the ZANU-PF government. McFadden (2003) was deported for supposedly being a danger to the political and cultural fabric of the nation by supporting the rights of sexual minorities. Human rights lawyer and politician Fadzayi Mahere was also arrested on 28 October 2017 at a Shanduko football game she organised at Groombridge Primary School as part of her 2018 elections campaign (Human Rights Forum Zimbabwe, 2018).

Harsh imprisonment conditions
A report by the RAU and Zimbabwe Women Lawyers Association (2013) detailed the experiences of 20 WHRDs in Zimbabwe who were imprisoned between 2011 and 2013. While some of the WHRDs were kept in police cells for a few hours, others spent months in remand prison. The women noted serious problems including assault, poor ablution facilities, poor food quality and quantity. Human Rights Forum Zimbabwe (2018) notes that on 10 November 2017, the police arrested and detained a young woman under filthy conditions for attending a commemoration of human rights atrocities perpetrated by the security forces in Chiadzwa.

Media bias
WHRDs in Zimbabwe have suffered from the entrenched patriarchal bias within mainstream media. Irene Petras (in RAU, 2012), Zimbabwe Lawyers for Human Rights director, speaking at a women’s journalism mentoring programme, noted how in the media in Zimbabwe, “There is a lot [of] terrible character assassination of women human rights defenders.” WHRDs are either completely missing from reporting in the media or they are represented as objects rather than political protagonists. For example, the stories tend to focus on their physical appearance, marital status or other personal features irrelevant to their human rights work – features which are not brought up when male media figures are discussed.

Verbal and symbolic abuse
In the many documented cases of violence against WHRDs, there are also high rates of verbal abuse. These verbal
attacks include calling women names like ‘prostitute’ to disempower and threaten them for seeking to challenge and participate in so-called ‘masculine spaces’, such as politics in this regard (The Chronicle, 2018).

The term prostitute has also been deployed against policewomen and used as a form of symbolic violence against any woman who dares to challenge the status quo. The RAU and Zimbabwe Women Lawyers Association (2013) note that detained WHRDs reported often being called prostitutes and experiencing other forms of verbal abuse. Misogyny is an old strategy that has always benefited patriarchy at the expense of women, as exemplified in the 2018 elections, where young unmarried politicians, such as independent candidates Fadzayi Mahere and Linda Masarira, were victims of sexist remarks about their eligibility to be politicians based on their marital status (Hamandishe, 2018), issues which are completely unrelated and show how low some men will stoop to discredit a female politician.

**Lack of support from other women**

The patriarchal system also uses women to keep other women out of political and economic spaces. It is toxic, divisive and polarising. Win (2004) suggests that the identity of being a woman is not enough for women to support one another. Based on her own life story, Linda Masarira, social activist turned politician, reports that women in political spaces are not only shunned by fellow women when fighting for women’s rights, but even though their experiences with violence, bullying from patriarchs, and periods of incarceration, there is a lack of support and solidarity from women and women’s organisations (Bhatasara and Chiweshe 2018). Women are pitted against one another, and this is one means by which patriarchy thrives.

**Stigmatisation**

Related to the above is how WHRDs are often stigmatised, even by their own families. This stigma often leads to some women not receiving support from their immediate families, to gender-based violence occurring in the home, and divorce. WHRDs are even called unjustified names such as *gandanga* (militant), which is seen as ‘unladylike’ (Bhatasara & Chiweshe, 2018).

**WHRDs in Zimbabwe post Robert Mugabe**

There was cautious optimism among many when in November 2017 when a nonviolent coup led to the ousting of former President Robert Mugabe. Under Mugabe, ZANU PF had since 1980 perpetrated gross human rights abuses and had overseen the entrenchment of gender inequalities in Zimbabwe. The emergence of Emmerson Mnangagwa as the new president under the slogan of the ‘new dispensation’ was meant to signal a change from the era of repression under Mugabe.

Has the post-Mugabe era has opened space for WHRDs? The top brass of the army who orchestrated the fall of the former now dominate the new cabinet with the army General Chiwenga who was elevated to the vice presidency (Bulawayo24, 2018). The obvious militarisation of the state made many
Patriarchal notions have continued to dictate how women, especially those working for empowerment and in positions of leadership, are negatively perceived by society.

Wary of the ability of the new president to achieve the open democratic society he promised, and the new cabinet showed that the system of women’s exclusion would continue.

Women’s issues have continued to occupy a peripheral position within the ‘new dispensation’ and women have largely retrogressed within the political sphere. The draconian practices of the previous regime of imprisoning perceived enemies of the state have continued, including the arrest of WHRDs such as Sitabile Dewah, Rita Nyamupinga and Farirai Gumbonzvanda for so-called ‘treason’ (Zimbabwe Peace Project (ZPP), 2019).

The post-election violence in 2018, which led to the death of six people shot on the streets of Harare – with no prosecutions of the shootings to date – as well as violence at demonstrations against fuel price increases in January 2019, show that repressive action by the government will continue, including arbitrary arrest and illegal detention of WHRDs (ZPP, 2019). Furthermore, there have been misogynistic social media challenges and attacks levelled at the Chairperson of the Zimbabwe Electoral Commission, Judge Priscilla Chigumba, who oversaw the Commission during the 2018 election (Tshili, 2018). Patriarchal notions have continued to dictate how women, especially those working for empowerment and in positions of leadership, are negatively perceived by society.

Getting it right for WHRDs: Recommendations and responses

Below are some of the ways in which the work of WHRDs can be enhanced and made less risky. The recommendations are for a variety of stakeholders, including government, women’s organisations, and individual WHRDs.

• There is a need to build strong feminist solidarity among all actors fighting for women’s rights in Zimbabwe. Examples from McFadden (2003) and Bhatasara and Chiweshe (2018) show that some women actively participate in promoting patriarchal norms and values that discriminate against women.

Clear discussions need to be held, and information spread to women who do not understand the dire need for women’s human rights defence to bring them on board.

• The 2013 Constitution has many progressive sections around gender equality, but there is now an urgent need to ensure that these are aligned with the other legislation and policies. The lack of alignment includes provision for equal representation in appointments for public institutions.

• Documenting and celebrating the work of grassroots WHRDs and initiating alternative media spaces to speak about women’s experiences are vital. This can be done by exploring how social media platforms can be used to enhance the work of WHRDs, especially in an age when they also face abuse on these platforms.
References


MOVEMENT
BUILDING

Christine Okudi
Arudi Laurah
Florence /Khaxas
Cebsile Mamba
Tinashe Lukas Chimedza
John Masuku
Ellen Matupi and Jessica Mandanda
Ivy Moyo
Darian Jaleane
The possibility for resurgence of local mobilisation and "bottom-up" models

Activist Betti Kusemererwa at Rwamutonga, Uganda. Credit: WoMin
resurgence of local ‘bottom-up’ models

Christine Apiot Okudi is a successful and highly experienced educationist with 15 years of experience in the field and in supporting children’s development. Christine is keen to see to it that every child has an education, more so the girl child who has been less privileged in receiving education due to cultural and religious barriers. Christine combines extensive expertise in education with her recent residency experience at the Brookings Institution’s Center for Universal Education (CUE) in advocating for girls’ rights to education. Christine is presently working with the Gender Unit of the Ministry of Education and the Forum for African Women Educationists (FAWE) in Uganda on developing policy guidelines to support the strengthening of the role of senior women teachers in Uganda in support of girls’ education.

In Uganda, when some hear about women human rights defenders (WHRDs), their first thought is that these are women who simply disagree with anything to do with men’s leadership in our society. According to the Uganda Bureau of Statistics (UBOS, 2019a), in their “Gender issues in Uganda” report, women’s rights in Uganda are still being violated because of the patriarchal nature of our society, which has placed women at a lower status than men and, as a result, gender issues affecting women’s rights stem from abuses inflicted on them, mostly by men. As such, the fight for women’s rights by WHRDs is a fight that men have come to believe is directed at them.

WHRDs’ organisations and individuals like Miria Matembe1 and Stella Nyanzi2 are among the most radical activism Uganda has. This has led to them being accused and convicted of moral crimes, and threats are made against their lives and reputation. WHRDs like them have had to deal with resistance and hostility from community leaders and state actors, including the courts, the military and police. Instead of being celebrated for their invaluable work, these women face risks and immense pressure to stop their work (Women’s Democratic Network (WDN), 2016). They are seen to be defying religious or cultural stereotypes and as offensive to the status quo. They are seen as deviants and importers of western cultural practices. This was well described by Brenda Kugonza, the National Coalition of Human Rights Defenders Uganda (NCHRDU) Coordinator, on International WHRD day in 2016. Kugonza explained the challenges being faced by WHRDs and the shrinking space for advocacy for women’s rights in Uganda: “Women HRDs in Uganda are more vulnerable and face additional risks such as sexual harassment, domestic violence,
conviction of moral crimes and threats against their children and reputation, all because of their gender” (WDN, 2016).

Despite these challenges, WHRDs have several instruments to support their work. These include Uganda’s ratification and recognition of international instruments, which include the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Beijing Platform for Action (BPfA), and the most recent Global Agenda 2030 Sustainable Development Goals (SDGs). This is a great step in the right direction for WHRDs. What remains to be done is the closing of the gap between policy and practice, as clearly articulated in the International Federation for Human Rights (IFHR, 2012) report.

To give effect to the UN policies and need for open spaces for women to articulate their views politically, a woman, Rebecca Kadaga, was appointed Uganda’s current speaker to Parliament, and each constituency has an elected woman Member of Parliament, giving Uganda a total of 112 women in Parliament. This is a great opportunity for Uganda’s women’s issues to be raised and brought to the table at Parliament. This structure not only sits in Parliament. Uganda also has women’s councils and committees from the village to the district level.

These women representatives, by default, are WHRDs through their position in Parliament as community representatives. They are there to speak for women who otherwise would be voiceless in their communities. There are several harmful cultural and religious practices that have resulted in the oppression of women. These women parliamentarians can isolate these practices in their communities and work to stop them. An example of this action is the Honourable Jane Frances Kuka, who stood up and fought against female genital mutilation in her community. This is a unique and extremely harmful practice among the Sebei in Uganda.

In Uganda, the voices that we hear as WHRDs are generally those of educated and empowered women, both socially and economically. These women are exposed and able to articulate issues because of their level of education and ability to stand from the crowd. These women can more easily join major debates nationally and globally; however, they may not fully identify and appreciate the violations of women’s rights at the community and village level. In Uganda, we have a very large population of women who are illiterate and economically disempowered and whose needs deserve urgent attention. The Ugandan female literacy rate is currently 70 per cent (UBOS, 2019b: 8). The three in ten women who are illiterate are mostly the poorest of the poor and regularly excluded from debate. They remain highly vulnerable and unable to contribute on issues that affect their rights in their communities.

There is a need for resurgence of local mobilisation and bottom-up models to help know how we can ensure that all issues that are oppressing the rights of these women and girls in the rural areas are brought to the table. Now that we have the international regulations and national laws providing space for discussions on women’s issues, we need to grow a base and ability of the

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3 www.newvision.co.ug/new_vision/news/1300076/connect-girls-inspire-future-womens-day-supplement
WHRD to reach the local levels. Uganda’s governance structure has opened avenues for both top-down and bottom-up communications through the National Women’s Council Act (Government of Uganda, 1993). Uganda has five levels of governance (central, district, sub-county, parish and village), through which information from the grassroots can be transmitted to the top and vice versa. Each of these levels has women representative on the Council.

The main objectives of this Act are to organise the women of Uganda in a “unified body and to engage the women in activities that are of benefit to them and the nation” (Government of Uganda, 1993: 4). These women representatives need to be organised, supported and trained to be able to take up their roles and achieve these objectives. The WHRDs who are more active on the central level need to strengthen the council structures at the lower levels so that they serve as their ears and eyes in the grassroots communities. The women at the lower levels should be able to identify issues in their communities and not only raise them at their level but also escalate them to the national level. These structures are crucial in picking up issues affecting women rights at village level, and they need to be able to raise them at the level of Parliament.

Indeed, it’s now time to hear the voices of the voiceless from the local level and stop imagining that blanket policies and laws have them covered. WHRDs, under their umbrella organisations like UWONET, on the other hand, need to work closely with the central government and develop programmes and structures through which the voices in the villages in Uganda are heard. Women parliamentarians are key players in efforts to defend women’s rights at the local level, but they need information and facts, which they can get from the women’s councils. WHRDs too need to use these very structures to help in advocacy and get buy-in from women at the local level who may currently appreciate the broader causes and the efforts of WHRDs.

There are also opportunities for the village and district levels to have their own local policies and by-laws, as provided for in the Local Government Act (Government of Uganda, 1997). These laws will cater for uniqueness resulting from varying cultural and religious practices across the country, which have led to varying forms of oppression for women living in different areas.

In conclusion, the author is in agreement with the recommendations in the Human Rights Centre Uganda (HRCU, 2017: 37) report, which calls for increasing awareness about human rights and capacity-building for women legislatures. The government too must improve the situation for human rights defenders by providing them with access to justice and fair treatment. WHRDs still have a major role to play in ensuring that their efforts are not benefiting only a small proportion of women but are far-reaching and cover women across Uganda.

References


Mapping the Terrain

Calling for the repeal of Section 164 (a) and (c), 165 and 167 of the Penal Code. Gaborone, Botswana. Credit: LEGABIBO.
The women’s movement and by extension Women Human Rights Defenders (WHRDs) play a significant role in ensuring that the rights of all women in Africa are protected, promoted and fulfilled by both state and non-state actors. The women’s movement across the globe, and specifically in Africa, must be adaptable in the context of ever-changing social, cultural, economic, political and sexual frameworks, advocacy, organisational and mobilisation strategies to ensure that all diverse groups of female-gendered persons are well represented. Despite factors or agents that perpetuate violence and inhibit access to justice for the diverse group of women, there is an evident alienation of LBQ1 women’s issues in inclusive and intentional advocacy by the women’s rights movements. This article analyses the dynamics of LBQ women in relation to the issue of violence and access to justice and addresses two main areas that the women’s movement can engage meaningfully on in Africa.

As the world embraces the notion of ‘universality’ of human rights, the need and relevance of inclusive normative and strategic advocacy frameworks is incontestable in order to realise the rights of all (Reanda, 1981). The existence of LBQ persons and relations in Africa is undisputed, arising from literature, cultural and traditional practices and analysis within sexuality studies (Tamale, 2011).2 LBQ women continue to face a myriad of human rights violations from state and non-state actors directly and indirectly, yet this is rarely documented. The women’s movement3 in Africa is seen to uphold and reward heteronormative notions and vilify non-conforming identities, expressions and sexual orientations within their objectives, activities and advocacy strategies, leaving LBQ women with little

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1 The acronym LBQ stands for Lesbian, Bisexual and Queer women (those whose identity and expression is perceived to be outside the norm; as gender non-conforming and transwomen). LBQ will be used interchangeably with women of diverse sexual orientation, gender identity and expression.

2 In this book, examples of the presence of lesbian relations are given from the Basotho community in Lesotho, the Hausa in Nigeria, a subculture in Uganda, and relations within Namibia, Kenya, and Cameroon.

3 The women’s movement in this article encompasses feminist movements, women human rights defenders, and social movements that speak on the rights of women in society.
Heteronormativity and, consequently, patriarchy is an ideology criticised for viewing women as inferior and subordinate to men.

The dynamics of violence in relation to women of diverse sexual orientation, gender identity and expressions in Africa

LBQ women encounter many forms of violence originating from the intersections, conflicts and blurred lines between different notions within society varying according to culture, law, religion, and moral biases upheld within different African societies. Although the dynamics that will be highlighted affect non-homosexual women as well, the article contends that the agents and effects affect LBQ women disproportionately.

Hegemonic masculinity – Patriarchy

Hegemonic masculinity explores the impact of sex roles and how they have been used to bring hierarchical outlooks on gender and sexuality (Jewkes et al., 2015). Connell and Messerschmidt (2005) amplify this theoretical framework while attempting to identify attitudes that are perpetuated within society and that have the motive of increasing gender inequality. The lack of liberation from the binary lenses of gender, sex and sexuality limit the discourse on the diverse spectrum that umbrellas the women (Bouilly, Rillon & Cross, 2016).

Heteronormativity and, consequently, patriarchy is an ideology criticised for viewing women as inferior and subordinate to men (Mirkin, 1984). Rich (1980: 634) asserts that in almost all cultures and societies in the course of history, there existed the ‘nonheterosexual, woman-connected existence, to the extent made possible by their context.’ Rich argues that the existing literature can be seen to pay tribute to the heteronormative forms of life and inevitably creating invisibility of non-heterosexual women. A report on the status of women human rights defenders in Africa attests to how heteronormativity creates hierarchies (African Commission on Human and Peoples’ Rights (ACPHR, n.d.). For instance, certain expressions are viewed as normal and others abnormal, ensuing othering and consequently vast human rights violations.

Patriarchy in modern times can be seen to morph through the institutionalisation of language, the dichotomy of sex, economy, culture, religion and fixed societal ideologies that continue to perpetuate the ‘political organization that distributed power unequally between men and women to the detriment of women’ (Facio, 2013: 1).
Physical and psychological violence

Lawyers for Human Rights et al. (2016) elaborate that physical and psychological forms of violence are distinct in that one causes bodily harm, whereas the other inflicts harm that is not overt. Masculine-presenting LBQ women are more susceptible to violence. In Kenya, Cameroon and Togo, the perspective held on masculine-presenting women is that they are emulating masculinity, resulting in violent attacks with the intention of ‘correcting’ them (Armisen, 2013; Gay and Lesbian Coalition of Kenya, 2016: 17; Misi, 2009). In Zambia, reported cases of crimes against masculine-presenting women are not taken seriously by the police who say that the woman should have defended herself (Hivos, 2013: 11), illustrating the perpetuation of the stereotype within state organs.

Sexual violence – Rape

The South Africa Constitution has been applauded for its progressive nature. The prevalence of violence towards women and LBQ women specifically has been argued to be a ‘backlash against the constitutionally-enforced gender equality’ (Britton, 2006: 145). ‘Corrective’ rape is a common form of sexual, physical and psychological violence arising from the notion of patriarchy; the crime is justified as a means of ‘reforming’ or ‘curing’ LBQ women from homosexuality (Smith, 2015). A report to CEDAW highlighted that ‘Black lesbians and transgender women have been raped, tortured and murdered simply because they refuse to conform to dominant heteronormative and patriarchal norms and values’ (People Opposing Women Abuse & AIDS Legal Network, 2010: 15). In Cameroon, LBQ women are raped when they refuse to have sexual relations with men (Acodevo et al., 2017: 14).

Legislation

Legislation should ensure that rights are justiciable for all citizens. As discussions around gender, sexuality and sexual orientations are taking root in most African countries, the expansion of legislation to include sexual and gender minorities explicitly continues to be a challenge (McGoldrick, 2016). Explicit inclusion enhances the affirmation of equality and non-discrimination, and respect for dignity and privacy, as enshrined in international human rights law (Sanders, 2007, see also OHCHR, 2017; ACPHR, 2014).

Over 35 African states still uphold draconian laws that criminalise consensual same-sex relations (Amnesty International UK, 2018) affecting the behaviour of state enforcement agents and creating a prejudiced societal attitude that sees the group as criminals, hence limiting their rights to bodily autonomy and sexual preference. The criminalisation of LBQ relations is either directly, through the mention of female same-sex conduct within the laws (Human Dignity Trust, 2016), or indirectly, through the use of vague language resulting in criminalisation based on prejudice that affects the interpretation and application of laws.4

Legal recognition

Legal recognition refers to the right to have one’s legal gender marker reflect the individual’s gender identity and expression. These provisions are limited in most African countries (International Bar Association, 2014). Recently, states like Kenya have started recognising transgender (queer) persons, although the lack of legal frameworks and guidelines to effect the process of changing the gender marker is prevalent (Kenya Human Rights Commission & East Africa Trans Health and Advocacy Network, 2018).

4 In Botswana, in the case of Kanane v The State (2003), the Court was seen to make the penal code provision gender neutral, as they argued that it was discriminatory in terms of gender as it explicitly mentioned relations between men.
There has been limited awareness of transgender persons and their needs across many justice and criminal systems in Africa.

Justice system
There has been limited awareness of transgender persons and their needs across many justice and criminal systems in Africa (International Bar Association, 2014). In instances where a transgender person is arrested due to breaking the law, and their identification documents do not reflect their gender identity, the police officers have been reported to violate their right to privacy and dignity in a bid to ascertain their gender. A Kenyan court recognised the inefficiency within the law and in training of police officers on how to relate and address issues of intersex (queer) persons.

Dynamics of accessing justice for LBQ women in Africa
The right to access justice enables constituents to exercise their rights and freedoms, air their grievances, challenge norms and discriminatory notions, attain appropriate remedies for their violations, and increase accountability and transparency within a state (UN, n.d.). The right to justice is ‘a crucial determinant of inclusive growth, citizen well-being and sound public administration’ (OECD, 2019).

Laws
The construction on dissent sexualities within the existing African legal system is deeply rooted in colonialism (Han & O’Mahoney, 2014). The impact of these laws on the lived realities of LGBTIQ persons, and specifically towards LBQ women, has led to the justification of various human rights violations towards the group with minimal access to justice (Kizito, 2017).

In Malawi, the case R v Soko and Another highlights the conflict of the Penal Code and the Constitution. The violation of various substantive rights within the course of the arrest up to the trial was not put into consideration before the Court and the conviction was seen to uphold the moral compass of society in relation to LGBTIQ persons (Mlenga, 2012: 104; Price, 2010).

The adoption of the Same Sex Marriage Act of 2013 in Nigeria and the Anti-Homosexual Bill in Uganda in 2009 led to the legitimisation of vast human rights violations against LGBTIQ persons, including blackmail, extortion, arbitrary arrests, and mob justice (Human Rights Watch, 2016; Semugoma, Beyrer & Baral, 2012). In Cameroon, two women were arrested on suspicion of being lesbians and were convicted without any evidence to the accusation (Advocates for Human Rights & Alternatives-Cameroun, 2017).

There has been a positive development in the adjudication and expansive adoption of the definition of sexual orientation in the case of National Coalition for Gay and Lesbian Equality and Another v Minister of Justice and Others in South Africa. The definition, as expounded by Justice Albie Sachs (in Barnard-Naudé & de Vos, 2010: 217), ‘destabilises the hetero/homo dichotomy’ and embraces a notion of sexual orientation as a concept that surpasses the hierarchical arguments and the historical and cultural specific peculiarities that come of the discussion of sexual orientation in Africa.

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5 Richard Muasya v the Honorable Attorney General of Kenya (2010). http://kenyalaw.org/caselaw/cases/view/72818. The Court ruled that the search conducted by the police officers violated the rights of the intersex individual and that the parading of his uniqueness by the police was a violation of the rights to privacy and dignity. In this matter, the Court requested that the individual be compensated for the damage caused.


Shrinkage of civil society spaces

LBQ-specific civic spaces are important in the realisation of the right to access justice as prejudiced beliefs and ideologies inhibit the explicit involvement of the mainstream women’s movement. Acquiring legal recognition for LGBTIQ associations in most African states is a challenge, yet freedom of association is guaranteed by international human rights instruments, as the African Charter, as well as certain newly adopted guidelines. Despite these provisions, in Cameroon, it is documented that most organisations fail to get legal recognition to operate effectively and they are forced to change their objectives, missions and goals so as not to reflect LGBTIQ issues to gain recognition (Acodevo et al., 2017).

In Kenya and Botswana, progressive judgements were given, amplifying the supremacy of the national constitutions in analysing and interpreting substantive rights of persons, regardless of their sexual orientation and gender identity.

Political interference

One recent development in the LBQ movement that has highlighted the impact of political interference is in the granting of observer status to the Coalition of African Lesbians (CAL). ACPHR (2016) Resolution 361, adopted on 4 November 2016, set up the criteria allowing NGOs to acquire observer status, in accordance with Rule 68 of the Commission’s Rules of Procedure. However, in August 2018, the observer status granted to the CAL was revoked during the AU Summit (International Justice Resource Center, 2018). The decision attests to the contradictions within the ACPHR and the AU Executive Council over the rights of LGBTIQ persons in Africa. The observer status for CAL was withdrawn as the AU Executive Council (2015: 1) contended that the NGO was attempting to ‘impose values contrary to the African values.’

Persecution of human rights defenders

An enabling environment free from the torture or abuse of human rights defenders who advocate for the rights of LGBTIQ persons is paramount in the quest for justice. This right was affirmed through the adoption of the ACPHR (2004) Resolution 69 on the Protection of Human Rights Defenders in Africa. Despite this, human rights defenders who advocate for the rights of LGBTIQ persons have been tortured and killed in the course of their work in various states in Africa (Hivos, 2013: 13-14). In

8 Such as Article 20 of the Universal Declaration of Human Rights; Article 22 of the International Covenant on Civil and Political Rights (ICCPR); and Article 7(c) of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).
9 Article 10 of the African Charter.
10 Such as the Guidelines on Freedom of Association and Assembly of the African Commission on Human and Peoples’ Rights (ACPHR), adopted at the 60th session on 22 May 2017.
11 Eric Gitari vs Non-Governmental Organisations Co-ordination Board and 4 others (2015). Although the Court gave a positive and progressive judgment, the NGO Coordination Board delayed granting the organisation the official legal documents for registration.
13 The CAL is a pan-Africanist network of 14 organisations across 10 countries in the Sub-Saharan region that works to raise consciousness and strengthen activism in a bid to highlight the intersectionality that exists in relation to sexuality and gender and to ensure that social justice prevails especially among lesbian women. See http://www.cal.org.za/about-us/why-we-exist
14 Viljoen (2012) argues that inconsistencies are apparent as the ACPHR has given a platform for LGBTIQ NGOs to speak on issues surrounding in the past, such as the granting of observer status to Alternatives Cameroon, and the interpretation to article 2 of the African Charter that allows for LGBTIQ persons to be rights holders. He articulates that the platform is key to the groups who are not given a voice within their states, as the body is mandated with the function of promoting and protecting the rights of all.
Cameroon and Uganda, the killing and threatening of human rights defenders and state officers’ refusal to investigate, prosecute and punish perpetrators of violence against human rights defenders effectively have raised regional and global uproar (Gettleman, 2011; Kindzeka, 2013).

Inclusive women’s movement framework

The women’s movement in Africa arose as a collective force with various issues that superseded the monolithic group notion that dominated the western notion of feminism (Bouilly et al., 2016). However, the women’s movement is greatly influenced by its origins that align with the binary forms of gender and sexuality still apparent in its current organising and mode of operation. To ensure inclusivity of LBQ women, recommendations are made below.

Research and documentation

Research and documentation ensure that lived realities and experiences of people can be recounted with the intention of preserving culture, building knowledge, challenging ideals, informing policy, and monitoring the effectiveness of various programmes and activities.

Bennet (2010) rightly deduces that the intersectional dynamics within colonialism, race, patriarchy, homophobia, and the perpetuation of passive sexuality for African women has led to a significant gap in the understanding of how women in pre-colonial times interpreted and fought various injustices in society, particularly violence.

In Africa, the issue of violence against women is a top priority for the women’s movement, as seen in the increased amount of research, adoption of initiatives that increase documentation, sensitisation of state officials to the issue, and investigation of cases. However, most of the published reports on violence against women do not highlight cases of LBQ women and, where mentioned, there is not much depth into how violence against this group is perpetrated and stopped. This is a key area in which the women’s movement needs to interact to draw up inclusive action plans.

Legal pluralism

Pluralism is unique to the African Charter (as enshrined in paragraph 5 of the Charter). Most African constitutions acknowledge both customary and statutory laws that seek to elevate women’s rights in society. This complexity brings the debate of cultural relativism and universality to the forefront as the former expresses the accepted practices promoted by the community, whereas the latter promotes the regulatory institutions that seek to uphold universal norms, human rights, and aspects of gender equality.

Legal pluralism is highlighted to invoke the support for woman-to-woman relations that have existed and are still upheld in various African societies (see, for example, Kareithi, 2018). The positive side is that the existence of LBQ relations is justified, and the negative connotation is that the fight for equal recognition of these relations is now equated with the western induction that, in turn, weakens the legal recognition and the quest for justice for this group.
Conclusion

Despite the women’s movement’s evolution in various facets, ranging from organising and mobilising to institutionalisation, it can be presumed that patriarchal and heteronormative forces of power continue to paralyse their objectivity. This paralysis can be objectively seen in how they engage, address, advocate, document, research, and challenge laws that result in the exclusion of LBQ women within their frameworks. As Barbra Smith (1982: 49) states:

“Feminism is the political theory that struggles to free all women: women of color, working class women, poor women, disabled women, lesbians, old women—as well as white, economically privileged, heterosexual women. Anything less than this vision of total freedom is not feminism but merely feminist self-aggrandisement.”

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Arudi Laurah

Calling for the repeal of Section 164 (a) and (c), 165 and 167 of the Penal Code. Gaborone, Botswana.

Credit: LEGABIBO.
Protesters at the #TotalShutDown against Gender Based Violence, Lesotho. Credit: The Hub @ Morija.
Building sustainable feminist futures for young women human rights defenders

Florence Khaxas

Young human rights defenders are filled with passion and drive for social justice work. Poetry is a source of healing and grounding for me, which has given me a safe space to express myself and to use my anger in service of putting the personal into politics. There was no language that was possible for me to express human rights violations other than through poetry, and fellow LBQ young feminists whom I have connected with in various spaces and communities have similar feelings. Poetry is an outlet and a way of holding myself accountable, speaking my truth, and building resilience. My work has always involved using creative expression to map the landscape of childhood trauma and sexual violence, starting conversations on healing and justice for marginalised communities, such as LBQ women in Namibia.

Poetry as solidarity and sisterhood has created a sacred space where one can be vulnerable, as human rights defenders (HRDs), let our guard down, and be authentic to ourselves and the movement. Poetry is a language of the ancestors that speaks to us, connects us to our inner selves, and allows us to explore our reserves of power. Poetry continues to play a role in creating visibility for our culture and knowledge and in movement building towards a deeper understanding of the queer. The poetry movement among women human rights defenders (WHRDs) strengthens the global feminist movement as the broader movement penetrates into Southern Africa, and we are more connected through ICT and social media. We share poetry as we also build sustainable feminist futures governed by radical love, pleasure and wellbeing at the core its core. Poetry is a site of documentation and co-creating feminist realities, which echoes that our lived experiences are valid and should be documented.

Heteronormativity and organised religious fundamentalism continue to close spaces for HRDs. However, the poetry movement of WHRDs continues to challenge patriarchy by creating safe spaces for experiencing feminist joy and creating a healthy environment to work, play and be creative in.

The poems shared here were first showcased at Owela Windhoek Festival and published in Owela: The Future of Work, volume 1.1

1 Available at: https://issuu.com/owela/docs/owela_publication

Florence Khaxas is an African feminist poet, healer and a strategic visionary leader with over 10 years of experience in feminist organising and movement-building in Namibia. She uses technology to offer leadership mentorship and coaching for rural feminist and LGBTQI activists in Namibia. Her work connects young women and queer youths with holistic alternative self-care techniques and resources and builds grassroots community. Her interest is in the mental health of activists and marginalised communities, access to safe abortions, and economic justice for rural women. Florence is the Director of Y-Fem Namibia Trust and a founder and curator of a township museum called Mondesa Museum in Swakopmund strengthening the community-based virtual arts movement.
Memories of the dance that our ancestors danced
is stories that would heal us,
Guide us into victory
This is the land of the brave not land of the shamed
Let my tongue speak for me when heart is too broken
Resisting the shame of patriarchy
My Culture colonized my autonomy
My choice and disobedience,
Defines my belonging in this land of the shamed
I belong to the land of the words,
The immortal representation of my struggle
Liberated is my soul the one that writes on canvas of the desert,
Dama #Nu axas a se ta ra kaima
The Daures gives me courage reclaim my power
I decolonize my language
My eyes monitor the poverty of my mind that was installed by colonization
But my heart overcomes poverty through kindness as a sisterhood,
The social isolation doesn’t scare me as I walk through the streets of Mondesa,
Expressing my sexuality through the movement of my poetry, my identity
Belonging
Home
Redefining my power,
Challenging the dominant narrative
By defining myself for myself
I am Africa, in this land of the brave
Where the blood of black women floods the rivers
Orange river
Hoarib river
Kavango river
won't be erased

Kuiseb river
Ugab river
Tsauchab river

The rivers that carry the shame from colonialism that taught us to hate ourselves and each other,
The same rivers that are the map
A map to the future of collective action to heal the wounds of generations of abuse,
The rape of Queer bodies is the legacy of the genocide of the bones of our ancestors
The silence is so loud, but the words that comfort collects dust
In the bookshelf of dairies
Documenting each tear
The birth of activism through adversity
Becoming thinkers and stepping into our power
As young, vulnerable, invisible in society yet emerging as creators of new ways of thinking
with courage and resilience,
silencing the voices of guilt of being an outcast at the black church
that colonize our sexuality
to the perpetuated denialism of depression of our black bodies
as prophets, the new colonizers shrinks queer thought
we march to end violence and corruption on a hungry stomach,
as capitalism taunts our intimate relationships
healing the wounds of abuse in isolation,
while feminism reminds and comforts us that we are more than the bullying & harmful cultural practices that deepens our trust issues,
we still march for LGBT visibility through the colonial streets of Swakopmund
Resisting shrinking spaces,
redefining our collective power and healing
Protesters at the #TotalShutDown against Gender Based Violence, Lesotho. Credit: The Hub @ Morija.
Pleasure

Pleasure is a human right. It’s a birthright. It is a spiritual practice that connects us to our bodies and to other bodies. WHRDs are sexual beings and young queer HRDs need secure spaces to have discussions about safer sex and pleasure.

I need you to see the blackness of my body
map the trauma of the invisible scars.
Recognize yourself in the blackness of my body.
Silence screams
Sweat.
My vulva smiled back at her with pleasure
Ancestral wife
I cum bearing gifts,
Ti soros ge!
Ti soros whom
My pleasure is mine as my body is mine
Heteronorms that stares straight at me scares me not.
My pleasure is the norm
loving the blackness of my body unapologetically as this resilient spirit that gives me fire when the coldness of this world numbs me. ’Mpenzi wango.
Look at this body’
The result of the toxic, unrealistic work practices of WHRDs is burnout. We need to talk openly about the dangers of burnout as it can create an avenue for using sex as a coping mechanism, but sometimes in a negative way. Burnout can manifest itself as self-harmful sexual behaviour, and we need to be open about our relationships with sex.

Alcohol abuse is one danger which can exacerbate unsafe sexual behaviour. This is a risk for young WHRDs, and there is a need to start a dialogue on safety and security for ourselves and the movements that we work in. Trans communities, young women living with disabilities, and black lesbians in townships are often victims of sexual violence, and the danger regarding that is the silence. How do we create sustainable futures when heteronormative and patriarchal systems control our bodies and prevent our bodily autonomy? Harmful colonial policies also limit our sexual rights.
Work

The future of work for WHRDs

‘Sustainability’ regularly comes out as a theme at HRDs’ meetings informally. We continue to reimagine a future of work that is truly feminist, whereby our human rights as HRDs are protected and promoted. But what is sustainability? How do we sustain ourselves as workers in human rights defence when our work is not being recognised, and donors do not pay us for the time and work that we put it? The future of work for WHRDs must recognise the need for healthy labour practices. We should transform our organisations by creating healing practices and rituals. Donors that fund young feminists need to understand that rest is just as important as financial security for HRDs.

WHRDs are vulnerable to violence and other security risks, but investing in their overall wellbeing eases some of the stressors.

The care economy is another aspect that should not be forgotten. It is centred on the family and community, and it is work that is not paid for. Young WHRDs work is also a form of care work, which is not always fully recognised as a service provided to our communities to uplift and empower us.

The work of HRDs in grassroots community projects is often informal unpaid labour, which carries the risk of burnout and eventual overall dissatisfaction with work, especially when there is no funding and one does not see results. We need an HRDs’ movement in Southern Africa that promotes and protects healthy working environments, which can be recognised as a form of resistance, as a political act, whereby we take care of ourselves, one another and our planet in a non-violent environment instead of sacrificing everything under patriarchal oppression.

Mantra and affirmation

I am enough
I am love
I am worthy of rest
I am worthy of respect
I am worthy of a healthy working environment
I am grounded
I care for myself as I care for others
I am balance
I am connected to the planet and co-existing with everything else in it
I forgive myself
I trust myself

In conclusion

We should not leave young WHRDs out of the discourse. They also need safe spaces to form meaningful friendships for solidarity as the work of HRDs is often conducted in isolation, but the few existing spaces are under attack. We also should not question young WHRDs when they say they need rest and self-care. We need safer working environments, including social security, medical services, adequate time for rest, and physical protection. When we budget for our organisations, we also need to do it collectively and listen to the wellness needs of HRDs. They also deserve to have time to explore other fields to create balance and grounding in their lives. We need to decolonise the way we work, and build sustainable feminist economies that are centred on wellness. Poetry offers an avenue to meet some of these goals, and I have realised that it is more than a practice of healing in this context. It is done for survival. Thus we need to continue writing about and sharing our feminist realities as part of improving the lives of WHRDs.
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Cebsile is a gender activist serving in the Swaziland National Association of Teachers (SNAT) at branch level. She has written various articles for publication in the union’s magazine, SNAT Eagle, where various issues from basic teaching to gender-based violence are tackled. She submitted a conference paper for a Global Labour University Engage conference held at Wits late last year. She says she envies articulate articles on contemporary issues as the written text has a cunning effect on the reader’s subconscious sense to gradually influence their manner of response.

Introduction

The thematic intent of this paper is to outline how the culture of exclusion, impunity and fear has affected the nature and efficacy of the work of women human rights defenders (WHRDs) in Africa. The arguments are based on the author’s personal experiences as a WHRD working mainly within the trade union movement in Swaziland. The fundamental emphasis will be on cultural implications, impunity, as well as the fear engulfing women as they try to tackle critical issues affecting their development and empowerment, both at federation and union levels in the trade union movement.

Absence of women’s voices in matters affecting them

The women’s rights agenda is, in some instances, driven with little to no involvement of women, which is against common expectations that they would be at the forefront of this work. In Leading like a Woman, Nzimande (2019: 4-8) notes that there is a pervasive “disregard, neglect, underdevelopment and discouragement of women leadership in all spheres of life”, further noting that the “system of male domination in leadership has been hetero-normative and visible with most companies, political parties, trade unions, religious institutions, education institutions, judicial institutions.” Oftentimes, the drivers of the agenda have no real interest in women’s rights but rather their mission is one of strengthening toxic masculinities and
entrenching patriarchy much to the detriment of women’s rights. The agenda for women’s rights and their emancipation can only succeed if women themselves lead, coordinate and fully participate in addressing issues affecting them. Men should not be allowed to displace women in critical issues facing society. For example, recently in Swaziland, many men have been reported to object to the implementation of the new Sexual Offenses and Domestic Violence (SODV) Act 2018 (Indvodza, 2019), including some of the country’s legislators.

Reasons for the objection generally include patriarchal biases rooted in cultural and religious reasoning wherein men feel entitled to women and their bodies, and to dominate and control them. Some of the contentious issues are around stalking and when men propose love to women – issues which some interpret the SODV Act as being too harsh on (Ndlangamandla, 2019). Instead of liaising with women who are the most affected by stalking, men in power, especially in Parliament, acted unilaterally and debated the issue without consulting women in the process. Fortunately, concerned civil society organisations, such as the Swaziland Action Group Against Abuse (SWAGAA), were successful in organising resistance to and countering these problems, but not before it had created a lot of tension and encumbrance to the general empowerment of women to stand up for their rights (International Commission of Jurists, 2019).

**Understanding cultures of impunity in the work of WHRDs**

Female representation, both in the Trade Union Congress of Swaziland (TUCOSWA) and the Swaziland National Association of Teachers (SNAT), is highly skewed. In the former, for instance, there are only two females serving in the national executive committee, while the latter has only three out of ten. This is one display of power imbalance, which creates a situation of uneven attention to issues relating to women. This translates into a culture of exclusion and impunity in addressing women’s issues.

The former president of SNAT, Sibongile Mazibuko, was voted by pensioners to the Board of Directors of the Public Service Pensions Fund (PSPF). Being a fierce women’s rights activist, former trade unionist, and also a member of the SNAT Board of Trustees, Mazibuko was seen as a threat to the establishment, especially the executive arm of government. Consequently, there was heavy opposition from government to her nomination, and she was blocked from being part of the Board to represent pensioners, even though she was elected by them (Nkambule, 2019). Unfortunately, because of the lack of women representation in other major governance structures, there was insufficient support for her. Had there been enough empowered women in other structures, they could have rallied behind her and pressure the government to agree to have her on the PSPF.
Mapping the Terrain

Board. The violation of Mazibuko’s right to freely serve on the PSPF Board is a clear indication of how those in power act with impunity to ensure that powerful women do not have access to key public roles where they can enforce accountability and insight.

WHRDs face huge challenges and fear within the trade union space, which contributes immensely to silencing even the few voices present. The police, government officials and their cronies abuse power knowing that they will never be held to account. For instance, in August 2018, teachers in Swaziland gathered at the SNAT centre to stage a vigil as they fought for the granting of their outstanding Cost of Living Adjustments (COLA) from the government (Peoples Dispatch, 2018). Unfortunately, a misunderstanding ensued and police started indiscriminately firing live bullets and teargas at the crowd. Instead of the police being charged for firing live ammunition, as per the public order laws on dispersing crowds, the police officer leading the charge was transferred to another police station and later promoted to station commander (Peoples Dispatch, 2018). What then can grant assurance to women activists if violent perpetrators from the security forces are rewarded for attacking workers? The same and worse happens whenever women set out to demonstrate against adverse working conditions. As a result, most women are deterred from taking the lead in seeing their rights protected with dignity.

Lack of women’s participation

Patriarchal norms have disrupted women’s participation in many spheres, for example, in trade unionism. Women’s involvement at leadership levels in workplaces and other opportunities has been curtailed by the phenomenon of attributing individual women’s mistakes to the wider collective, which further leads to decreased motivation for women to exercise and assert their power. This decreased motivation has the wider effect of disillusioning advocates for women’s human rights themselves. In addition, within trade unions, there are negative stereotypes attached to women’s leadership and overall ability to be union leaders. Women who decide to be leaders are intimidated and suppressed by the patriarchal system that runs the trade unions.

Disturbing trends are observable within SNAT where, for the longest time, women are relegated to serving refreshments instead of actively engaging on pertinent policy issues. Oftentimes, this means that women cannot successfully stand up for their rights because of the reliance upon men to assist with their political know-how. The power imbalance places women in a vulnerable position. Corruption and sexual exploitation in these contexts are often inevitable. Women are blackmailed, sexually abused and exploited in return for political favours within the trade union space.

In these male-dominated trade union spaces, it is almost impossible for women to develop political leadership, and engage in the vibrant policy, economic, social and overall trade union agenda. Women who have the best platforms and skills to advance women’s human rights are often faced with pressure and social constraints when working on such policies and conventions. They experience intimidation socially and in their own private family lives, leading to a withdrawal from their work. In the face of all this, women together need to find the power, resilience and community to advance the role of
Empower women socially, economically and politically so that their understanding of issues is on par with men’s and so that they can articulate on reliable measures to take, frameworks and policies.

women globally and understand the strength of that shared vision. It is demoralising when those women who seem to be ‘powerhouses’ with excellent capabilities and skills are affected by the pressures exerted upon them by a patriarchal society.

Recommendations for transforming the trade union landscape

Given the difficult realities faced by WHRDs, as alluded to in this article, the following are key considerations and recommendations to level the playing field and eliminate imbalances and the exclusion of women in leadership spaces:

- Empower women socially, economically and politically so that their understanding of issues is on par with men’s and so that they can articulate on reliable measures to take, frameworks and policies. They should develop confidence and resilience to commit to decisions as leaders.

- Acknowledge and reinforce women’s capabilities and diligence to boost their assertiveness as they carry out assigned tasks. However, this should be strictly on merit basis and without fear or favour.

- Modelling of transparency and accountability as critical leadership qualities can create a permanent imprint and challenge women to strive for excellence as they operate in any sphere.

- Enforce zero-tolerance to sexual and other forms of abuse of women within the trade union space, thus making it safe for women to participate freely.

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Mapping the Terrain

Gonyeti and

At the top, Samantha ‘Gonyeti’ Kureya. Credit: Mail & Guardian.
Ghetto comedy as human rights activism in urban Zimbabwe

Tinashe Lukas Chimedza

Abstract

Historically, in post-colonial Zimbabwe, the women’s movement has contributed immensely to social and political mobilisation for change in gender relations across society. This mobilisation, important as it has been, has generally featured women from powerful organisations and political parties, who are highly educated and often occupy powerful positions. What has been missing from this important social and political change narrative is how women in working-class spaces, in this case from the urban ghettos, have stepped up to the social and political platform, using modern digital platforms to influence social, economic, and political change.

This article highlights the comedy platform called Bus Stop TV, mainly the two top comedians, Samantha ‘Gonyeti’ Kureya and Sharon ‘Maggie’ Chideu, and how as ‘ghetto voices’ they have used their agency for social and political mobilisation. The video skits have also broadcast social and political commentary about public policy, pervasive corruption and poor social service delivery, and ventured into questions about sexuality which are otherwise considered taboo in Zimbabwe.

To achieve political and social change mobilisation, Gonyeti and Maggie have used a repertoire of comedy, hard-hitting parody, satire and community journalism, and they have managed to change the narrative of political and social action as largely dominated by the educated and powerful class. Gonyeti and Maggie have effectively utilised digital platforms as spaces for social and political action and, in the process, they have generated important debates and public interaction, effectively deepened civil space for democratic political participation, and enhanced the defence of human rights in a country known for state authoritarianism. As warned by poet and liberation war veteran, Freedom...
Nyambuya, ‘men get threatened when women organize’ (Lyons, 1999), and there has thus been a backlash against the comedians, especially when they were arrested.

**Comedy skits and unsettling power**

On 12 November 2019, Zimbabwe’s award-winning female comedians Gonyeti (Samantha Kureya) and Maggie (Sharon Chideu) were summoned to Harare Central Police Station. The two, arguably Zimbabwe’s top comedians, were accused of contravening the Police Act by appearing in a video wearing police uniforms. Zimbabwe Police Spokesperson Charity Charamba stated that the comedians were arrested for ‘acts of criminal nuisance’. The arrest was widely condemned, and an editorial in the News Day (28 February 2019) argued that ‘Zimbabwe is a democracy, a functioning democracy and artistic creativity ought to be encouraged and not stifled as its leading lights are harassed’. In the video, for which the comedians were charged with ‘criminal nuisance’, the two comedians shamed the way the police react with violence when citizens protest and then deny the existence of such brutality.

The two artists were represented by lawyers provided by Zimbabwe Lawyers for Human Rights (ZLHR), indicating that the comedians are seen as important creative social and political activists. The act of exposing, challenging and speaking ‘truth’ about state brutality is a relevant take on Zimbabwe’s state-society relations in the context of what has been called the descend from ‘liberation to authoritarianism’ (Dorman, 2015) or the ascend of ‘grotesque nationalism’ (Gatsheini-Ndlovu & Muzundidya, 2013). True to their talent and hard-hitting social and political commentary, the two followed the arrest with another video skit, minus the police uniforms, but still challenging police brutality.

In post-colonial Zimbabwe, the women’s movement has contributed immensely to the social and political mobilisation for change in gender relations across society, and this is evident in the progressive Constitutional provisions and various statutes. This mobilisation, important as it has been, has generally featured well-educated women from...
powerful organisations and public leaders occupying powerful positions like political actors, lawyers, journalists, trade unionists, writers, social movement leaders and academics. The history of this movement has been chronicled in *Shemurenga: The Zimbabwe Women’s Movement 1980-2005* by Shereen Esoff (2013).

Other researchers (Nhongo-Simbanegavi, 2000; Lyons, 2004; Chung, 2006; Gaidzanwa, 2009; Shaw, 2015) have expanded the understanding of how women have shaped social and political issues in Zimbabwe stretching back to colonial-settler Rhodesia. What has been missing from this important social and political change narrative is how women from the urban ghettos have stepped up to the social and political platform, using modern digital platforms to influence social, economic, and political change.

The comedy platform Bus Stop TV and the comedians Gonyeti and Maggie have used their ‘ghetto voices’ as an agency for social and political mobilisation. They have attracted state repression by creatively expanding their agency to defend human rights, expose broader state repression, and deepen democratic space. Democratic space is understood here in the sense of the ‘public sphere’, as argued by the critical theorist Habermas in the classic *The Transformation of the Public Space* (1962).

### Challenging gender-based violence, sexual harassment and gender stereotypes

One of the most glaring aspects of Zimbabwe’s gender relations is the pervasive presence of gender-based violence, discrimination against women, and economic inequality whereby women suffer disproportionately. Gonyeti and Maggie have continuously used their comic skits to challenge gender-based violence, workplace sexual harassment, gender stereotypes and, in some cases, even tackle controversial questions of sexuality. When it comes to the scourge of violence and harassment, the situation is captured here:

> Overall, 35 percent of women report that they have experienced physical violence at some time in their lives...
> Almost half of ever-married women (45 percent) report that they have experienced physical, emotional, or sexual violence from their husband or partner at some point in time. Thirty-two percent of women report that they experienced emotional violence, 31 percent experienced physical violence, and 13 percent experienced sexual violence (Zimbabwe National Statistics Agency (ZIMSTAT) & ICF International, 2015: 42, 45).

In one comedy skit titled ‘Sadza raBaba’ [Food for the Father], the comedians challenge gender-based violence, especially when a man character complains about cold food and attempts to beat up Gonyeti. Interestingly, the man uses culture (roora, lobola or bride price) as a defence for his violent behaviour, but Gonyeti is having none of it and refuses to be beaten up simply because the man paid the bride price. The tables turn, he is beaten up, and he has to be revived with a bucket full of water.

In another skit titled ‘Chikudo Nashefu’ [Horseplay with the Boss], there is a conversation about Maggie’s relationship with her boss, and it is revealed to be a case of workplace sexual harassment which Maggie has to endure for work security. Gonyeti assertively argues that ‘I chose who I hug’, in the process emphasising that personal choice, consent and body decisions are important for women. These skits have taken the battle against gender violence into popular spaces, and effectively rights are being popularised.

### Elections, political mobilisation and dialogue in Zimbabwe

The comedians have explored and confronted issues of elections, mobilising voters, and promoting dialogue, but they are also encouraging people to think about electoral violence, its trauma, and how it tears communities apart. Considering that Zimbabwe has had elections defined by violence, militarism,
and ongoing contest over electoral outcomes, it becomes clear that, by tackling these topics, the comedians have been courageous. This is especially so in the face of the state’s abduction of human rights defenders like Jestina Mukoko, who told her horrific story in The Abduction of Jestina Mukoko: The Fight for Human Rights in Zimbabwe. Other women subjected to this state authoritarianism include human rights lawyers like Beatrice Mtetwa and Fadzai Mahere, among others. The shrinking of democratic space has continued to be characteristic of state-society relations, even after the November 2017 ‘military assisted’ transition.

Under what has been called the ‘new dispensation’ or ‘second republic’, human rights defenders and activists, including Joana Mamombe, an opposition member of Parliament, have been charged with trying to ‘remove a constitutionally elected government’. The two comedians have created skits on elections and voter education, the need for political dialogue and political tolerance in the country, and travelled the country asking citizens what they expect from the ‘political dialogue’, thereby deepening democratic space and pushing back against repression.

Social and public services commentary: Keeping political power accountable

One of the areas that citizens have been critical of has been the lack or collapse of social and public services and also rampant corruption. The comedy skits by Bus Stop TV have not spared in attempts to keep those in power accountable. Decades of disputed elections, economic collapse, and a polarised society have had a negative impact on public services delivery, and this is especially evident in social services like education, health, dilapidated infrastructure, and lack of access to employment, especially among women and young people. Bus Stop TV has often done skits in which they are educating the public on where to report social services issues, and they have also used their community journalism to question members of the public and to put questions to public leaders. Citizens play a very important role in keeping leaders accountable, and this is made easier if citizens are educated on whom to make accountable. On the one hand, they are doing civic education, and on the other, they are putting pressure on political leaders to deliver on their promises.

In one comedy skit, ‘Sir Wicknell Akadya Mari Yemagetsi’ [Sir Wicknell Ate the Electricity Money], Gonyeti and Maggie are arguing about the lack of electricity in Zimbabwe. The country has been having up to 18 hours of electricity load-shedding per day, and citizens struggle with the unaffordability of cooking alternatives (Manayiti, 2019). Here is a brief exchange:

4 https://www.youtube.com/watch?v=ntixTmflhd8o; ‘Sir Wicknell’ refers to businessman Wicknell Chivayo. See https://www.herald.co.zw/zpc-nails-minister-%E2%80%93-he-pressured-us-to-pay-chivayo-5m-%E2%80%93-businessman-admits-failure-to-raise-guarantee
In this skit, through the use of props (cooking with wood) in an urban setting, and the discussion about the lack of electricity, money advanced to a corrupt contractor, ‘austerity for prosperity’, and the lack of planning, the comedians are highlighting public policy issues that the citizen must demand action on.

Social media and digital platforms: Innovative agency and change

Traditionally, women’s and other social and political movements (including human rights organisations) rallied, mobilised, and organised through networking, workshops, public meetings, advocacy through public representatives (Parliament, council, etc.), and in some cases public protest. These methods of organising have had an impact but have also been subject to state repression as the ruling political class has always viewed civil society and the women’s movement with suspicion.

Gonyeti and Maggie’s comedy skits and the use of technology platforms have been effective in taking advantage of the fact that Zimbabwe now has over 8.7 million active internet subscriptions and 93.1% mobile penetration (Postal and Telecommunication Regulating Authority of Zimbabwe (POTRAZ), 2018). This level of mobile phone penetration and active internet subscriptions means that Gonyeti and Maggie now have an extensive potential and actual audience for their comedy skits and community journalism video clips. As of November 2019, the Bus Stop TV YouTube channel had more than 63 800 subscribers and 27.7 million views. Their Facebook following is more than 170 000. Other social and political activists have also been using digital platforms, such as Facebook and Twitter, and some good examples are Pastor Evan Mawarire (#ThisFlag) and the lawyer Fadzayi Mahere, and youth activist campaigns like Tajamuka/Sesijikile.

The comedy skits often go viral on other digital platforms, and ordinary citizens share these videos on platforms like WhatsApp and Telegram. The videos are also shared by other community organising platforms like Kubatana. By using social media and other digital platforms, one can argue that they have managed to escape the ‘state censor’. Considering that the state has a near-monopoly on radio and television, social media platforms have become important ways to deliver social and political messages and generate debate on very important issues. Indeed, President Emerson Mnangagwa has been very present on Facebook and Twitter, during the election campaign he used SMS to reach voters, and he famously called on his voters saying, ‘Tambai navo musocial media, varakashei’ [Play opponents on social media, thrash them]. Others have also argued that social media has become a ‘critical space for information distribution and political campaigning’ (Magaisa, 2018).

Subverting patriarchy and re-configuring gender relations

If the arena of culture is contested by different competing ideologies, and it is a space in which hegemonies and counter-hegemonies are constructed (in the Gramscian sense), Bus Stop TV is actively
Defending human rights and taking civic action is about deepening social and political space for democratic participation in matters of governance. Thus one can argue that these two have played an important role in making complex matters popular in everyday lives far removed from but connected to the broader women’s movement and political contests of the day. They also use contemporary street language to communicate their message, which easily identifies with the ordinary women and men who would struggle with the complex jargon often used in human rights advocacy.

References


John Masuku is Executive Director of Radio Voice of the People (VOP) Zimbabwe, an independent alternative station focusing on free expression, human rights, and lobbying for the licensing of independent radio stations. John has a BSc (Hons) in politics and administration (University of Zimbabwe), and an MPhil in journalism (Stellenbosch University).

He won the URTNA Nelson Mandela Prize for his radio documentary “Beira Corridor – Zimbabwe’s Eastern Trade Passage”, a joint Prix Futura Award for the drama “Changes” dealing with challenges faced by professional women in Africa, and he led VOP to win the International One World Media Prize for promoting human rights in a politically volatile environment. In 2013, he was awarded the Press Freedom Prize. John has trained many journalists and established a journalism school in Zimbabwe. In 2017, he was appointed a fellow at the Central European University’s Center for Media Data and Society. Contact John by email at jjwpmasuku55@gmail.com, or tweet him @john_masuku.

The Gender and Media Connect (GMC) organisation succeeded the Federation of African Media Women Zimbabwe (FAMWZ). FAMWZ was established three decades ago to drive Development Through Radio (DTR), among other goals, in the then five-year-old independent Zimbabwe. The nation was desperate for reconciliation and reconstruction after the bitter liberation bush war, which lasted many years. The process heralded the need to emancipate women in the media who had historically played peripheral roles in both operations and leadership.

The UN World Conference on Women held in Nairobi, Kenya from 15 to 26 July in 1985 had a major influence on now-retired veteran broadcaster Mavis Moyo, who turned 90 years old on 17 July 2019, together with her colleagues, whose newly found inspiration would slowly overturn the blatant undermining of women. They pondered, together with the public broadcaster, funding partners, media trainers, the women’s government ministry, and other stakeholders, the idea of establishing FAMWZ in order to empower women media practitioners first and, thereafter, ensure their fair deployment across the media spectrum. This, according to Moyo, would end the exclusion of women from the old patriarchal society, including posts of influence in the development process.

GMC’s functions are thus still anchored on its mission and vision which seeks to empower women in various sectors of society to engage with the media. It works to promote the rights of women in media and the rights of women in accessing media, both as sources of information and as platforms for free expression. “We defend women’s right to be heard by trying to give them a voice in our media,” emphasises GMC National Director Abigail Gamanya.
Media projects the voice better

“We want to see media women taking their rightful places as managers in the media and establishing their own newspapers, magazines, and broadcasting stations, and film industries. They have the capacity to do this and also to run media training schools,” Mavis Moyo explains (in Kubatana, 2002).

Capitalising on one of its founding key objectives, “to lobby, advocate and facilitate the creation of a more gender sensitive and inclusive media environment,” GMC has, in its programmes, included men in its structures and projects, and helped men to fight for their rights, although women remain owners of the projects. This could be the answer to why efforts to rename the organisation Women Media Network of Zimbabwe (WOMENZ) failed. The organisation’s human rights defence work is non-discriminatory, and cuts across the sexes, in the true spirit of motherhood.

The emancipation of media women was FAMWZ’s major act as a human rights defender since it assisted them to fight the patriarchy in employment and distortions in content creation spheres. It would also embrace men in different communities, variously disadvantaged socially, politically, and economically, as the country embarked on post-liberation war reconstruction and rehabilitation, while faced with new internal conflicts.

The Inter-American Commission on Human Rights (in Frontline, 2007: 1) sums this role up: “Human rights defenders carry out the vital work of protecting everyone’s rights. Protection of such defenders thus takes on singular importance.”

Civil conflicts shatter human rights

When the post-independence civil disturbances, notoriously known as Gukurahundi, erupted in Matebeleland and the Midlands provinces, and continued from 1981 to 1987, as many as 20 000 people were reported killed by then Prime Minister, later President, Robert Mugabe’s government’s North Korean-trained Fifth Brigade. At times they used some of the most inhuman methods, including torture, rape and wanton destruction of villages of opposition supporters. This resulted in men, women and children being displaced and many families were unable to trace the whereabouts of their loved ones, particularly of men who were the most targetted.

Orphaned children struggled to get birth certificates and other identity documents in order to move on with their education and career. Through FAMWZ’s most celebrated intervention, the establishment of countrywide radio listening clubs, such human rights stories were brought to light, thus reaching the attention of government officials. Some, like late former Home Affairs Minister Dumiso Dabengwa were victims and sympathisers before the major political parties, Mugabe’s ZANU and the ZAPU, led by Joshua Nkomo, united in 1987. The process was expedited in the affected provinces, and people’s rights were restored. Moyo (in Matewa, 2003) explained:

Radio listening club members were sometimes joined by other community members when they congregated once a week to listen to purpose-produced radio programmes on the Zimbabwe Broadcasting Corporation (ZBC). A two-way communication between officials and members was achieved. A culture of presenting pertinent issues was inculcated.
Basic human rights awareness in action

A case study of the DTR project published by the Communication Initiative listed a number of issues that were broadcast through radio listening club programmes resulting in the restoration of lost human rights and dignity. Discussions covered challenges in accessing healthcare following an outbreak of malaria in some rural areas due to long distances that have to be travelled. The programme coordinator played back the programme to health officials, and within a short space of time, some mobile clinics were sent to affected areas to offer treatment and immunisation.

Some discussions highlighted the lack of access to the public broadcaster’s radio and television programmes in some remote parts of the country, thus denying people access to basic information. Booster stations and shortwave transmission were thus put in place, although signal reach remains one of the country’s major communication challenges.

The issue of access to basic educational facilities due to long distances travelled by both girls and boys, especially during rainy seasons and in areas where wildlife poses a danger, and the lack of qualified teachers and learning resources also came under discussion. While solutions were offered and some charitable organisations contributed, these and similar challenges have remained on the agenda since politicians only take them seriously during election campaigns and disappear after being elected.

The case study also highlighted how communities were empowered through DTR to produce their own food rather than depending on charity. Experts were brought onto radio programmes to share information on farming skills and enable communities to improve food production and preservation.

“FAMWZ remained steadfast in promoting gender mainstreaming in the media. Its various initiatives helped to promote different rights through accessing critical information for transforming livelihoods,” according to FAMWZ’s former National Director Angela Makumure-Mubwandarikwa.

Fighting sexual harassment in newsrooms is key

FAMWZ and the Zimbabwe Union of Journalists (ZUJ) (2013: 4) launched a research publication, “Sexual harassment in the media: Who can I tell? What should I do?” which stated:

For many years, women in the Zimbabwean media have been grappling with sexual harassment which has impacted on them personally and professionally. Sexual harassment is becoming an extensive problem in most newsrooms, because, over the years it has transformed from subtle hints to inappropriate behaviour and now to blatant propositions. Since the change in behaviour has been gradual it is being considered normal behaviour. Journalists, and in particular female journalists are being sexually harassed at work by their colleagues and bosses and they have no idea what to do or where to turn.

In the booklet, and in several seminars and workshops that followed, FAMWZ proposed some best practices for media organisations: “It is in every organisation’s interest to ensure a workplace that is harassment free,” adding that “A responsible employer will want to ensure the safety of its staff and healthy conducive working environment. Organisations that do not have policies and processes in place may be thrown into confusion and scramble blindly when an incident occurs” (FAMWZ & ZUJ, 2013: 15).

John Masuku
Mapping the Terrain

Women should tell their own stories

To promote human rights effectively, it is important to promote a more diverse range of voices in the media.

From the days of FAMWZ to the current work of GMC, the organisation has continued with the task of bringing more women voices onboard.

“It has been noted that at times women’s sources are more difficult to get hold of compared to male counterparts,” said Gamanya upon the launch of the GMC photobook, “According to HER: A directory of women expert news sources.” The publication encourages women to enhance links between journalists and female experts in order to fight stereotypical information which was prevalent in news bulletins and media content. It lists over 100 expert women.

Speak your mind and be heard

Women media voices are an important part of enhancing media democracy as well as promoting women leadership. In the “Southern African gender and media progress study: Zimbabwe,” it is reported that the proportion of women sources was 24%, an 8% increase from 16% in 2010, and 15% since 2003 (GenderLinks, 2015). It also states that there are more women in newspaper images at 30% compared to women as news sources. A major concern still remains that women in Zimbabwe are heard more in soft news, while men’s voices are heard in hard news.

Women leaders in Parliament, local authorities, and non-government organisations (NGOs), like their media counterparts, are also human rights defenders who need to be empowered to use media facilities and spaces effectively.

Political stories are given the most attention and constitute 47% of all topics covered. The topics are considered “hard beats” and women hardly contribute as news sources. Therefore, the news is told from a predominantly male perspective, as GMC (n.d.) revealed in its report making recommendations to media houses on drafting gender policies that relate to content and institutional practices.

In launching “Speak your mind and be heard: A media coaching handbook,” GMC (n.d.) said the aim was to raise women leaders’ awareness of the nature of the media in Zimbabwe, its general set up, and how to approach and use it. The booklet was followed up with awareness and capacity-building workshops and training of women leaders in the public and private sectors, as well as enhancements in the links between media women journalists and women in other sectors.

Counting the gains

The media remains an important tool in securing public support and understanding of the country’s policies and programmes. GMC sought to highlight the work of women parliamentarians as a source of encouragement for future girl child leaders who will continue defending human rights.

“Counting the Gains” is a condensed profile of the work of Zimbabwean women members of Parliament, a collection celebrating female leaders who are traditionally marginalised in politics and the media. It highlights the successes, challenges and global aspirations of Zimbabwean women from local grassroots development level to the formulation of international laws that
More needs to be done to guarantee greater participation by women in politics

promote social justice and a fair world, according to GMC’s Abigail Gamanya, speaking at the well-attended launch of this photobook which profiled the Eighth Zimbabwe Women Parliamentary Caucus. Prof. Pamela Machakanja (2019) of Africa University wrote of “Counting the Gains”:

The photobook represents an embodiment of women’s capacity and capability to act as defenders and advocates for women’s rights through amplifying women’s voices as agents of transformative developmental change and ensuring the domestication of international legislative frameworks for the achievement of gender justice and women’s emancipation in Zimbabwe.

Speaker of the National Assembly, Advocate Jacob Mudenda, says in “Counting the Gains”, “More needs to be done to guarantee greater participation by women in politics”, stressing that “The caucus needs to engage with civil society with greater intensity as champions for the campaign for gender parity in both private and public sectors” (GMC & Research and Advocacy Unit (RAU), 2019: 4).

Conclusion

Right from the early days of FAMWZ to GMC, the organisation has played a pivotal role in empowering women to effectively use the media to project different voices which improve the protection of rights of groups and individuals. As the World Association of Community Radios (AMARC, 2008) observes, “Raising the awareness of women about political processes and opportunities in their communities” leads to their participating in democracy-building, while “Voicelessness and powerlessness” coexist with poverty. Thus, “democracy, equity and civil rights are seen not only as intrinsically desirable but as directly contributing to the realisation of good governance” (ibid). Poor and marginalised women remain “unaware of their rights... unable to challenge unfair decisions... to participate as citizens and take effective action to improve their conditions” (AMARC, 2008). It this, therefore, clear that radio and the broader media have a major role to play in women’s emancipation. All said and done, Gender and Media Connect (GMC) is indeed making the right connections, nurturing and projecting a loud voice in defence of human rights in Zimbabwe.

References


GMC (n.d.) Speak your mind and be heard: A media coaching handbook. GMC: Harare.


Defending land small scale women

Hilda Ntiya of Nnenwa Village in Malawi’s southern district of Thyolo smiles as she speaks about the benefits of landrace varieties saying they do not require recurrent purchase of seed and have high levels of inputs. Credit: Thoko Chikondi.
Ellen Matupi 2019 Driver of change award winner, teacher, land rights activist and woman farmer in Malawi. Ellen is the president for the Coalition of Women Farmers (COWFA) and has represented and continues to represent women in different fora at national, regional and international level.

Ellen hopes for women to own and control land, to register and never sell their land, to practice conservation Agriculture, replacing soil fertility with manure to combat the high fertilizer prices and mitigate climate change.

Jessica Mandanda is a feminist, writer and sexual and reproductive health and rights (SRHR) champion in Malawi fighting against rape culture and gender-based violence. She is an advocate for increased and inclusive access to contraceptives for young people and improved youth-friendly services which will encourage them to take control of their SRHR and engage them in social forums to open discussion on, among others, the experiences of young mothers, to encourage the use of contraceptives, and raise awareness on the importance of being sexually empowered to reduce teenage pregnancies, STIs and HIV/AIDS through provocative messages on issues surrounding SRHR.

Jessica is a body-confident feminist challenging the patriarchal social norms around body politics, the construct of dress in Malawi, speaking against body and ‘slut’ shaming, and encouraging and advocating body autonomy.
Awarded as a Driver of change in 2019, Ellen hails from Emanyaleni village, in Mzimba, TA Mabulabo, in Northern Malawi. She obtained her qualification as a primary school teacher from Blantyre Teachers Training College. Ellen is married and mother to six children. She later voluntarily retired and ventured into farming.

It was when she started farming in earnest that she got to understand the challenges that smallholder farmers, especially women, face. The challenges include finding profitable markets, access inputs, natural disasters such as droughts and floods, and lack of land ownership. These are especially hard for rural women smallholder farmers to deal with. The issue of land ownership for women has really resonated with Ellen.

In Malawi, both matrilineal and patrilineal land has been governed through customary systems. In a matrilineal system, women in the family inherit land, and the man moves into the woman’s family home after marriage. In patrilineal systems, where the inheritance is passed on to the sons, the woman moves in with her husband’s family. However, in both systems, men (the husband, the maternal uncle, or both) are often the decision-makers regarding access to and control over land (Kathewera-Banda et al., 2011). In addition, in both systems, land registration and titling for women are not a given and greatly depend on the interpretation of the customary systems in the particular local context.

Land disputes in Malawi generally occur over land transactions, land access, and land inheritance rights. The majority of these disputes are resolved by traditional leaders and courts recognised by the Constitution of Malawi.

Ellen, being a small-scale farmer herself, owns land in her own name and hopes that women and men will have land registered in their individual names. Understanding the importance of food security, and access to land for sustainability, she has dedicated herself to empowering rural women and training them to give them the necessary tools to own, control and manage their land for food security and economic empowerment for themselves and their families.

The fight for women’s land rights has seen great progress to date. Despite the key role women play in agriculture, in many districts in Malawi and regions in Africa, women do not have equal access and rights over land (Oxfam Malawi & LANDac, 2018). Equal land rights and access empower women to have a meaningful voice in decision making for the sustainability of their lives.

This inequality allows many injustices against women and the lack of food security in households in many rural areas in the country, with women struggling to sustain their families.

The issue of food security presents itself as a direct consequence of the lack of equal access to land rights as women are the key players in farming and production of food for commercial use and consumption, but they are often left out of the marketing and selling of the produce, leaving them with limited options to feed their families. This led to women looking to rent out their gardens, small-scale businesses, and village savings and loans to gain better food security for their families.

In 2006, seeing the struggle women in rural areas were facing to sustain themselves, women farmers came together to form the Coalition of Women Farmers (COWFA), led by Ellen Matupi. COWFA aimed to empower the rural woman farmer to become self-reliant and able to sustain herself.

Around the same time, Malawi was undergoing a land reform process, which was a perfect opportunity for women to address the numerous land challenges they were facing. In efforts to address this desperate need for equal land rights, COWFA embarked on the journey to passing the Land Bill in Malawi which would allow women equal access and control over land and the products of the land.
Speaking on how far they have come, Ellen Matupi, COWFA founder and Chairperson noted their highlights and their lows on the journey that led to the passing of the Land Bill. Ellen led the coalition to engage the Parliamentary women's caucus, NGO-Gender Coordination Network (NGO-GCN), WolRec, the Ministry of Gender, Children, Disability and Welfare, the Ministry of Agriculture, Irrigation and Water Development, the Ministry of Land, and Ministry of Justice to begin lobbying for the drafting of a bill that catered to women’s needs and women’s land rights.

To ensure that the process did not falter, Ellen led the coalition in maintaining communication with the women's caucus on the progress of the drafting of the bill. Upon receiving the first draft, the coalition proceeded to engage a lawyer to assist in the translation of the document. COWFA felt that the bill did not attend to the issues presented to Parliament initially and they went on to lobby for the draft to be revised.

After constant communication and revision of the bill, the Coalition proceeded to lobby and advocate for women’s land rights to push for the process to move forward in Parliament. Following this, COWFA saw the fruits of their labour as the new Land Bill was passed in 2015. The bill finally included opportunities for women to own land in their own right and have leadership roles in the implementation of the legislation. This was a major achievement. The new land laws recognise and safeguard the right to land for all, inclusive of disadvantaged women, widows and orphans, among others, who were highly oppressed and not catered to under the customary land governance system (Ndoza Mana, 2018).

The battle, however, was not over yet, as the president needed to assent to the bill before enactment. This process was very difficult as many cultural leaders resented giving women the power that the Bill allowed for. Ellen in particular faced numerous challenges as she herself comes from a highly patriarchal district. Through her relentless engagements as the leader of COWFA, and in collaboration with many partners, the bill was finally ratified by the president.

Following the passing of the bill, the Coalition faced the journey to implementation of the bill across the country, a journey that proved to be an entirely new challenge. Together with the Rural Women’s Assembly (RWA) and COWFA, Ellen was part of the team that organised women’s land rights forums and sensitisation meetings in Mzimba, Kasungu and Phalombe so that more women could assume leadership roles, acquire land titles, and enhance their land rights. This was done in partnership with Oxfam.

Implementation of the new land laws came on 1 March 2019, after four years of lobbying and advocating (Oxfam Malawi & LANDac, 2018). This was a major victory for COWFA and the women farmers in Malawi.

Throughout this journey, Ellen tirelessly mobilised women and engaged with different stakeholders to continue pushing for the implementation of the
new land laws. In 2015, Ellen was part of a task force, which mobilised over 500 women from all over Malawi, to join together to climb Mount Mulanje, in Southern Malawi to draw attention to the women’s rights and justice movement. The campaign, coined the ‘mini kili’, culminated in the presentation of the Charter of Demands that stated that women should own and control land in Malawi. This charter of demands was presented as the localised charter of demands to the Government of Malawi to implement the AU recommendation that requires states to allocate at least 30 per cent of land to women (Oxfam Malawi & LANDac, 2018).

In October 2016, Ellen again mobilised many women and joined women farmers across Africa as they climbed Mount Kilimanjaro in the Women2Kilimanjaro Initiative to draw attention to their demand for land rights for African women. There is a common saying that when one wishes to complain and speak about one’s grievances, one should climb atop a hill to be heard better. The concept of reaching the peak of the mountain was in reference to this saying, which spoke to the aim of the campaigns: women wanted to be heard.

Ellen was also part of the small group that conducted a feminist participatory baseline study on gendered land ownership and women’s land rights in Malawi. The research outcomes contributed to the advocacy process for the implementation of the bill. The study was supported by Akinamamawa Africa (AMwA, 2019)

Other initiatives Ellen engaged in include the participatory action research supported by LANDac, the Netherlands Land Academy, a partnership between Dutch organisations and partners working on land governance for equitable and sustainable development in Africa. LANDac, funded by Oxfam and supported by the University of Utrecht in the Netherlands, aims at continuing the efforts and campaigns for women’s land rights (see Nagasawa, Santpoort & Derkzen, 2018).

Currently, Ellen is involved in a pilot project to test the implementation of the new Land Bill. Three districts were chosen to represent the three regions in Malawi, Phalombe for the Southern region, Kasungu for the Central region, and Mzimba for the Northern region (Oxfam Malawi & LANDac, 2018). Noting the resistance from the chiefs and traditional authorities in Mzimba, however, a decision was made to move the pilot to Rumphi.

The pilot aimed at ensuring that more women can assume leadership roles, acquire land titles, and enhance their land rights. It ran from March 2018 to March 2019 and was supported by Oxfam, with funding from the EU. The Government of Malawi is to pay attention to the problems encountered during the pilot and find solutions to mitigate them before the national implementation of the new Land Bill begins.

When asked what her hopes and advice are for women farmers in Malawi, Ellen Matupi says she hopes women own and control more land, can register and never sell their land, practice conservation agriculture, replacing soil fertility with manure to combat the high fertilizer prices, and mitigate climate change. Conservation agriculture is one of the key awareness and training areas for women farmers, with the goal of empowering women in all aspects of land ownership and agriculture to maximise on their land and gain food security and be self-sufficient and sustainable.

COWFA was registered in 2012 and now has over 200 000 small-scale women farmers as members. From the passing of the bill into its implementation, COWFA has remained diligent in advocating at district and national level for women’s land rights. Ellen, the COWFA founder and Chairperson, now sits on the board for LandNet Malawi, an organisation working for land rights and access in Malawi, as well as the board of the Malawi Forum for Agricultural Advisory Services (MAFAAS).

Transforming women’s land rights in rural societies strengthens women’s position
within their families, communities and societies. As well as providing food, livelihoods and income, land provides people with social status, access to power and decision-making roles. It is a valuable tool in advancing the socio-economic rights and well-being of women and for improving their position in society and the cohesion and development of entire communities (Oxfam, 2018).

“If you give a woman land, you give her two things, food and money. She is able to sustain herself and her children,” says Ellen. Ellen, as president for the Coalition of Women Farmers (COWFA) has represented and continues to represent women on different land rights issues at national, regional and international level.

References


I have a revolver patched deep in my throat

With every shot I fire I dethrone oppression and enthrone equality

My voice is my weapon

I speak out

I am not strong in physique and that's not a letdown

I don't need muscles to fight for what rights

I know my rights and that's my strength

So I stand bold and wield my weapon to my heart's content

My voice is democratic
I speak out

I probe, I question rather than being passive and simply complying

So I'm shamed and named by those who feast on injustices, afraid I will expose them for their misdoings

But still I go on applauding myself for my resilience

I refuse to be silenced

I am speaking out,

Justice should prevail

And it will, my voice is my weapon
Darian Jaleane McWilliams descends from a proud population of survivors who conjured culture after their Africaness had been uprooted. She is a Black American writer whose style re defines reality, just as her heritage had to resoil its scattered seeds. She believes words are a meeting place between risks and fortunes, restrictions and freedoms, reality and fantasy. Her writing style mirrors how she exists as a queer artist who is redefining what is appropriate and acceptable according to her own passions, parameters and peace. She is currently living in Lesotho as a volunteer librarian curating a collection of African authors. In her free time, she merges photography and nude modelling with writing that aims to excite a respect for individuality, while also inspiring radical unity. Expressing emotion through poetry is her sorcery. Her personal projects can be found on Instagram @rantingandrighting.

Black is the color of beginning.
Red is the color of resilience.
Orange is the color of open minds.
Yellow is the color of young love.
Green is the color of graciousness.
Blue is the color of blessings.
Indigo is the color of intimacy.
Violet is the color of veracity.
Brown is the color of boldness existing on these bodies.
Is it wrong to want your abuser to suffer?
Am I suppose to be on some forgive and forget shit with my tormentor??

Nah.
Fuck that.
He can die slow.

Let me penetrate his chest with the same piece he used to tear through my flesh.

Twist and tug it until he moans my name with a restrained breath.

"Darian, please."
I'll look into his eyes,
Tilt my head and smile.

Jerk out and slam back in with ease

Arriving closer to my climax with his every seize.

And when I've got him on his knees
With tear-stained cheeks,
Kneeling before me,
I'll lean in close and whisper,
"I love it when you cry."

Yank out stiff and watch him bleed at my feet.
With a kiss I'll steal his last breath.
His "love" can live on in death.
The project #BlackDragMagic tells the stories of black queer, gender-nonconforming and trans bodies who were born or grew up in the townships of Cape Town, where they have to navigate their daily lives. The project is about augmenting the power in these stories of daily township spatial navigation, migration, culture-, gender- and sexual- identity. The project was created to serve as a platform of expression for black queer bodies where they were invited to co-create images they felt told their stories in a way that is affirming and celebratory.

The project was shot in Khayelitsha, a partially informal township in Western Cape, South Africa, located on the Cape Flats in the City of Cape Town. It is reputed to be the largest and fastest growing townships in South Africa. The name is Xhosa for Our New Home. And for the girls of #BlackDragMagic, the township is home and the space where they navigate their daily lives. In reality the township is also a space where they are subjected to harassment, violence and discrimination on a daily basis. Some of these girls are victims of hate crimes and discrimination, they had enough of violence and employed the bold belief that they are human beings deserving of dignity and respect. The process of creating the project became a radical and progressive act of activism to reclaim the township and to stand up against the overwhelming climate of discrimination black queer bodies face in the township.

Kafassie explains how the act of reclaiming the township was realised: “We reclaimed our rites and rituals by wearing female traditional wear, this is to say that this is our traditions too. We are also Xhosa. And we cannot separate our queerness from our Xhosanesss. The church is often used as an institution to promote anti-queerness; so we chose the church as a way of reclaiming our sacred spaces and to give visual meaning to the God we believe loves us the way we are. Finally, by being in a township space, a space where the most queerphobic and transphobic violence occurs it becomes an act of reclaiming the space where we navigate our lives.”

The setting was also chosen to showcase and celebrate the lesser known township drag scene that exists in Cape Town. Although Cape Town is known as Africa’s pinkest city and there has been an eruption of sequence, glitter and fabulous drag shows across the city, black drag queens are still being marginalised and excluded from mainstream drag.

The art form of drag has been westernised and South African drag queens have often assimilated to these western standards of drag. An assimilation to these standards is often seen as “elevation”, by doing that disparaging drag aesthetics that does not go the same route. There is therefore a need to celebrate and embrace African drag as an art that tells stories about Africans in Africa, the African way. It is an act of decolonizing drag.
Mandisi Dolle Phika, is currently a student training in LGBTQI political leadership at Victory Institute in Cape Town. “Growing up in the township is hard for everyone but it’s even harder when you are a young boy who is different from what is perceived the normative. Growing up I did my best to fit into the brackets of what is perceived the normative, it felt like I was betraying myself. It was a hard decision to place myself first, choosing to ignore the church, my family, my school, my community and everything else that disregarded what and who I was. I chose to be me, to live beyond these limitations. “If we don’t go to these spaces and we don’t reclaim them it’s like we don’t exist.”
Unathi Ferguson, 21, is a dancer from Khayelitsha, an informal settlement located on the Cape Flats in the city of Cape Town, where the project was shot. “The township carries a deeply interlaced notion of a sense of belonging and if you don’t meet the requirements of the space you are often marginalised or ‘otherred’. Growing up in the township as an effeminate masculine body, there is various tags attached to your being. People often said my sexuality and gender expression confused them. I used to hide and deny my queerness.”
Liyana Arianna Madikizela, 18, is a drag artist from Kayamandi, a township outside Stellenbosch. Madikizela wanted her portrait to challenge traditional gender roles. “I have decided to be myself. I am a gender non-conforming body and I want to be a role model to the future generations of queers to come. I want to become the role model I never saw in the streets of Kayamandi. Someone who is unapologetically gender non-conforming and who navigate their lives against all the hostile odds of living in the township.”
Belinda Qaqamba Ka-Fassie, 24, a post-graduate student in education at the University of Stellenbosch, wears a dress that resembles the white blankets worn by Xhosa males during the traditional ceremony ulwaluko (male circumcision). The multicoloured beaded stick and headpiece are both made by hand and worn by Xhosa brides during traditional wedding ceremonies.
Mthulic Vee Vuma (Thuli) from Lingelihle township in Malmesbury is photographed in front of a shack in Khayelitsha dressed in traditional Xhosa clothing. This is a way to challenging binary thinking that strongly differentiates between masculine and feminine traditional clothing. “Here we use our own culture to frame our identity, even though this contest the societal norms and gendered dress codes that are set in our culture. We frame our identity by tying together our stories of subjectivity and culture.”
Shakira Mabika (24), originally from Zimbabwe, identifies as a transwoman who explores and play with the art form of drag. She left Zimbabwe, a country where former president, Robert Mugabe has referred to people like me as “pigs” and unAfrican. “I moved to Cape Town, South Africa in search for a space where I could live my truth. I came to Delft, Cape Town in quest for liberty to live freely. My experience of living in a South African township has been for better and for worse, in this country there is legislation that protects my rights as a gender diverse body but in the streets, in public spaces, in various institutions these rights enshrined in the constitution are not exercised.”
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Mapping the Terrain
While the fact is that there can be no hegemony in the praxis of democracy as a political ideology and framework, the reality of the decline of democracy globally is incontrovertible. With the rise of populist movements and sentiments in Europe and in the USA that are perceived to countervail progressive agitations and advocacy for racial and gender equality, the intrinsic and debilitating cavities of democracy as a venerated vehicle for social justice and human rights are brought to the surface.

The democracy-ideological declension in the West has largely been characterised by the centralisation of power in the executive coupled with the politicisation of the judiciary and sustained by the incessant vilification of the independent media. The foregoing are inalienable components of the infrastructure for enabling and obfuscating corruption and the abuse of public offices for private gain. Bard College Professor Walter Russel Mead (2018) thus conceded, “There is now a pervasive sense of despair about American democracy.”

Calculated disparaging, vilification and demonisation of CSOs

The Southern Africa Litigation Centre (SALC, 2018: 2) observes:

There is increased characterisation of HRDs as political opponents, threats to national security or promoters of foreign or Western values. There is also a consistent use of laws and the criminal justice system to deter HRDs, including through detentions.
The miscarriage of democracy:

without charges, prosecution on false charges, or the unwarranted use of criminal laws against HRDs.

SALC (2018: 3) adds that the general experience over the past two decades has been that even human rights organisations advocating for such causes as access to HIV treatment face restrictions as well as a denial of their rights of expression, assembly and association.

The erosion of democracy globally generally places human rights defenders (HRDs) on the frontlines of the war on social injustice, while placing the WHDRs in particular, in the crosshairs of autocratic regimes succoured by fossilised patriarchal and chauvinistic monoliths.

The state of civic space in Southern Africa

The shrinking or closure of civic spaces in Southern Africa culminates in the marginalisation of the most vulnerable members of society. The absence of healthy civic spaces erodes the legitimacy requisite for a well-constituted fight and the advocacy of human rights and fundamental freedoms. Vibrant civic spaces are crucial for the protection of WHRDs who carry out the important tasks of ensuring accountability and transparency and speaking truth to power.

National governments are less predisposed to enforce what is written in their constitutions and civic liberties to actualise freedom and social justice. CSOs and (W)HRDs play a crucial role in ensuring that the civil liberties in the constitutions of national governments are upheld and that the safety and peace of the societies are guaranteed by rule law. In the milieu characterised by a pervasive feeling of the failure of democracy, civic space is inalienably crucial for CSOs to reign in polity and governance.

In the Southern African region (SADC), the attack on civic space takes many forms. The SALC 2018 report, Reflecting on the Closing of Civic Spaces and its Impact on Marginalised Groups in Southern Africa, outlines different states of civic space in the SADC region. The report and its analytics are based on CIVICUS Monitor, a tool used to measure and assess the health of civic spaces on a global scale.

According to the monitor, civic spaces in Southern Africa can be classified as closed, repressed, obstructed, narrowed, or open, as described below.

Levels of closure

Closed: According to the report, there is a complete closure of the civic space in the Democratic Republic of the Congo (DRC). The descriptive prefix “Democratic” is an incurable oxymoron and misnomer for a country that sustains an atmosphere of fear and violence. The report notes that the state and powerful non-state agents have leeway to routinely imprison, seriously injure and kill people with impunity for pursuing their inalienable rights to associate, peacefully assemble and express themselves (SALC, 2018: 6).

Repressed: Countries listed under this category are Angola, Swaziland and Zimbabwe. This classification denotes that civic space in these countries is substantially constrained. Those who seek to exercise their rights to criticise the governing powers risk intimidation, surveillance, imprisonment, harassment, injury and even death (SALC, 2018: 6). Memories of the abduction and

Gugulethu Nyoni

A threat to women human rights defenders in Southern Africa

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disappearance of social and political activists such as Itai Dzamara in Zimbabwe are evoked. CSOs exist in such countries, yet their advocacy work is systematically thwarted and stifled. Agitators and critical purveyors of change have to deal with persistent threats of de-registration and closure by the tyrannical authorities.

Obstructed: This class comprises countries such as Lesotho, Malawi, Mozambique, Madagascar, Tanzania and Zambia. In these countries, civic space is fiercely contested by those in power who employ means of legal and practical restrictions to curtail full appreciation of fundamental rights. As in the repressed class, CSOs exist, but their operations are thwarted by the state. In some cases, there is the use of illegal surveillance and bureaucratic harassment to retard or curtail their work (SALC, 2018: 6).

Narrowed: Countries under this category are Namibia, Comoros, South Africa, Mauritius, Botswana, and the Seychelles. The general trend in these countries is that the states allow individuals and the CSOs to express and exercise their rights of association, expression and peaceful assembly. However, the ostensibly liberal and open civic space is, at times, violated, usually through harassment (SALC, 2018: 7).

Open: The lamentable fact about the “open” classification is that there is no Southern African country that falls into this category (SALC, 2018: 7). The fact paints a grim picture of the health of civic spaces in the SADC region. It also underscores the inefficacies of democracy, either at an ideological or implementation level, as the much-vaunted holy grail of fundamental human rights and social justice.

In an open civic space, the state plays a more substantive role, beyond mere lip service and officialdom, to enable and safeguard the enjoyment of inalienable rights and the civic space for all people. Resultantly, levels of fear are low as citizens have genuine liberty to form associations, protest, and convey information without impediments in law or practice (SALC, 2018: 7).

A few examples can be considered to circumstantiate the foregoing assertions. In Mozambique, contested elections, which are a hallmark of failed democracy, have ushered a sustained wave of violence against WHRDs. The swearing-in of Filipe Nyusi after the 2015 elections sparked a groundswell of killings and violence against HRDs and political activists. The stalemate between the governing party Frelimo and Renamo culminated in armed confrontations pitting the militias of the two parties against each other (Regalia, 2017).

Ever since the exposure of the Mozambique IMF debt scandal, about 80 political activists and HRDs have been killed. Media diatribes have been augmented by incessant attacks and violations of human rights in verbal and physical form. The attacks have been calculated to curtail the work of WHRDs and the generic advocacy thrusts of the CSOs at large. All types of HRDs, journalists and independent academics have been inevitable victims of the campaign (Amnesty International, 2019; Regalia, 2017).

In Madagascar, what happened to a resolute WHRD focusing on democracy and good governance, women’s rights, and disability rights, Mbolatiana Raveloarimsa, is a typical example of the tyranny and vitriol that WHRDs face in Southern Africa. Raveloarimsa maintains a weekly column in the newspaper L’Express de Madagascar. In August 2019, she received a barrage of threats on her Twitter account spurred by an article she had written for the newspaper. Two users previously fingered in a spate of threats and harassments against Malagasy WHRDs were identified as the source of the threats (Front Line Defenders, 2019).

The correlation between democratic growth and equal opportunities

In order to understand how the different states of civic spaces (from open to closed) affect development, it is important to explore how the obstruction of the work of WHRDs and the entirety of the CSO sector effectively derails the promotion of transparency and accountability on the part of those in power. This has a knock-on effect for political, economic, and social stability.
What is also crucial to consider in the context of the work of WHRDs and development is the quality of the transformative potential of the WHRDs and the collective CSO sector in interfacing with all relevant structures and stakeholders at local, national and transnational level in the context of shrinking civic spaces.

equitable service provision as well as peaceable means of dealing with social injustice and inequality.

It is worth noting that the achievement of the UN 2030 Sustainable Development Goals (SDGs) relies on the deliverables of equitable service provision as well as peaceable means of dealing with social injustice and inequality.

What is also crucial to consider in the context of the work of WHRDs and development is the quality of the transformative potential of the WHRDs and the collective CSO sector in interfacing with all relevant structures and stakeholders at local, national and transnational level in the context of shrinking civic spaces.

In the milieu of shrinking civic spaces, the potential of WHRDs to foster and spawn inclusive, equitable and sustainable approaches to development is significantly compromised. This is the outcome of significantly compromised policy development processed. Sustainable development is thwarted when WHRDs cannot effectively monitor public policy and influence the private sector in their fiduciary capacity of advocating for the inclusion and empowerment of the marginalised and the voiceless.

Writing for the Fair Observer, Katrin Zinoun (2017) raises a question: “Does democracy automatically lead to gender equality?” Zinoun draws insights from the 2016 Global Gender Gap Report (World Economic Forum), which makes use of the Bertelsmann Stiftung Transformation Index (BTI), a tool to evaluate the question of equality in opportunities for women and minorities in 129 developing and transition countries. The focus of the article is the correlation between democratic development and equal opportunity. Zinoun (2017) observes: “Botswana seems to be a typical example of the correlation between democratic development and equal opportunity. Zinoun (2017) observes: “Botswana seems to be a typical example of the correlation between democratic development and equal opportunity. The correlation holds true for almost all African countries. Countries that are considered defective
democracies, such as Liberia and Ghana, score moderately on the equal opportunity indicator. Most notable is the fact that in countries classified as failed states, such as the DRC (which, according to the CIVICUS Monitor, has a complete blackout on civic space) and Somalia, women are inevitably the most vulnerable group, and the reality of gender equality is presently out of reach (Zinoun, 2017).

Solidarity and the culture of co-creation: A glimmer for hope for WHRDs

The collapse of democracy, either as an experiment or its perversion into a smokescreen for perpetrating and perpetuating social injustice, means that governments cannot always be safely relied upon to defend and safeguard fundamental human rights, including the rights of association, expression, and assembly.

This presents an impetus for CSOs to consider robust, creative and innovative ways to articulate the agenda of equality and social justice, while protecting the civic space from invasion. The cultures of co-creation and solidarity become critical strategic components in the quest to fortify civic space and bring about fundamental human rights, social justice, and gender equity advocacy. To countervail and circumvent repressive governments, CSOs must work on deinstitutionalising the conscientiousness and movement on human rights and fundamental freedoms.
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In 1998, the UN General Assembly adopted the landmark Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (commonly known as the UN Declaration on Human Rights Defenders). The Declaration underscores the de-institutionalised and decentralised responsibility for promoting human rights and fundamental freedoms. Much of the work of CSOs must, therefore, focus on raising awareness and conscientising as well as empowering the general populace to stimulate a bottom-up human rights movement. In this vein, the definition of HRDs by the UN Secretary-General (in SALC, 2018: 3) is apt:

Everyone is a human rights defender when they take up the human right project through peaceful means. A human rights defender is any person who, individually or in association with others, acts or seeks to act to promote, protect or strive for the protection and realisation of human rights and fundamental freedoms, at the local, national, regional or international levels.

The proliferation of social movements and informal and unregulated civil society formations has moved from the margins to the centre of the fight for human rights. There are remarkable movements, such as those related to the Arab Spring, which have successfully challenged the undemocratic and dictatorial regimes and agitated for reform. These have reminded us once more that ultimately the power of transformation lies at the grassroots level and thus the work of WHRDs should prioritise raising awareness, educating, and mobilising the masses to play active roles in safeguarding human rights and fostering social justice and gender equity in every society in ways that leapfrog the hurdles and landmines of failed democracy.

References


Defending women's economic, social, cultural and environmental rights (ESCERs) in the context of the conflation of politics, the economy and the military: **THE CASE OF ZIMBABWE**

Janet Zhou is the current Executive Director of the Zimbabwe Coalition on Debt and Development (ZIMCODD). Prior to this role, she served as the Programmes Director for ZIMCODD. She also served as ZIMCODD’s Southern Regional Programme Officer. Janet holds an MSc in international relations and a BSc in politics and administration from the University of Zimbabwe, among other professional qualifications. Janet is highly experienced with 14 years in the NGO sector, both at national and SADC level. She is a confident and practical human rights defender who is self-driven to become an efficient and effective professional capable of monitoring, analysing and advising on developmental issues, advocacy and the influence of policies at all levels. She currently sits on a number of boards and leads a number of citizen initiatives, such as the Citizens Cabinet, and the Oxfam Zimbabwe Inequality Report Reference Group, among others.

Her interests are in transformational leadership, organisational development, human rights-based frameworks, building citizen agency and policy advocacy. She is an avid social and economic rights defender who fearlessly puts herself on the frontlines for social and economic justice for all. She has worked on opening up democratic spaces for often-marginalised groups, such as women and youths, particularly in amplifying voices on accountability before and after elections. She facilitates platforms where the voter is transformed into a citizen who fully participates in governance issues throughout the electoral cycle.

WHRDs are at the forefront of social movements that advocate for justice and equality. Their struggle is crucial in widening democracy and redefining economic development models, mainly through their full participation in society and political leadership – Margaret Sekagya, Special Rapporteur on the situation of human rights defenders, October 2013

The quote above is from the UN Special Rapporteur on the Situation of Human Rights Defenders in her report to the UN Human Rights Council (UNHRC) in 2013 which she did amidst the rising challenges and risks faced by human rights defenders (HRDs) the world over. In her report, she pointed out that she has seen civic space closing over her career in the field, and observed, “consolidation of more sophisticated forms of silencing [HRDs’] voices” (UNHRC, 2013: 10). There is a general increase in the criminalisation of HRDs’ activities, particularly when HRDs are opposing private and public “development” projects (ibid: 4).
Sekaggya also rightly observed that groups facing especially high risks are those working on “land and environmental issues in connection with extractive industries and construction and development projects”, and human rights violations too often happen over land, and regarding environmental, social and economic rights, and the perpetrators are private companies as well as government organisations (ibid: 15).

The article argues that this drastic shift is based on the conflation of politics, business and the military. While yesteryears’ regimes the world over were more concerned about consolidating political power, the current regimes have moved beyond gaining political mileage, to increasing their economic interests and protecting those interests. This has meant that the work of HRDs, and specifically women HRDs (WHRDs) in the targeted sectors, peeve state and non-state actors who see the work of HRDs as jeopardising their investments in Africa. In the Zimbabwean context, the previous dispensation under Robert Mugabe was more interested in remaining in power, while the current dispensation under the Presidency of Emmerson Mnangagwa is more interested in protecting economic interests vested in business and the military.

In recent literature and reports of initiatives by civil society, it is also apparent that there has been a shift in trends in activism and on which human rights to focus, particularly in Zimbabwe. The landscape for defending human rights has fundamentally changed from the first generation rights, which are civil and political rights, to broad social and economic rights, and climate and environmental rights. It has dawned on development partners and HRDs, both in the North and the South, that civil and political rights (such as the freedom of expression, the right to vote, and freedom of assembly) without economic empowerment can easily be decimated in a system of political patronage, autocracy and dictatorship.

The South African Minister of International Relations and Cooperation, Dr Naledi Pandor, on 18 November 2019 summed this up by highlighting the inextricable link between Zimbabwean politics and the economy. Pandor highlighted that, to address the crises, the solutions have to address the politics, economy and social fabric (Feketha, 2019). HRDs under Amnesty International, Human Rights Watch, and the Zimbabwe Coalition on Debt and Development (ZIMCODD) have been on record citing the precarious conditions under which are fighting for the recognition and realisation of economic, social, cultural and environmental rights (ESCRs) in Zimbabwe and the SADC region. That “freedom of choice” and the right to cast a vote are mere illusions in these contexts is becoming apparent. HRDs continue to operate in very difficult situations as they try to expose powerful cartels in medicine, fuel, energy, and mining that have control over all political, judiciary and economic sectors.

This is evident in Zimbabwe where the military has played a significant role in politics with overt expressions of dominance by military leaders that they will not support any politician to be president who does not have liberation war (Chimurenga) credentials. In 2000, the military was a major player in the Fast Track Land Reform Programme (FTLRP). The FTLRP was militarised, with a call for the liberation war fighters and those in army ranks to conclude the First and Second Chimurenga by taking part in the Third Chimurenga, a code name for the FTLR. Addressing the disparities in land ownership caused by colonialism is critical; however, human rights-based approaches were not followed, and the land seizures tended to be violent (Masiiwa, 2004). Rather than addressing injustices, women and children in farming communities and farmworkers in targeted farms were left stranded without land, shelter, employment or food in cases recorded by the General Agriculture and Plantation Workers Union of Zimbabwe (GAPWUZ) (Masiiwa, 2004).

In another example of military intrusion in the political and economic realms, in 2008, the violent hand of the military acted in Manicaland, Marange, and specifically in Chidzwa, where they seized diamond mining fields, and launched Operation

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1 A chilling statement was made by the late General Vitalis Zvinavashe, and later reiterated in 2004, 2006 and 2008 by General Constantine Chiwenga who is now one of the two Vice Presidents of Zimbabwe. Air Marshal Perence Shiri has also gone on record disparaging those aspiring to the presidency who are without war credentials.
"A worrisome development for WRHDs is how regimes globally are increasingly brazen in their moves against civil society, and they are less compelled to act covertly, or to respect the rule of law and take those who perpetrate violence against HRDs to court for justice to prevail."

Hakudzokwi, which led to the needless death of over 200 people, and the harassment and subsequent displacement of women and children as they fought for their source of livelihood (Human Rights Watch, 2009).

A worrisome development for WRHDs is how regimes globally are increasingly brazen in their moves against civil society, and they are less compelled to act covertly, or to respect the rule of law and take those who perpetrate violence against HRDs to court for justice to prevail. In 2018, 321 defenders in 27 countries were killed for their work (Front Line Defenders, 2018: 7). More than three-quarters of these activists killed (77%) were defending land, environmental and/or indigenous peoples’ rights, often in the context of large extractive industries and state-aligned projects, and the number of such killings is showing a disturbing increasing trend of 67% from 2017 to 2018 (ibid). With such an overt role in politics and the economy, defending human rights, especially for WHRDs, is now like walking into a death trap with eyes wide open.

Despite the slippery and treacherous terrain of defending human rights, defending women’s ESCERs is important and, for citizens to enjoy these rights, there has to be a shift from a welfare approach in defending or asking for these rights, to empowering those whose ESCERs are violated and denied by those in power in order to realise real empowerment and transformation. The empowerment discourse has meant a rise in WHRDs who are fighting for ESCERs, together with many who are made vulnerable by the system and are at the periphery, further away from the political and economic factors. This is a result of the structure of the political economy, which favours the ruling political elite and securocrats who implement economic interventions that do not follow a human rights-based approach. Due to the skewed political economies, more women are living in poverty than men. Challenges in access to economic justice disproportionately impact women and girls. There are vast disparities in paid and unpaid employment, job security, opportunities, and access to basic services for men and women (FAO, 2017).

Climate change, which is directly linked to environmental rights, has largely been attributed to global capital operations, with only 29 companies in fossil fuels contributing more than one-third of gas emissions in the modern era, “posing a greater threat to the lives and wellbeing of women farmers, who make up the majority of food producers and farm labour in many countries in the SADC region” (Griffin, 2017: 10). Climate debt was felt in four SADC countries, namely, Zimbabwe, Malawi, Mozambique and Tanzania, in 2019 when Cyclone Idai and Kenneth caused catastrophic damage, exposing the serious effects of climate change. With the burden of care lying heavily on the shoulders of women who survived the catastrophe, WHRDs have been fighting for their basic rights, such as the replacement identification documents, shelter, sanitary wear, water, sanitation and hygiene services.

The sluggish response to climate disasters in the South is exposed in the “resource curse” discourse (Kurečić & Seba, 2016). The areas affected have been heavily extracted of natural resources, and in the face of vulnerabilities and tragedy, the communities are left worse off than others would be, with no hope in sight of restoration to a dignified life. There is a call by the environmental and climate justice movement in the region, led by WHRDs, such as those in the Rural Women’s Assembly and the Women’s March Global, challenging the continued squandering of the environment by corporates in cohorts with the local ruling elite, which includes the securocrats.

A large part of the transformative aspects of economic, social and cultural rights is the ability to challenge stereotypes,
characteristics and capabilities ascribed to both women and men, which determine the scope of activities they are permitted to undertake and the opportunities, access and challenges they face in a given society, as they demand and fight for the rights.

What is happening to women’s ESCERs in Zimbabwe?

WHRDs’ efforts have been focused on problems such as violence against women and against the WHRDs themselves, denial of women’s rights to property and inheritance, discrimination against women and girls in the health, education, employment and political sectors, denial of reproductive and sexual rights, forced evictions, the impact of the HIV/AIDS pandemic, and women’s restricted access to water and food security.

In the fight for ESCERs, individual Zimbabwean women are facing the following types of challenges, and WHRDs are working to help them under adverse human rights circumstances:

• **Margret**, a woman in rural Binga, fighting for the basic education of her child in a rural community is faced with victimisation and intimidation by government institutions, such as the District Administrators Office and the school authorities, that should be there to protect her rights and that of her child.

• **Maureen**, a widow from Marange in Chiadzwa, is displaced from her home to make way for an investor who has military backing. She is forced onto barren land, losing her source of livelihood, grazing lands for her livestock, and access to the graves of her family, a serious transgression of human cultural rights. Maureen is left to look after her eight grandchildren. When she tries to address the issue, dogs are set on her, and she is again chased from the home that rightly belongs to her.

• **Tabeth**, a woman in Chivi District, loses her four cows from contamination of drinking water by a mining company. She has no one to listen to her, let alone compensate her for what is a major loss in the source of her livelihood. Tabeth’s voice is silenced, and she is accused of working against investment in the country and of being an opposition political party member, but these are unrelated to her claim.

• **Maina**, an elderly woman in Mufakose who does unpaid care work in the face of a collapsed health system, is celebrated for being a hero in her community. However, those whose role it is to give free or paid health services shirk their responsibilities. The government has abrogated its duty, forcing women to take on excessive workloads. As such women strive to fill in the gap, the government sees no anomaly in the situation, and does nothing to help.

• **Munashe**, a woman small-scale miner in Zvishavane, has had to fight for the decriminalisation of her business and has faced intense resistance. She has been harassed by the police and violently attacked by male counterparts who see her as an opponent in the sector that should be eliminated. She has to defend her economic right to earn an income and her right to safety and security. In the mining sector, most women like Munashe remain in small-scale, artisanal mining, and due to cultural biases, their participation is limited. When they are on their period, they are not allowed near the mining shafts, but they continue to fight this discrimination.

• **Female doctors and nurses** have to make a difficult choice. Should they strike in protest to the appalling conditions in hospitals without basic medication, medical supplies, water, sanitation and electricity? Should they refuse to work as a means to fight for the rights of their patients to decent healthcare services? They struggle to meet the patients’ needs while the militarised state threatens them and says they will be fired for refusing to work in the inhuman healthcare system.

• **Tatadzei**, a woman in Chimanimani, was left in absolute poverty when Cyclone Idai ravaged her community in 2019. She now depends on handouts, and sometimes these

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2 There have been evictions to pave the way for mega investments by multinational companies which have seriously disadvantaged people who have lived on the land for generations. For example, in Mozambique there is the ProSAVANNA project, and in Zimbabwe the Chisumbanje Ethanol Project, among other cases. See www.future-agricultures.org/wp-content/uploads/pdf-archive/Large%20scale%20land%20deals.compressed.pdf

3 Pseudonyms are used in this section.
handouts are offered by the ruling party who use it as an opportunity to take advantage of her vulnerability. Tatadzei’s will power is broken by the terrible physical circumstances, but she must remain extremely strong as she stands up for her basic rights to dignity and those of others like her who are in a precarious situation.

The list of women like this who need such WHRDs’ help is inexhaustible and illustrates the rough terrain in defending fundamental rights in a state with political, military and economic conflation and corruption. The common thread is that the struggle and intensity in the work of WHRDs have been escalated by the realisation that when ESCERs are in force, they have the potential to ensure women’s economic independence while facilitating the enjoyment of additional basic rights.

Efforts to emancipate women must recognise that they are the key demographic and target participants and beneficiaries in economic reform, in ownership of the means of production, in promotion of their ventures, and safeguarding their livelihoods from the abuse permitted under a skewed political economy which is dislocated and disinvested in areas where they are found. One measure of such emancipation will be the value placed on the protection of WHRDs who share their lived experiences, and who work tirelessly to lift up other women through mobilising against the structural and systemic violence prevalent in the patriarchal, militant, private sector-led social services delivery, and predominantly capitalist societies.

**WHRDs acting locally on challenges influenced by the global architecture**

While WHRDs in Africa face a complex constellation of state responses and activities at the national and community levels to their resistance to the violation of ESCERs, it is important for them to understand that theirs is a struggle to bring down a global phenomenon that manifests itself at the local level. The current unfettered autocratic rule in some African nations with military backing, the rise of populism, and of global corporate power have contributed to closing the space for WHRDs. WHRDs work under precarious conditions that have arisen from the roles that global corporates, military and governments play in matters that concern their local economies, their very wellbeing, and development at large.

In Zimbabwe, since November 2017, with the ousting of Robert Mugabe and the coming in of President Emmerson Mnangagwa, there has been a policy drive towards attracting foreign direct investment (FDI) under the “Zimbabwe is Open for Business” policy framework. To create a conducive environment for business, a number of regulations and laws have been relaxed or abolished. For example, a good model for value-sharing in the mining sector, which established Community Share Ownership Trusts (CSOTs), was abolished in 2019, with major negative effects on the empowerment of communities that should have a stake in local natural resources. While the model had its own challenges in terms of application, there were encouraging stories in Gwanda and Zvishavane where the communities indeed had a stake and could influence the development of their communities from the mineral proceeds in their communities. Multi-national companies are given tax incentives, while their operations and impact on the environment and communities are not monitored, under the guise of making it easier to do business in the country. Vulnerable sectors of the community are left at the mercy of these large global corporates who loot natural resources, create environmental degradation and water pollution, with little benefit, if any, accruing to the local people. This trend is a regional phenomenon whereby the inclination towards militarised neo-liberalism is taking over across Africa, and women are in need of an urgent response. The role of WHRDs cannot be overemphasised in these cases.

The closing space for civil society is part of a general wave
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"Specifically for WHRDs, human rights mechanisms have recognised the importance of providing visibility and recognition for their work as a form of protection."

of authoritarian resistance to democratisation, but there are also a number of factors arising from the structure of political economies in Africa and Southern Africa in particular. The restrictions on civil society stem from many deep-seated structural and systemic factors linked to the world’s asymmetrical international economic relations. This asymmetry fuels the domination of local communities by multinational corporations perpetrating destruction, including violating ESCERs in their operations across the region. This phenomenon also stems from the reflection of an "economic nationalism" devoid of human rights-based approaches in development, which has been led by the ruling elites in collaboration with the military. Economies and the provision of critical social services have been placed under "command", and any dissenting voices or expression of discontent is met with extreme force from the security forces. An example is the January 2019 civilian killings, beatings, torture and mass arrests of citizens in Zimbabwe during protests against harsh economic conditions (Zimbabwe Human Rights NGO Forum, 2019).

Risks and challenges for WHRDs

In this toxic environment, social movements in which most WHRD interventions are taking place are the most affected. WHRDs fighting for ESCERs are often targeted as part of the larger HRD group by both state and non-state actors. This is because they challenge powerful economic interests and the neo-liberalism, capitalism and militarisation of their governments, the economy, and in the provision of basic services. Many examples in Zimbabwe, Mozambique, South Africa, Namibia, Zambia, and the Democratic Republic of the Congo (DRC), among other countries in the region, show that WHRDs have risen to defend their land, environmental, social and economic rights, such as housing, health, education, water and sanitation, etc. (Front Line Defenders, 2018). WHRDs have challenged the cosmetic economic nationalism in which they are at the periphery due to the lack of human rights-based approaches in the discourse and in practice.

All hope is not lost

Despite the challenges faced by HRDs, especially WHRDs, the UN has a Declaration on HRDs adopted in 1998, which is a multilateral reference document to which HRDs are able to hold different stakeholders to account with regard to respect, protection of HRDs, including the many WHRDs fighting for ESCERs in our context. Despite the shrinking civic space to challenge the powerful global and national political and economic system, this framework is the starting point at the multi-lateral level in cases where domestic laws are not sufficiently applied to hold both the state and non-state actors in this muzzled context. It has its own deficiencies as, in some cases, WHRDs who seek to engage with the UN mechanisms face reprisals and backlash as enemies of the state. This framework remains a useful instrument which compels states to respect and protect HRDs and it applies to everyone. This is key for WHRDs as they face risks and violence from different actors within the murky context of militarised capitalism and cartel-controlled governments that determine policies and laws to the detriment of ESCERs.

Specifically for WHRDs, human rights mechanisms have recognised the importance of providing visibility and recognition for their work as a form of protection. In 2014, through a General Assembly Resolution, the UN acknowledged the legitimate role that WHRDs are playing in defending and promoting human rights in their entirety. There are a number of solidarity connections that have been established under the Southern Africa People Solidarity Network and other social movements focusing on women’s ESCERs, such as the Rural Women’s Assembly, that can be emulated.

5 UN General Assembly resolution 68/181 (2014), para. 7.
The international community has condemned and placed diplomatic pressure on states that perpetrate violence against WHRDs. In September 2019, the UN Special Rapporteur on Human Rights visited Zimbabwe and shared his preliminary report, which is quite clear on the links between the violation of civil and political rights and ESCER. In his report, he noted that HRDs defending their ESCERs have their voices muffled as they try to engage with the government to raise the deteriorating economic and social conditions they live in. Embassies and the diplomatic community, such as the EU and the US, have issued statements raising concerns on the shrinking space for HRDs in the ESCERs sector. Though there is no significant change in the way the state operates, it raises awareness on the situations of WRHDs in Zimbabwe, and some degree of restraint is exercised by the authorities as they are pursuing international re-engagement after two decades of isolation.

References


I love people. I love hearing about their different life experiences. It is their most intimate narratives about their vulnerabilities, struggles, victories, experiences, joys, triumphs and struggles that I find fascinating. I enjoy hearing them share their experiences through storytelling. Connecting with people is one of the highest forms of social being. At the heart of it is good storytelling.

This love I have for people and their stories has inevitably ignited within me a passion for social justice. I understand that not all our stories are personally curated; our lives are a web of contexts that must be manoeuvred and explored. A woman’s story transforms and grows in ways that only they can fathom. After all, a woman’s story is made complex by external factors in society, particularly patriarchal social systems which have given men the upper hand, power, access and control. Growing up in a patriarchal society, my greatest challenge has been navigating spaces where women have an important role to play as human rights defenders and realising how male-dominated these spaces often are. I want to share my story, the experiences I have had which unpack the issues of safety and security for WHRDs. I hope that by sharing this, it will encourage thought and discussion on what it means to be a WHRD and support initiatives committed to developing alternatives to ensure safety and security for WHRDs as they stand for rights, equality and social justice.

Defending women’s human rights in conventional spaces

The year was 2013. I was a very devoted and enthusiastic activist in Zimbabwe working as the Vice-Chairperson of a national NGO, which also had a regional presence in Southern Africa. I enjoyed the work I was doing, which involved storytelling in its own unique way and connecting with people through shared experiences. I found comfort in interacting with likeminded activists as we came together to take action, while the government would accuse us of having what they called a
‘regime change agenda’.
Resistance from government is a common problem in activism in Africa, yet we continue to fight to amplify voices and advocate for change. One of the major challenges I experienced was working in a mainstream space grounded in upholding the power and privilege of men and which failed to acknowledge the presence of women. The environment was defined by a conflicted emotion that tightened my chest as a WHRD. It was not just in the interactions where gender inequality was evident. It felt like it was deeply engrained in the mindsets of my counterparts who wondered what the questioning and querying was about.
I recall one occasion when the leadership team at work had to travel for an advocacy meeting to a neighbouring country. It was a small team travelling by road. In a vehicle with four men, I was the only woman. All of us were activists fighting for democracy. It didn’t matter that I held a position of authority. Being the only woman on the journey came with a set of dynamics that made it uncomfortable for me. I realised that even when working with male colleagues who are also in the fight for human rights, the consideration of basic women’s human rights are often ignored.
The men would stop and use the bush for their ablutions, and that made me feel rather uncomfortable. Whatever one might say about this arrangement, it is still not at all convenient or private for a woman. As defenders working in mainstream institutions, life can still be very uncomfortable even as our very basic human right to dignity is ignored. I insisted we look for more convenient places to use as ablutions. On this simple matter, they would not make a concession for me until after much fighting and protesting. Why did I need to go into such detail to explain the situation and make a huge deal out of the matter simply to get their cooperation? I know for sure that if the tables were turned, the brothers would stand together in solidarity for their human rights, and no one would have to beg and protest for ablution facilitates (or any other compromise) that protected their dignity.
On arrival, exhausted from the long journey, one of the men started making inappropriate advances towards me. I felt violated and angered. To encounter this with a colleague, someone I considered a brother, was truly alarming. I could not understand why physical gratification could not respect the boundaries of work. These are some forms of harassment and violation. There are other more serious instances such as where men would offer grants in exchange for sexual favours.
The struggle for women’s human rights and their defence is difficult. One moment I am celebrating being a part of a mainstream organisation, fired up to change the world, and the next I am dealing with unsolicited advances which are truly offensive. In talking to my mentor, I later learnt that this was actually common among men in this space. I was shocked and could not believe that this is the reality many other WHRDs have to face. It is repulsive, but speaking out against this behaviour is what I have learnt to do. As a WHRD, you have to find your own voice and stand up for your rights as well as those of others. It is one’s voice that should be amplified, and we must stand in solidarity with other sisters to demand safe spaces and so that we can amplify our voices collectively.
I remember another occasion when we travelled to a village approximately 300km from Harare, the capital city of Zimbabwe, and we had to find a place to sleep on arrival. Being a village, there was no formal accommodation available for the night. We had to seek a place to stay from a local businessperson. In other circumstances, I would be conscious not to put myself in such an unpredictable situation, but being the only woman in the group once again, I felt coerced by the men I travelled with to accept our situation and accept this uncomfortable predicament. It was comfortable for them, so it had to be comfortable for me. I did not know these people well enough to comfortably place my safety in their hands and I felt afraid. As a woman, you need to be much more aware and careful of your surroundings and people you do not know – and certainly some who you do know.

I found the lack of reservation in this dynamic evidence of how we exist in two different dimensions of security and safety as women and men. These are just my travel experiences. Many matters concerning women’s sanitary hygiene and physical safety were raised at the office, including why we didn’t have water in our bathrooms, sanitary bins provided for our use, and no locks on the bathroom doors. These seemed petty considerations to the men in the office who, despite working in the development sector, were hopelessly unaware or refuse to take the challenges WHRDs face seriously. The women grew tired of struggling with the insensitivity of the men. Often, women also suffer brunt in mainstream human rights organisations and the violations of human rights workers’ basic rights in a context where these should already be very well understood.

It is time for us to put an end to this as WHRDs. In our various development spaces we should begin to focus on transformation for WHRDs and fully embrace women’s human rights as human rights, a point Hillary Clinton described very well in her speech at the UN World Conference on Women in Beijing in 1995.1 Most WHRDs in Africa face an increased burden of human rights violations by virtue of being a woman, black and fighting a patriarchal society. What it means to be safe and secure as a WHRD is relative to individual experiences. Some see security in having locks in the bathroom, while others may think security is about where one sleeps and how safe that space is. Many say it is also about the language used within their spaces which defines their security and safety. What is critical is a collective definition of what security and safety mean for a group. Often, spaces

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1 See www.nytimes.com/politics/first-draft/2015/09/05/20-years-later-hillary-clintons-beijing-speech-on-women-resonates
to discuss how to define our safe and secure spaces are themselves absent, and it can be awkward to have these conversations at work. I would say, however, that there is never a “correct time” to talk about WHRDs’ security and safety. Once any WHRD feels their safety and security is threatened, it important that there be very clear definitions of what security and safety means for them and how this needs to be ensured. This is a critical conversation that should be demanded by WHRDs. Whatever the case, it is important that these conversations are heard and a shared understanding be established to make working in such situations safer and more comfortable for women.

Recently, I was part of a workshop where the facilitator was male and he kept changing what people said by substituting their words and statements with his own. This is called “mansplaining” and a very unhealthy and frustrating tendency. I stood up for my fellow sisters, and even though there was collective humour around my calling him out, I stood my ground, knowing that naming, language and voice are critical components of what define respect for and the safety and security of WHRDs. It is not easy, and neither is it usually prioritised, but the more that WHRDs voice their concerns, the better spaces will become for them individually and collectively.

The election period and what I learnt

In 2013, Zimbabwe had a general election, the same year I was enjoying myself in the broader civil society organisation (CSO) space and working closely with men. We would go on regional missions together for lobby and advocacy work. We collectively conducted some pro-governance work at national, regional and international levels. I absolutely loved my role in the CSO space during that time.

However, I recall one day my gardener drawing my attention to a vehicle that would park along the road by our wall. I had grown up in an area where having cars parked outside the gate was normal, so I initially thought he was being paranoid, until later he said that the people in the vehicle had been asking questions about our family. One day at work, I mentioned it casually to my colleagues, who warned me that during an election year I would have to be vigilant with my security.

Around the same time, I started receiving phone calls that terrified me. The person who called would narrate my children’s school routine from when we left home for drop off, when they were picked up, their names, the schools they attended, their friends, and other personal information. It was a terrible way to threaten me as a mother. They
I took it for granted that, as a woman, my safety and security issues would be a consideration by others, but it was not.

said that if I was sure of what it meant to be a mother, I should cease my role in the CSO, and focus on ensuring the safety of my children. My husband would also receive calls questioning what kind of a man he was for letting his woman “run wild” without being “leashed”. They found it improper that he stayed home to take care of our family while I went to work. It was a frightening period for us. Following this experience, I began unpacking what it means to be a WHRD and how it can affect the people around you. I wanted to understand what other women had faced and how they overcame their struggle.

I took it for granted that, as a woman, my safety and security issues would be a consideration by others, but it was not. Many times, as WHRDs, we work on assumptions. We assume that people understand our work, and if anything went wrong, our people would stand in solidarity and share their support. That is not always true. There are times I feel quite alone, such as when I was receiving threats directed at my family. The organisation that I was referred to as the contact for support for human rights defenders thought I was making it up! This was demoralising and disappointing for me.

By the time I finally received support from an organisation that works with human rights defenders globally, I had given up seeking external support, as I had managed to develop my own support mechanisms in my family. This showed me that, in some instances, as WHRDs, we create our own safety nets to ensure we feel safe and are at peace with ourselves and the kind of work that we do. Many times, the people we expect to support us in our fight have their own fragmented perspectives that block their sense and reason. I find this sad because threats to WHRDs should be treated with utmost urgency. I am also aware that there are forms of abuse that come from people who masquerade as WHRDs. I suggest that the best way to manage and screen these WHRDs is by doing a case-by-case review to remove the chaff from the grain.

Although I was shaken at times and insulted at others, I am grateful and glad that I managed to come out of my experiences safe and sound. It gave me a new way of understanding the politics of space, safety and security as a WHRD going forward. It made me realise the need to stand with and support other WHRDs who may be facing similar challenges. Recently, in Zimbabwe, some young women have been at the forefront, suffering WHRD violations and fighting against them, and connecting with them and hearing their stories is the beginning of a healing journey. Whenever we come together to share our stories and learn from one another’s lives, we realise that life is full of ups and downs, yet there is power and strength in holding hands.

Unpacking the politics of space

WHRDs realise that, unless they create their own safe spaces to be, there is a lot of side-lining and unconstructive questioning that will occur. This is evidenced in my own and other women’s experiences whereby, when a woman is part of a space that has its own patriarchal ways of working, redefining that space is never easy. Moreover, getting a collective understanding these ways of working can be a mammoth task, but women can define for themselves what needs to be done in order to make things work and achieve the goals they aim to. Having also worked in an international NGO, one can draw similarities in the toxicity that spaces with little or no structures to support WHRDs can develop. The younger WHRDs are, the greater their challenges. However, the general drive towards rapid responses to WHRDs’ needs is a noble cause that could benefit many whenever they face challenges. It also depends on who supports these mechanisms, because there is a danger of perpetuating
It is critical that women begin to create and define their own spaces that will enable them to develop mechanisms they find necessary to supporting their work.

the same, abusive tendencies that see women being further traumatised instead of supported.

It is critical that women begin to create and define their own spaces that will enable them to develop mechanisms they find necessary to supporting their work. During a visit to India, I shared a desk with a sex worker who informed me that their sex worker movement was self-funded and that this gave them leeway to define for themselves what they want to see their space become. This is of interest here because there are times when we receive donor funding and are required to chase the donor’s goals. The work we do is compromised to meet these expectations, which I find toxic. Self-funding might be sourced from those within a movement who make contributions towards funding the movement and its work — although general circumstances in many CSOs and of many individual WHRDs would make this unviable in the long term. However, the members could also consider various social entrepreneurship models like buying and selling merchandise and services with proceeds going towards funding the movement. A measure of self-funding can help keep the organisation focused on what is really important and avoid undue influence from donors that do not understand the cause.

The same applies when we enter male-dominated spaces. Men have established their own way of working and WHRDs must meet expectations imposed on them. Creating our own spaces could be a start. However, let us not be naïve and assume that spaces that seem to be exclusively populated by WHRDs are non-toxic. We should strive to unpack whatever patriarchal notions of space exist so that WHRDs begin to recreate the narrative around what kind of spaces would be deemed safe for the sisters who are in those spaces. This is doable and can be achieved if women step up and define for ourselves what we want to see.

During my experiences shared above, it was in feminist spaces that this sort of conversation occurred, and space was redefined for WHRDs. Thus I am confident it is possible to keep doing this. As I was writing this article, I came across many resources that have been shared by some wonderful WHRDs, such as those from Association for Women’s Rights in Development (AWID) and the Urgent Action Fund (UAF) for women’s rights, which WHRDs can make use of in their work. Not only are there informative handbooks, these resources can support conversations around what it means to be a WHRD and provide insight into the many notions of what it means to take up space and lead as a WHRD. This is critical in Africa, and Southern Africa to be precise, where governments are trying to force the space for activism by WHRDs closed. Let us continue to explore what works best for WHRDs so that social justice is realised for ourselves and those we strive to protect with each action.

Conclusion

In summing this up, I want to share a poem that illustrates my reflections of space, security and safety for WHRDs.

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2 See, for example, www.awid.org/special-focus-sections/women-human-rights-defenders; and https://urgentactionfund.org/20-years-funding-courage
WHRDs what the world needs

We dream it, it shall be
They might call us insane
They might pass judgement
They may even ignore our cries and pleas
But ours is a battle
We will never tire of demanding
Demanding what we deem right for us
Constantly defining our priorities

Stand up woman of courage
Never shy away from your truth
With blood, sweat and tears
Let the world know the urgency of space
Let the world know security and safety
Let it be understood from your perspective
It is possible to keep redefining

Today we celebrate our victories and achievements
We hold hands with smiles and laughter
Understanding that it may not be today
Nor tomorrow nor next week
But each action we take is guaranteed
Guaranteed to build a better future
We bear the scars
We are the WHRDs
The gladiatrices the world needs
Indeed, we are!
A woman's place is in the resistance.

Take it to the Streets Protests - Blantyre, Malawi
Facing the hangman: Sitabile in detention at Chikurubi Maximum Prison in Zimbabwe. Credit: Supplied.
“Sitabile Dewa, you are hereby charged with subverting a constitutionally elected government, or alternatively treason. If convicted, your charge attracts 20 years in jail with no option for a fine,” said the prosecutor as he read out my charges in a snobbish, cold manner.

It was my initial appearance in court on 29 May 2019, after having been arrested at Robert Mugabe International Airport on 27 May 2019 as I was coming home from a workshop in the Maldives held by the Centre for Nonviolent Strategy and Action (CANVAS). The programme organised by CANVAS was on human rights, peace-building, and nonviolent strategies of engagement, which are essential skills in the work I do of empowering women to take up leadership positions.

Arrest

The arrest was the most traumatising and painful experience of my life. The most upsetting part for me was that I was going through all this for a crime that I never committed. The workshop I attended had nothing whatsoever to do with the false allegations made by the state.

Upon my arrival at Robert Mugabe International Airport
The state is determined to continue violating human rights and targeting HRDs. WHRDs like myself are the most vulnerable.

on 27 May 2019, 18 men and two women pounced on me and confiscated my passport without informing me of the reasons for the arrest, as required by section 50 of the Zimbabwe Constitution. I was then taken with my co-accused, Rita Nyampinga, and confined in a small room at the arrival section of the airport under armed guard. We stayed there for what seemed like an eternity without anyone telling us what was going on. Eventually, three officers, two men and one woman, informed us of the charges of subversion made against us.

While we were at the airport, our alert network of friends had publicised our arrest and lawyers from Zimbabwe Lawyers for Human Rights (ZLHR) had been deployed to the airport. However, the lawyers were denied access to us, and we were then taken to Harare Central Police Station.

Interrogation

At Harare Central Police Station, we were individually interrogated and in the absence of our lawyers, which is against the law. This was in spite of the fact that the lawyers were there and had identified themselves as duly attested legal practitioners there to represent us. I was denied the opportunity to call my next-of-kin, which is also my legal right.

I was interrogated for more than one hour by about 12 different men who never identified themselves to me and who were abusive and intimidating. The interrogators asked me different questions at the same time, which confused me greatly and made it impossible for me to explain what I had really been doing while I was away from the country. I kept praying in my heart and asking the Lord for courage and strength. I thought of my two children, Hannah and Ethan, growing up without a mother. I nearly broke down, but the fact that I knew I committed no crime kept me strong.

I was arrested around 16:00 and finally taken to the jail sometime after midnight, where I spent two nights in the cold and stinking cell with no running water. There were no bathing facilities available as well. I was so traumatised that I could not sleep and I spent the two nights praying and meditating. I even sang a church hymn and the other detainees joined me, which uplifted my spirits.

Detention

I was then taken to Rotten Row Magistrate’s Court on 29 May 2019. I briefly appeared before the Regional Magistrate, and I was informed that I should apply for bail at the High Court. I was remanded to custody at Chikurubi Maximum Prison in the female section. If we had an independent judiciary, our case would have been thrown out on the basis of lack of evidence, but the judiciary is afraid to handle what I overheard curious prosecutors whispering to be ‘politically sensitive’ cases.

After the magistrate had remanded me, I was taken to the filthy underground cells in the basement of the Court building, which were very cold and dark. My arrest came in May in the winter in Zimbabwe when the country experiences very cold temperatures. On being transported to the prison, I immediately came face-to-face with the reality of Zimbabwe’s failing prison system.1 Zimbabwe Prisons and Correctional Services (ZPCS) have long needed a complete transformation and overhaul. The prison trucks are a death trap with no security features.

whatsoever in case of an emergency. The trucks are overloaded with prisoners and have poor ventilation, making breathing difficult. I estimated about 100 inmates and prison officers were transported on one trip in one truck. In addition to the out-of-service trucks, the ZPCS also desperately needs separate transport facilities for female inmates as combining men and women exposes the women to abuse.

At Chikurubi female prison, the treatment was mixed. There were some prison officers who acted professionally, but others whom I suspect to be political appointees were unreasonable, rude and very unprofessional.

The degrading and dehumanising living conditions at the prison must be improved as a matter of urgency. There are a lot of gender-related issues that need to be urgently addressed. There is poor sanitation. The ablution facilities do not have running water, posing serious health challenges to the crowded inmates. The prison cells are generally over-occupied, with an inbuilt toilet that does not flush. The toilet offers no privacy such as a door. Prisoners have to use the toilet, which does not flush, in full view of others.

The prison was also experiencing serious power outages, sometimes going on for more than 24 hours, posing a serious security risk. The diet was very poor and nutritionally unbalanced, which would be very unhealthy for anyone who has to stay in the prison for a long time. The prison is also in dire need of medication. While there are nurses, the prisoners are failing to access proper medical care because of the shortage of medication.

There is a need to operationalise the rehabilitative or correctional component of the prison system. Some of the prison officials are very unprofessional in the conduct of their duties. They assault prisoners and shout at them using vulgar language, even in front of children. They need to be trained in basic human rights for them to understand that it is only the right to liberty that is taken away when one is incarcerated. The other fundamental rights remain. It is torture for a person to be incarcerated, especially if it on false charges. Prison officers must make life humane for the inmates and work towards inmate reform rather than further harassing and victimising them. Prison authorities must introduce winter uniforms for the female inmates or allow them to wear tights or leggings in the cold months. The women are currently exposed to very cold, harsh weather with nothing much to cover them except a light jersey and dress.

At the interpersonal level, I faced many injustices. Most visitors were barred from seeing me after the third day of my detention. Only two relatives were allowed to visit me. No one from the prison explained to me why this was the case. Some prison officers discriminated against me, telling other inmates not to hang around with me, claiming that I was an “enemy of the state”. As a result, I felt isolated and unsafe. I wasn't sure what the guards were capable of doing to me. My bail application took a long time, which prevented me from attending my graduation at Africa University for a Masters Degree in Human Rights Peace and Development. My two children, aged three and four years, were deprived of parental love as I am a single mother. I was forced to leave them with a nanny for 15 days. All this to punish me for attending a workshop on peace and human rights!
Effect of the arrest on my work as a woman human rights defender (WHRD)

The state is determined to continue violating human rights and targeting HRDs. WHRDs like myself are the most vulnerable. The talk of reforms by the Mnangagwa administration is just that and no action. My personal experiences and many other things reported widely in the media are indisputable evidence of this.

There was no reason whatsoever for the police to arrest us if they had conducted their work in a professional manner. It is disappointing that the police acted on false allegations peddled by the state newspaper – The Herald – without a shred of evidence. As the High Court judge said, the police should investigate first then arrest, not arrest in order to investigate.

After two weeks in prison, I was finally given bail by the High Court, with one of the bail conditions being reporting to the nearest police station every single day. This bail condition was more like house arrest as I could not move around or work out of town. Since I received bail on 9 June 2019, I am still waiting for my trial date, which the state has failed to furnish. At my last court appearance in October 2019, the case was postponed to 7 January 2020 – a clear sign that the state has no case against us.

I am confident that this case will never go to trial as there is not a shred of evidence whatsoever to link us to the malicious and false allegations. We will wait patiently for justice to take its course.

My story in the HRD movement

I joined activism in 2007, soon after college, when I got a job at the Zimbabwe National Students Union (ZINASU) as the information officer. We ran several campaigns advocating for academic freedoms and the improvement of learning conditions for tertiary students. In 2010, I left ZINASU to join Heal Zimbabwe Trust (HZT) as one of the founding members. I served there for eight years as the deputy director. During my tenure at HZT, we vigorously advocated for the full operationalisation of the Chapter 12 Independent Commission, also called the National Peace and Reconciliation Commission (NPRC), which finally happened in January 2018.

The Commission is responsible for dealing with post-conflict justice, healing and reconciliation. Our organisation was at the forefront of giving voice to survivors of the 2008 torturings. Most of them never got an opportunity to talk about the torture and abuse they and/or their families went through during the 2008 political violence (Human Rights Watch, 2008). The unbelievable, painful and traumatic stories I heard from the survivors, especially from the most remote areas of Zimbabwe, strengthened my resolve to pursue human rights, peace-building, conflict transformation, and women's rights work. Sadly, with the lack of reform, such gruesome episodes will continue to happen.

In 2019, soon after the 2018 elections, I left HZT to set up the Women’s Academy for Leadership and Political Excellence (WALPE), a women's empowerment and capacity-building academy. The dwindling number of women elected into public office pushed me to set up the academy as a political school for women. At WALPE, we are working on increasing the number and quality of women elected into leadership at all levels in...
rural and urban areas. My wish is to identify, mobilise, and capacitate more women to run for public office during the 2023 elections and beyond.

**Conclusion**

The state knows as much as I do that we did not commit any offence, but the intention is to demoralise and discourage us from continuing with our human rights work rather than act as guardians of the law. There is a renewed onslaught on human rights defenders, a return to the Mugabe days, where HRDs are treated as enemies of the state. The government is in a state of paranoia and is seeing “enemies” everywhere. Instead of victimising HRDs and criminalising their work, the government must concentrate on reviving the economy, creating jobs for the jobless, and rebuilding the social contract. There is no trust between the state and its citizens, and the state has failed to meet its end of the bargain by making sure no Zimbabwean starves or fails to access basic necessities, such as quality and affordable health, education, potable water, and electricity. It is sad that, as WHRDs, we feel unsafe in our country as cases of attacks against us by the state are on the rise yet it is the responsibility of the state to protect every citizen and guarantee their security and safety.

**Reference**

state-sponsored-violence-zimbabwes-march-29-elections

“The state knows as much as I do that we did not commit any offence, but the intention is to demoralise and discourage us from continuing with our human rights work rather than act as guardians of the law.”
Women’s rights

Rural women in Lesotho.
Credit: The Hub @ Morija
Lesotho has historically sidelined women’s rights in political decision-making processes. The country is currently working on broad-ranging reforms including constitutional reforms and in the public service, security and media. This is in response to the recommendations by the regional body, the Southern African Development Community (SADC), which intervened in 2014 to encourage action that will ensure lasting peace and stability for the nation (Mohloboli, 2018).

Though Lesotho has made great strides towards becoming a participatory democracy, there has been insufficient progress made in recognising, advancing respect for, and enforcing women’s rights. There are certain laws and policies that continue to infringe on the rights of women. What are the possibilities for and the missed opportunities in terms of including women’s rights in peacebuilding?

How has the monarchy and patriarchy impacted on women’s rights in politics in the country? Has the peace process been gender-sensitive and gender-responsive? This article assesses both the potential value-add and the missed opportunities for women’s inclusion in the reform processes.

Globally, women’s rights in political decision making have been largely marginalised, and Lesotho is no exception (Olonisakin & Hendricks, 2013). Statistics from the Independent Electoral Commission shows that fewer women have succeeded in obtaining parliamentary seats. This is evident in the declining numbers of female representatives in Lesotho’s Parliament – a clear red flag for women’s rights (GenderLinks, 2017). The lack of women’s representation in decision-making contributes to a neglect of development issues which has impacted significantly on the livelihood of the Basotho people.
Politics, Governance and the law

(Sephomolo, 2002). When women are equal in decision making, national and development policies are more inclusive and have a broader influence and impact (Morna, Dube & Makumure, 2016). Thus, achieving gender equality requires women's active participation and involvement in decision making.

A number of factors have converged to determine women's rights in Lesotho. The dominant institutions in Lesotho, the monarch, army and religion, are generally structures that are not designed to favour women. Women continue to be victims of patriarchy, religious subjugation, and sexual exploitation by actors in the political system, including in the security sector (Ayiera, 2010). The army has always had the upper hand in politics and governance. Lesotho is a constitutional monarchy with a strong patriarchal culture. These issues have filtered into the political arena in a way that marginalises women.

Chiefs, monarchs and regents across the continent have been almost exclusively male. In fact, chieftaincy in Lesotho requires a patrilineal lineage. This tradition was even upheld by the Lesotho High Court, which ruled that the daughter of a paramount chief could not inherit his title (Clayton, 2014). Women are subjected to discriminatory customary practices which violate their rights. In terms of customary law, women still cannot succeed their fathers with regards to chieftainship (SALC, 2019). It should be noted that the chieftaincy serves many critical functions. Chiefs are the primary actors in the reforms processes; therefore, the exclusion of women from the traditional political power structures excludes them from the reforms process.

Generally, chiefs also prefer to work with men rather women. This preference is partly because one of the central duties traditionally assigned to chiefs, and recently decentralised to councillors, is the allocation of livestock grazing rights for cattle. Because herding is a duty undertaken by men in Basotho society, chiefs are more willing to work with other men, rather than undermine the patriarchal power structures on which they base their authority in any way (Morna & Tolmay, 2007). Therefore, given the nature of the role of the chieftaincy in the governance structures of the country, which are largely structured around patriarchal authority, the rights and leadership roles of women in Lesotho remain limited.

The SADC recommended the implementation of reforms in Lesotho after the political instability in 2014. The reforms were meant to solve Lesotho's social and economic challenges. However, the process was confronted by challenges that resulted in the reforms process prolonging. Despite political and economic challenges affecting the reforms process, the process was not clear on a number of issues, i.e., whether the reforms advance women's rights in society. In Lesotho's history, women were neither elected to political office nor to the military (Bauer, 2017). Thus, implementing reforms without a gender perspective is a step back for women's rights as it would involve supporting the existing patriarchal system in which preference for war and violence prevails. This unhelpful for everyone seeking to improve security and stability in the country.

The reforms process does not take into consideration the experiences of women during political instability. During political instability, women and children are the most exposed to the violence. Thus, women's lived experiences in conflict should inform peacebuilding processes. However, in Lesotho, conflict resolution has been limited to mere consultations among political parties, the military, judiciary, and other institutions made up mostly of men who do not always represent women's rights in...
As regards the reforms in Lesotho, women are excluded, first by historically not being part of these institutions, and second by the reforms process not being favourable to the inclusion of women’s rights in peacebuilding. Women bring to these processes, their experiences. Moreover, women’s leadership is more inclusive and has a broader influence and impact.

Recognising women’s rights in conflict resolution and peacebuilding is fundamental to ensuring the extent to which the attendant reforms will be gender-responsive and gender-sensitive. Focus on the different experiences of women is particularly critical in designing successful conflict-resolution and peacebuilding programmes.

Women’s voices, as equal to men’s in peacebuilding, are crucial to ensure that a gender perspective is taken into consideration in the signing of peace accords, thus bringing to the surface women’s needs and expectations in currently heavily male-dominated processes (Agbalajobi, 2010).

Gender-neutral reforms assume similar expectations for men and women in conflict resolution, while the belief that women should be at the centre of the peacebuilding process is in fact based on essentialist definitions of gender. Sephomolo (2002) states, “Generally, women are considered as the peacemakers and nurturers of society. In Lesotho, women have also tended to have higher literacy rates than men, and play a predominant role as heads of households.” Thus, ideally, the reforms process should provide the opportunity to centralise women’s representation.

Women’s rights in peacebuilding are “necessary to achieve inclusivity, credibility as well as justice for women whose concerns were not given adequate consideration in policy formulation and legislation” (Matope, 2017). Women play an important role in the process of peacebuilding. Problems faced by women and girls in Lesotho such as the high rate of maternal deaths and HIV/AIDS are exacerbated by the shortcoming in Lesotho’s laws (UNFPA, 2018). Schirch and Sewak (2005) thus contend that, as educators and participants in the development process, women should contribute to building communities’ and nations’ capacity to prevent violent conflict. This is because of the socialisation processes that women undergo and historical experiences of unequal relations and values that women bring to the process of peacebuilding. In Lesotho, the role of women in the process will ensure the inclusion of legislation taking care of women and girls in the national reforms process.

Gender-neutral reforms assume similar expectations for men and women in conflict resolution, while the belief that women should be at the centre of the peacebuilding process is in fact based on essentialist definitions of gender.
forward by women’s organisations in Burundi were adopted, including measures on sexual violence and provisions for women’s increased political participation (Bell, 2013).

The feminist peace theory posits that the concept of peace is gendered and requires an examination of the ways in which men and women are affected differently by the presence and absence of armed conflict (Tickner, 2002). Rebecca Johnson (2014) thus points out:

Sustainable peace requires paying attention to what women say are the causes and solutions to conflict in our communities and countries. Women don’t speak with one voice any more than men do, so putting a token woman on a delegation changes little. Sustainable security requires putting at least 50 percent women – from all backgrounds – front and centre of negotiations for peace and disarmament, not just occasionally but in every significant meeting and negotiating forum.

Radical feminist theory, which hypothesises that the cause of women’s oppression originates in social roles and institutional structures being constructed from male supremacy and patriarchy (Lewis, 2005), provides the major analytic framework for the situation of women’s rights in Lesotho. Radical feminism, unlike other branches, places emphasis on the total elimination of patriarchy by transforming the entire structure of society and eradicating traditional gender roles.

Women are seen generally as more collaborative than men and, therefore, inclined towards consensus and compromise, which is a real positive value add in deliberative democracy where communicative rationality is a must (Cohen, 2013). The inclusion of women helps to break down existing stereotypes in patriarchal societies (Schirch & Sewak, 2005). Women constitute at least half, often more, of every community and are clearly entitled to participate and represent themselves in processes and institutions where decisions that affect their lives are made.

Lesotho still has a long way to go in advancing the rights of women. While there are a plethora of reasons that explain the delay in the reforms process, the exclusion of women takes the leading position in terms of the reasons why the reforms keep falling back. Women are a major part of society, and their rights must be acknowledged. In order for the reforms process to be successful, the peacebuilding efforts in the country must include women and be sensitive and responsive to women’s rights.
References


Defending women’s rights in an unrelenting militarised state:

Tendaishe Tlou

Revisiting sexual violence in Zimbabwe

Introduction

Zimbabwe has struggled with a legacy of gross violations of human rights dating back to the colonial era. This legacy, which continued into independent Zimbabwe from 1980, has seen many episodes of gross violence haunting the society to date. Through the efforts of civil society actors, the country has now inaugurated various legislative measures to deal with this terrible legacy. The recent developments include the 2013 Constitution, which ushered in a new ear and invoked a number of human rights measures to help the nation deal with past violations. However, these processes have not taken off, given the Government’s reluctance to cooperate.

The guarantees contained in the Constitution have been drastically undermined by the coup in November 2017. Since then, Zimbabweans have noted with concern how military personnel are being abruptly retired and appointed into government positions as vice president, cabinet ministers, provincial ministers, board members and ambassadors. Undoubtedly, Zimbabwe has become a militarised state. Since November 2018, all protests in Zimbabwe have thwarted by the army, with some involvement by the police. This paper will examine the state of women’s rights within the context of Zimbabwe as a military state and discuss cases of sexual violence in high-density areas at the peak of the conflict. The author finally makes recommendations for redress and non-recurrence.

In 2015, the UN General Assembly proclaimed 19 June International Day...
for the Elimination of Sexual Violence in Conflict to raise awareness of the need to end this type of violence, to honour victims and survivors of sexual violence worldwide, and to pay tribute to those who courageously devote their lives to or have lost their lives in the fight to eradicate such heinous crimes. “The date was chosen to commemorate the adoption on 19 June 2008 of Security Council resolution 1820 (2008) in which the Council condemned sexual violence as a tactic of war and an impediment to peacebuilding” (UN, 2019).

The 2019 commemorations coincide with the adoption of the AU Transitional Justice Policy (AUTJP), a key policy which the AU has aimed at realising Aspiration 3 of Agenda 2063, wherein “good governance, democracy, respect for human rights, justice and the rule of law” reign supreme in Africa (AU, 2015: 5). The AUTJP builds on the AU Policy on Post-Conflict Reconstruction and Development, which draws lessons from past experiences. The AU (2019) describes the policy further:

The AUTJP presents an African model with holistic parameters, benchmarks and practical strategic proposals for designing, implementing, monitoring and evaluating transitional justice in AU Member States based on key principles and specific indicative elements. The Policy also aims to ensure that transitional justice activities address root causes of conflicts, legacies of violence, governance deficits and developmental challenges in Africa.

Commenting on the adoption of the Policy, H.E Amb Minata Samata Cessouma, the Commissioner for Political Affairs of the African Union Commission said: “...the African Union is once again renewing its commitment to the promotion and protection of justice, accountability, human and peoples’ rights in Africa”. She noted that: “this new wave of Human and Peoples Rights promotion and activism in Africa requires the support of all of us, for it to make the required difference.”

Contextual analysis – #ShutdownZimbabwe protests and the shrinking space for civil society

The period since August 2018 has been both dramatic and tragic for Zimbabwe. From the 2018 elections to date, the political and economic situation has been deteriorating at a perplexing rate, the cost of living sky-rocketing again, while there has also been a violent clamp-down on protests by the state, and endless calls for a national dialogue to address the deepening crises.

Following the 30 July 2018 post-Mugabe election, which tragically turned bloody when the Zimbabwe National Army (ZNA) gunned down seven civilians and injured many others as it tried to suppress post-election protests, there was an international outcry, which forced Emmerson Mnangagwa to appoint a seven-member commission of inquiry (Zimbabwe Human Rights NGO Forum, 2018). The commission was led by former President of South Africa Kgalema Motlanthe. The hearings commenced in September 2018, and concluded in October, making some very important recommendations for redress (Motlanthe et al., 2018).

Matters were made worse when, on 12 January 2019, in response to persistent fuel shortages, compounded by manipulation and mismanagement of a volatile currency system, President Mnangagwa announced a fuel price hike from $3.11 to $3.31 per litre, which worsened the economic situation of many Zimbabweans already grappling with poverty (Zimbabwe Human Rights NGO Forum, 2019a). Transport and commodity price increases followed, adding to the stress in Zimbabweans’ lives (Pigou, 2019).

Crisis Group Senior Consultant Piers Pigou (2019: 1) said in an interview that this massive rise in the cost of living “sparked a general strike along with widespread protests, which in many areas was characterised by violence and considerable destruction of property.” The strikes and protests are popularly known as #ShutdownZimbabwe.

Those behind the strike did not call for demonstrations but thousands, especially young people, took to the streets with many looting shops and burning cars or buildings. Protests were concentrated in and around the main opposition strongholds, the
capital Harare and Bulawayo, but also appeared in cities elsewhere across the country. In turn, the government ordered a vicious clampdown – deploying soldiers as well as police. At the end of the second day of protests on 15 January, Zimbabwe’s Doctors for Human Rights [ZADR] released a statement saying “hundreds shot, tens estimated dead in rampant rights violations across Zimbabwe”. Their assessment included reports of 107 patients treated for gunshot and blunt trauma wounds. For days after that it was hard to obtain updated casualty figures. The Government blocked internet services, both at the outset of the unrest and again on 18 January, severely disrupting the flow of information and contributing to widespread confusion (Pigou, 2019: 1).

Following the protests, the Government of Zimbabwe – through the army – made unrelenting efforts to quell the activities of civil society organisations (CSOs) and human rights defenders. Civic space has shrunk severely since January 2019. The Government has been drafting a bill which seeks to ban protests and strikes in Zimbabwe (Thompson, 2019). Many civil society leaders have either been abducted or arbitrarily arrested and charged with attempting to subvert a constitutionally elected government (Amnesty International, 2019a).

Since November 2017, Zimbabwe has become a highly militarised state characterised by a myriad of human rights violations and impunity. Tangible institutional reforms are critical to ensure the non-recurrence of violence and gross human rights crimes. The National Transitional Justice Working Group (NTJWG) has implored the Government of Zimbabwe to take deliberate steps to ensure the respect, promotion and protection of human rights.

Increased involvement of the Security Services in civilian affairs and sexual violence against women

Following the violence that characterised the aftermath of the #ShutdownZimbabwe protests, which led to at least 17 women being sexually assaulted and left hundreds more injured, dead or otherwise mistreated (Zimbabwe Human Rights NGO Forum, 2018) the writer notes with concern the increased encroachment of the security forces into civilian affairs. Nevertheless, under the provisions of section 208(d) of the Zimbabwe Constitution (Government of Zimbabwe, 2013), among many other things, ‘neither the security forces nor any of their members may, in the exercise of their functions, violate the fundamental rights or freedoms of any person’ (see NTJWG, 2019: 2). Zimbabwe has been trying to re-engage with the international community, and one of the reforms that has been set as a pre-condition for such re-engagement is the respect, promotion and protection of fundamental human rights, which Zimbabwe is still failing at.

The deployment of the military in January 2019 did not follow the required Constitutional process. As laid down in section 214 (Political Accountability for Deployment of Defence Forces), and noting Section 213 (Deployment of Defence Forces), Parliament was not promptly and appropriately notified about the deployment. This does not create the impression that the Government intends to adhere to the Constitution or respect human rights (NTJWG, 2019). The President, with the sole Constitutional powers to deploy the military, was out of the country at the time. Additionally, the military’s use of rape as a weapon of conflict is inexcusable. The dignity and well-being of women and girls should be preserved and restored at all costs during and after conflict events.

It is with great sadness that, to date, no sexual assault has been accounted for or at least acknowledged by the security services. While a number of incidences of sexual violence were recorded by the Zimbabwe Human Rights NGO Forum during its research and documentation exercise in January 2019, the writer is convinced that these are the victims who came forward voluntarily. There might be tens or even hundreds more women who were violated, but they are scared to come forward. The environment in Zimbabwe, characterised by the fear of state persecution, is not conducive to inspiring confidence in victims to share their experiences.

To date, there is a far cry by victims for justice, but their pain is ignored and the Government watered-down video clips
and any evidence related to the alleged incidences of sexual violence during the clampdown. Instead, the number of victims of sexual assault is increasing. The tactic of concealing evidence and intimidating victims of sexual violence is not new. Rather, this is a tactic used regionally and internationally, especially in contexts in which the perpetrators still wield power and are influential. Victims are intimidated and systematically prevented from coming out.

**Arrest of women human rights defenders (WHRDs)**

To compound the situation, Zimbabwean state security agents arbitrarily arrested seven HRDs travelling from the Maldives for training in non-violent conflict resolution strategies (Amnesty International, 2019b). Of the seven, three were WHRDs well-known and respected for defending and promoting child and women’s rights. The state has since employed abusive tactics to ensure apathy (preventing women from participating in democracy and governance processes) and instil fear in and break these activists. The HRDs were charged with subverting a constitutionally elected government, in terms section 22(2)(a) (iii) of the Criminal Law Codification and Reform Act (Zimbabwe Human Rights NGO Forum, 2019b). They are still awaiting trial if the cases go to court.

This kind of blatant harassment and intimidation of WHRDs does not encourage witnesses and victims of sexual assault to come forward. Rather, the state’s approach ensures impunity. In the history of Zimbabwe, its legacy and cycle of atrocities, women are rarely put at the front of the discourse, but rather confined to the peripheries of the narration as if their experiences and voices do not matter. This is the time for this culture to stop.

**Recommendations**

**Establishment of the Independent Complaints Mechanism (ICM)**

The writer implores the government to facilitate and expedite the establishment of ICMs, as provided for under Section 210 of the Constitution of Zimbabwe. This section stipulates that “an Act of Parliament must provide an effective and independent mechanism for receiving and investigating complaints from members of the public” (Government of Zimbabwe, 2013). The serious misconduct by members of the security forces in the aftermath of the #ShutdownZimbabwe protests in high-density suburbs in Harare and Bulawayo requires the attention of an independent mechanism for remedying any harm caused by such conduct.

The accountability for these and other past human rights violations is long overdue. Against the background of the human rights violations that have occurred during and after the #ShutdownZimbabwe protests, it is high time that a platform for victims of sexual violence is created through which they can report their experiences to facilitate truth-telling and truth-seeking to document human rights abuses, collect corroborating evidence on serious sexual and gender-based violations, and hold perpetrators to account. However, all victims must be treated with compassion and respect for their dignity, with adequate security guaranteed for the witnesses during and after the process (see NTJWG, 2019, 2015).

This process should be supported by thorough investigations conducted by a Chapter 12 Commission, particularly the Zimbabwe Human Rights Commission, Gender Commission, and National Peace and Reconciliation Commission. These Commissions are able to engage with women who are victims of sexual assault and false arrest by the state and capture their stories as evidence to support intervention strategies and justice.

**Mapping of victims**

This process cannot commence without knowing where victims are located and how they have been affected.
Commissions should urgently embark on a mapping exercise in the areas affected by conflict to understand where the victims of sexual assault are concentrated. An accurate map of victims in Zimbabwe is critical at this juncture to identify and catalogue victims of sexual assaults across the country. It is important to establish the geography of victims to inform the engagement strategy through which official human rights processes can motivate them to join the conversation and to encourage the victims who have thus far been too afraid to come forward and share their experiences. Closely linked to the mapping exercise is the rehabilitation and compensation of victims of sexual violence, which should also be given attention.

**Conclusion**

CSOs and other stakeholders must remain resolute and continue to stand together in solidarity with victims and survivors of sexual violence. The world should continue condemning all human rights violations, and in particular sexual assault in conflict zones, in the strongest terms it deserves. The path Zimbabwe has taken since November 2018 is deplorable, and it is highly regrettable as this was an opportune moment for the country to heal and recover from its history of violence and oppression. It was a golden opportunity to promote social cohesion and tolerance, embark on truth-seeking and truth-telling, but it was missed.

The writer honours the victims and survivors of sexual victims in Zimbabwe’s post-election conflict and further implores all victims of sexual violence in conflict to be resolute and to keep coming forward and share their experiences. Stakeholders should continue raising awareness in private and public spaces on sexual violence in conflict to expose it, mobilise political will and resources to address the scourge, and to celebrate and reinforce the achievements in the fight for human and women’s rights. It only seems difficult until it is done.

**References**


Access to civil and political rights by women in Zimbabwe

Gilbert S Pindano

Introduction

Politics in Zimbabwe has always been a rough and dangerous terrain which only the brave or ruthless are prepared to navigate. There has been a gradual shift, with spaces being opened up for the equal participation of women in the public sphere. The recognition of women’s rights has improved because the government has ratified international instruments that protect women’s rights and adopted a very progressive Constitution.

This article explores women’s political rights in Zimbabwe and how the political conditions and perceptions still favour men over women. There are deep-seated patriarchal views among a majority of the population, and this has a negative impact on the progression of women in politics. The article explores the legal framework that is in place in Zimbabwe, which should protect and safeguard women’s civil and political rights, and then covers three case studies of women politicians and human rights activists who suffered discrimination and public humiliation for daring to challenge the status quo. The article argues that it is not enough to have the right legal instruments in place. There needs to be a general shift in attitudes; otherwise the changes that occur are minimal.

Legal framework protecting women’s civil and political rights in Zimbabwe

International instruments

The Universal Declaration of Human Rights (UDHR) of 1948, together with the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) are known as the International Bill of Rights, and Zimbabwe has signed and ratified these. The International Bill of Rights has provisions that uphold and protect women’s civil and political rights, and because Zimbabwe is a signatory, it has obligations to respect these provisions. The three instruments contain provisions that
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prohibit discrimination against women on grounds of sex, and they guarantee equal protection before the law.¹

Zimbabwe is also a signatory of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), and it ratified this Convention on 13 May 1991 (Tsanga, 2002). Article 7 of CEDAW states that every woman has the right to vote in all elections and public referenda, and to be eligible for election to all publicly elected bodies; to participate in the formulation of government policy and implementation thereof, and to hold public office and perform all public functions at all levels of government; and to participate in non-government organisations (NGOs) and associations concerned with national public and political life (OHCHR, n.d.: 3).

Domestic legal provisions

Zimbabwe made its commitment to the protection of women’s rights by adopting a very progressive Constitution in 2013. The 2013 Constitution was created on the founding values and principles of fundamental human rights and freedoms and gender equality, among others (Machakanja, Jeranyama & Bere, 2016). Of particular interest are Sections 67 and 80(1) and (3), with Section 67 embodying all political rights that should be enjoyed by all citizens regardless of gender.

Section 67 of the Constitution states that every Zimbabwean citizen has the right to free, fair and regular elections for any elective public office and to make political choices freely; to form political parties and participate in the activities of a political party or organisation of their choice; to campaign freely and peacefully and participate in peaceful political activity; to participate in peaceful activities to influence, challenge or support the policies of the Government or any political or other cause; and to stand for election for public office and, if

¹ UDHR (1948) article 2 and 7; ICCPR (1966) article 2(1), 3 and 26; ICESCR (1948) article 2(2), 3.
elected, to hold such office (Government of Zimbabwe, 2013). Section 67 of the Constitution further allows for every Zimbabwean citizen of or over eighteen years of age to vote in all elections and referendums, to do so in secret (ibid).

Section 80 speaks specifically about women, human dignity, and equality regardless of gender: “Every woman has full and equal dignity of the person with men and this includes equal opportunities in political, economic and social activities,” and that “All laws, customs, traditions and cultural practices that infringe on the rights of women conferred by this Constitution are void to the extent of the infringement” (Government of Zimbabwe, 2013).

There is also Section 56 on equality and non-discrimination, stipulating that “women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres” (Government of Zimbabwe, 2013). On top of the positive and transformative provisions which offer adequate legal protection of women’s political rights, the government has also established a Gender Commission and Human Rights Commission, as prescribed by the same Constitution under chapter 12. The government has gone further and established a full Ministry of Women’s Affairs to deal with the protection of women’s rights.

It seems that Zimbabwe has committed to protect and uphold women’s rights in the official laws. By ratifying international instruments and adopting a progressive Constitution, Zimbabwe has put in place a very strong framework which, in theory, guarantees the legal protection of women’s rights. However, despite this strong legal framework, there is evidence that women struggle greatly in the exercise of their political rights.

Violation of women’s political rights

Even though there has been a raft of positive political changes, women in Zimbabwe still find it very difficult to progress in politics. Deep-seated patriarchal attitudes have not been shaken off the Zimbabwean political landscape, and it has resulted in women continuing to face the challenges they faced long before the adoption of the new Constitution and the many other changes that have since been made. Here follows a brief analysis of three cases which involved prominent Zimbabwean women politicians and human rights activists as they struggled against patriarchal forces bent on perpetuating the subjugation of women. The three women at the forefront of these cases are Joice Mujuru, an opposition party leader (formerly Vice-President of the ruling party), Thokozani Khupe, an opposition party leader (formerly Vice-President of the main opposition party), and Jestina Mukoko, a human rights activist and director of a civic organisation (formerly a newscaster at the country’s public news station).

Joice Mujuru

The Standard (2014) reports that Joice Mujuru is from the northern district of Mount Darwin, Mashonaland Central Province, and she rose to become the first woman Vice-President of Zanu-PF through sheer determination. She went to war when she was still in her teens, and she acquitted herself well, earning a reputation as a fearless cadre. This led to her appointment into the new government at independence in 1980.

Mujuru was not well educated when she entered politics, but her determination to serve her country saw her pursue her education while she also served in government. She eventually graduated with a doctoral degree in philosophy from the University of Zimbabwe (The Standard, 2014). Her academic achievements enhanced her political career, and she thus moved from the provincial executive of her party into the highest body, the politburo, while serving in the praesidium simultaneously (The Standard, 2014). Mujuru was appointed the first Vice-President of her party and the country in 2004, ahead of her male counterparts, a first in Zimbabwean politics. As the first Vice-President, it was suggested that she could succeed the incumbent president when he eventually stepped down, to become the first female president of Zimbabwe.

In 2014, things turned around dramatically for Joice Mujuru, however. She became a victim of factionalism within her party. It was apparent that
her rise to power had become a threat to some of her male counterparts who harboured ambitions of occupying the top office. They quickly joined forces with the president’s wife, Grace Mugabe, and Mujuru became the target of a systematic attack and campaign to oust her. Several false allegations were brought against her, and her perceived allies were lost (The Standard, 2014). The main architect of the attack was the Minister of Justice at the time, who wanted the position occupied by Mujuru. Mujuru was publicly humiliated and accused of plotting to overthrow the current president, allegations which she denied, and which were never brought before the courts.

Mujuru was eventually ousted in 2014, and as was expected, her position went to the Justice Minister, who is now the president of the country. She later formed her own political party, but it has not done well in the elections. Her survival depended on the president at the time, but he did nothing to stop the attacks. Mujuru was attacked left, right and centre by youths and women in her party while the men were conspicuous by their silence. The whole Mujuru debacle was later brushed aside as infighting in the context of factionalism within the ruling party of Zimbabwe. Mujuru was poised to become the first female president of the country, and thus she became a threat to male dominance and the status quo. Most in her party and outside were not prepared for this eventuality, and they were prompted to act, which they did and succeeded. Mujuru’s attack was an attack of women’s advancement in politics, and yet no one came to her aid, even female activists were silent on the matter.

**Thokozani Khupe**

Thokozani Khupe was Vice-President of the Movement for Democratic Change, the main opposition party in Zimbabwe. Even though the leader of the party later appointed two other vice-presidents, her position was strong because she had been elected into the position. Things took a dramatic turn, however, when Morgan Tsvangirai, the leader of the opposition passed away early in 2018. As the most senior Vice-President and the only one elected into the position, she was supposed to assume the leadership of the party in an acting capacity. This did not happen as one of the other male vice-presidents took power overnight, and this led to serious conflict and fights in the party.

Things came to a head at Morgan Tsvangirai’s funeral, when Khupe, who attended to pay her last respects, was assaulted and humiliated together with her entourage. She was assaulted by youth members of her party who did not want her at the funeral and had to be rescued by the police. Khupe (in Dube, 2018) related her ordeal:

>T hey beat us with stones, umbrellas and any items they could lay their hands on. They called us dissidents saying we should go back to Matabeleland... One man asked us to go into his hut. Those thugs threatened to burn the hut but we were lucky that it was raining... This happened in full view of the police. The police tried to stop them (youth) but they were too vicious.

The reason for the attack was that Khupe was seen as opposing moves by Nelson Chamisa, one of the vice-presidents, who had become a crowd favourite, and had assumed the acting presidency role (Dube, 2018). Chamisa later apologised for the attacks, but he remained adamant that he was the rightful successor to Tsvangirai.

Khupe continued to be attacked at all corners by ordinary supporters of the party who accused her of being divisive. She was eventually pushed out, and she went on to form her own opposition party. Thokozani Khupe suffered a similar fate to Joice Mujuru, but she challenged this legally and won in the courts. However, despite this victory, the ruling was ignored, and she was even barred from party headquarters.

Once again, the attack was not recognised as an attack on the advancement of women in politics. There was a blatant disregard for the law in order to maintain the male hegemony that had always existed in the party. Surprisingly, and despite all the violence and public humiliation on social media and other platforms, women activists were also silent on the treatment of Khupe.
Jestina Mukoko

Jestina Mukoko was a newscaster at the country’s public station before she left to do human rights work. She became a fierce critic of the government as she fought for human rights. She was abducted in 2008 and incarcerated. Mukoko spent 21 days in solitary confinement and almost 10 weeks in a maximum security prison (Pollack, 2018). There was huge outcry for her release from the civil society community. She suffered violence and intimidation as the authorities tried to intimidate and silence her. Mukoko was released, and her determination to fight for human rights was only strengthened.

Conclusion

Amy Tsanga (2002: 231) notes of women’s position in Zimbabwe:

Numerous factors impinge on women’s participation such as the hostile political climate characterized by violence, the social climate where men are regarded as leaders, structural barriers such as access to resources and situational factors where most women are mothers and housewives.

From a purely legal perspective, there is enough protection that should guarantee and uphold women’s participation in politics and civil society. Nevertheless, the progressive and transformative new Constitution adopted by the government has not done much to protect women in reality. Cultural barriers and norms that promote patriarchal beliefs are still strong. There is a widespread belief in Zimbabwe that a woman cannot assume presidency of the country, and this is shown by the way those who attempted to do so were treated. There is also the highly disturbing culture of violence perpetrated against women politicians and activists, used as a way to control “wayward” women, which goes unpunished. Having the right legislative framework to promote and protect women’s rights is only the first step. The whole society needs to be educated on the necessity of having women leaders at all levels in and outside of political office.

References


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Stella Nyanzi arriving at #SOTNUGIB, with women activists from Women's Protest UG, protesting against the widespread kidnappings and murders of women in Uganda.

Credit: Facebook
On 2 August 2019, Dr Stella Nyanzi stunned the nation and the world at large when she bared her breasts and screamed profanities in defiance of the 18-month jail sentence handed to her by Magistrate Gladys Kanyamunyu on the charges of “cyber harassment” while appearing in court via video link from a maximum security prison. Her arrest followed a graphic Facebook post she wrote in 2017 criticising the Ugandan President Yoweri Museveni and his thirty-three years in power. In her infamous post, she referred to the President of Uganda as a “pair of buttocks” (Al Jazeera, 2019).

Her arrest subsequently garnered international attention with several media platforms, including the BBC, the New York Times, and The Guardian (International Edition), reporting on her arrest and bravery in speaking out against an entrenched system of rule. Nyanzi has become the face of resistance in Uganda, but more importantly, she has reshaped the position of women in Ugandan politics amidst a largely patriarchal and conservative society. So, who is Dr Stella Nyanzi?

Nyanzi is an academic as well as a Ugandan Medical Anthropologist, feminist, queer rights activist and a scholar. She has written over fifty scholarly articles on sexuality, family planning, and public health. Nyanzi uses a method of expression known to some scholars as “radical rudeness”, a traditional Ugandan strategy of calling the powerful to account. Nyanzi is hardly new to controversy, having stripped down to her underwear in 2017 during a demonstration after she was barred from
her office at the Makerere University Institute of Social Research.

Nyanzi is a non-conformist who has challenged the status quo of patriarchy, sexuality and politics. She has gone where many have not dared to go, challenging the most powerful of society with her sharp pen and even sharper tongue. Her unapologetic take on issues of public concern has made her a social media icon and a renowned human rights activist. Her passion for social justice and human rights have seen her steward several social justice initiatives. On 30 June 2018, she spearheaded and rallied the first Ugandan Women’s March through #womenlivesmatter, advocating for the end of the scourge of violence and kidnappings of women and children in Uganda. Many women from different dispensations, including the US Ambassador Deborah Malac and human rights activists, joined the march (Ninsiima, 2018). In addition, Nyanzi launched the Pads4girlsUg Campaign and a crowd-funding page to raise money to buy and distribute sanitary wear herself.

The 2017 arrest of Nyanzi sparked #freestellanyanzi, a campaign that started the conversation on the infringement of freedom of speech and expression, a right which is guaranteed in Article 29 of the 1995 Constitution of Uganda, and the perpetual stifling of political dissent. Her arrest also raised the question of the legality of the Computer Misuse Act (2011) under which she was charged. To this effect, the Uganda Law Society (ULS) petitioned the Constitutional Court of Uganda, seeking the declaration of sections 24 and 25 of the Computer Misuse Act null and void, arguing that these two sections curtail the freedom of expression. Section 24 and 25 of the Computer Misuse Act create the offence of cyber harassment. In his affidavit, the ULS president, Simon Peter Kinobe, warned the government about using laws such as these to prosecute people simply for holding opposing views (Wesaka & Kigongo, 2019).

Over the years, Nyanzi has cemented her place in history as a trailblazer, a pacesetter, a conversation starter, and an unyielding women human rights defender.

References
Defending human rights without fear: an interview with Jestina Mukoko

Malvern Mkudu

For daring to expose human rights abuses at a time the government of Zimbabwe depended on human rights abuses to keep a stranglehold on power, Jestina Mukoko attracted the full wrath of the government. Mukoko was a victim of abduction by state agents who sought to silence her in 2008. When this failed, she became a victim of sustained media attacks meant to dehumanise her and impair her dignity through portraying her as a person of questionable morals who was plotting to undermine the state.

Malvern Mkudu conducted an interview with Jestina Mukoko to find out what keeps her going.

1 You are one of the most celebrated human rights defenders. What has kept you going?

What has kept me going is that there continues to be human right violations. There is still a lot to be done, and I think it is still work in progress. Some people are learning from their mistakes; some still find it difficult and remain in perpetrator mode. The work that we have done in the past and the smiles that we have seen people wearing gives me the momentum to come to work every day.

An award-winning human rights defender recognised globally, Mukoko has prevailed in her fight against entrenched impunity, including in the award of damages by the High Court of Zimbabwe following her abduction. While many have been silenced and retreated, Mukoko believes that she will not be intimidated or silenced for as long as there are still human rights abuses. She is currently the director of the Zimbabwe Peace Project, and Chairperson of the Zimbabwe Human Rights NGO Forum. Mukoko was honoured by the US State Department as an International Woman of Courage in 2010, and recently as one of Africa’s leading female Peace Activists, among other awards and recognitions she has received.

Malvern Mkudu is a researcher and writer currently working as an activist in media law reform and policy. He has worked as an information coordinator for various human rights organisations. Malvern holds a BCom majoring in economics from Rhodes University and a post-graduate Diploma in Media Management from the same university.

QR Code: Click to scan!
2. Do you think women human rights defenders face more obstacles in their work?

Human rights work is universally challenging and honourable. The nature of this work is such that some people may feel that lights are being beamed into their spaces, and the response is to be defensive and fight back, thereby creating obstacles. Indeed, women human rights defenders face more obstacles in that, for most jurisdictions, detention centres were not designed for women. When you cross the line, and those with the power feel that you should be arrested and detained, you suffer as a woman. Women human rights defenders are not different in the manner that they are treated when they try to enter what has been termed 'male turf'. Women are subjected to abuse and obscene language, but let me hasten to say that women human rights defenders have kept human rights work on the radar and they have done this without fear or favour.

3. When you were abducted, did this have an impact on your social life and life as a mother?

It actually did. I do not just meet someone in a supermarket or public place and trust them. I am not sure of their intentions. Being a mother, it also affected my son, because that 'limelight' that I got negatively impacted [his] life. Socially, I tend to avoid places where there are a lot of people because I become the centre of attention. Some people are not even discreet about it and go to the extent of pinching each other and pointing at me, as if I am some animal on the verge of extinction. During that time, friends and people avoid you, as if you have some plague. Friends and family avoided even my mother's house for fear of being associated with me.

4. How did you cope with negative reportage from the State media?

I was not intimidated; I knew I was being persecuted and that my persecutors would soon run out of excuses. When you are telling the truth, you are not intimidated. I never committed a crime; that is the reason why I am still here. State media never offered me an interview. Sadly, I once worked for the State media, and none of the people that I worked with thought that I should be treated in accordance to journalistic ethics where they would request my side of the story. Fortunately, State media is not the only media. For those who cared to listen, I put the record straight.
The protection of women human rights defenders (WHRD) is dependent on the creation of laws that guarantee protection and the legal and policy framework within which these laws function. The effectiveness and adequacy of protection of WHRDs are, therefore, directly linked to the laws in place, their ability to address the issues faced by WHRDs as well as the legal system in which these laws operate. Gender-specific, substantively strong laws coupled with a legal system that protects and promotes the principles of the rule of law, openness, democracy, and upholds human rights are key in ensuring the protection of WHRDs.

Global mechanisms for protection

There are a number of binding international instruments that provide for the protection and enjoyment of civil, socio-economic, political, and cultural rights.¹ They make express provision for the right to be protected, to freedom of expression, to receive and impart information, to take part in the political life of the country, as well as to freedom of association, equality, non-discrimination, and security of the person. While they do not make express mention of human rights defenders (HRDs), these provisions can and have been used in the past to assert the rights of HRDs.

Despite the existence of these instruments, the growing attacks on HRDs led to the need to create a framework specifically targeted at HRDs that not only recognises the work that they do but grants them specific protections. In 1998, the UN General Assembly adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights

¹ These include the UN Declaration on Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic Social and Cultural Rights, African Charter on Human and People’s Rights, Covenant on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Protocol on the Rights of Women in Africa.
The resolutions place obligations on states to take measures to enact gender-specific legislation for the protection of WHRDs and ensure WHRDs are actively and meaningfully involved in the design and implementation of these laws.

Defenders), which focuses solely on the rights and protections of HRDs. The Declaration on HRDs recognises and protects the following rights: the right to be protected, to freedom of assembly, to freedom of association, access and communicate with international bodies, freedom of opinion and expression, the right to protest, to develop and discuss new human rights ideas, the right to an effective remedy, and access to funding. The Declaration also places positive obligations on states to enact national legislation to give effect to these rights.

The Declaration is regarded as a milestone in ensuring the protection of HRDs and is the cornerstone upon which human rights for HRDs have been founded (Lumbu, 2018: vi). The Declaration itself is not a legally binding document and does not create new rights (Office of the UN High Commissioner for Human Rights (OHCHR), 2004: 19). It mainly sets out specific rights that apply to the situation of HRDs. It acts as an interpretative tool to apply existing binding human rights instruments in a manner that will achieve the protection of HRDs. The provisions of the Declaration on HRDs can be enacted as part of national laws, with the recommendations contained therein being implemented by governments to provide protection to HRDs within the framework of national laws. Implementing the Declaration in this way is a ‘precondition for the creation of an environment that enables human rights defenders to carry out their work’ (OHCHR, 2011: 5).

While a document of great significance, the Declaration is gender-neutral and does not explicitly address the precarious and unique situation of WHRDs. WHRDs are exposed to the general risks that face all HRDs, but they also face additional gender-specific risks, such as rape, and other forms of physical and emotional violence which they are subjected to on the basis of their womanhood.

While WHRDs are able to make use of the Declaration, the additional risks that they face are not expressly accounted for, and this has often left them in an even more vulnerable state. In the current political landscape, WHRDs are often the first to come under attack and, therefore, need specific measures targeted at their protection (UN Human Rights Council (UNHRC), 2019: 3). Recognising the need for gender-specific protections, the UN and African Commission on Human and People’s Rights (ACHPR) have adopted resolutions which recognise the situation of WHRDs and make recommendations as to how states can effectively provide protections to WHRDs.

The resolutions place obligations on states to take measures to enact gender-specific legislation for the protection of WHRDs and ensure WHRDs are actively and meaningfully involved in the design and implementation of these laws.
There is a disconnect between the protection envisaged by global and continental human rights mechanisms and the protections currently being offered at national level.

specific legislation for the protection of WHRDs and ensure WHRDs are actively and meaningfully involved in the design and implementation of these laws. There is also a call on states to recognise the important work of WHRDs, prosecute perpetrators of violence against WHRDs, and put an end to acts of intimidation and reprisals against WHRDs for collaborating with regional and international human rights bodies. Despite being a progressive move, the negotiating process revealed the reluctance of states in Africa and Asia to grant extensive protection to WHRDs (International Service for Human Rights (ISHR), 2013). This is seen in the removal of a key paragraph in the final text of the UN Resolution on WHRDs ‘calling on States to condemn all forms of violence against women and WHRDs and to refrain from invoking any customs, tradition or religious consideration to avoid obligations related to the elimination of violence against women’ (ibid).

Additionally, important references to the challenges faced by WHRDs working on issues of sexual and reproductive health, and matters related to sexuality were also excluded.

While the resolution adopted does not comprehensively address all risks and protection needs of WHRDs, it remains an important resolution on the road to achieving full protection. To monitor the implementation of these recommendations by states, both the AU and the UN have created the office of the Special Rapporteur on Human Rights Defenders. The mandate of the Special Rapporteur for both organisations includes the following:

- Receive, examine, and respond to information on HRDs;
- Engage with governments on the effective implementation and promotion of the Declaration;
- Conduct country visits to assess the situation of HRDs in various jurisdictions and make recommendations to governments in instances where violations have occurred; and
- Submit reports assessing the situation of HRD’s and compliance by states with the Declaration.13

Individuals are able to submit cases of violations in respect of the rights of HRDs for investigation by the Special Rapporteurs.

Although it seems that there is much work being done at global and continent level to foster the protection of (W)HRDs, the situation of (W)HRDs is a cause for concern. They continue to be targets of abuse, intimidation and death threats aimed at restricting and undermining the rights they are working to defend. This is because the interventions proposed by the AU and UN are dependent on their implementation and observation by states at their discretion. There is a disconnect between the protection envisaged by global and continental human rights mechanisms and the protections currently being offered at national level. This disconnect is largely caused by the dual role played by the state who, on the one hand, bears the obligation to ensure the protection of (W)HRDs and, on the other, is guilty of perpetrating or being complicit in the perpetration of violations against (W)HRDs.

13 See www.achpr.org/specialmechanisms/detail?id=4 (AU Special Rapporteur), and www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Mandate.aspx (UN Special Rapporteur).
Politics, Governance and the law

The majority of states have not implemented the Declaration on HRDs and various resolutions (Forst, 2018). This means that very few states offer meaningful protection to (W)HRDs. Conversely, it seems that a large number of states are enacting and implementing laws and policies that not only hinder the work of (W)HRDs by closing up civic spaces but also leave them extremely susceptible to threats from state and non-state actors with no means of redress (Forst, 2018).

The case of the Zimbabwean WHRD

Over the years, we have seen this situation play out within the Zimbabwean context. The international community welcomed the current Constitution of Zimbabwe (2013) for its extensive provisions on human rights (Forst, 2018: 150-151). The Constitution does not make express recognition for HRDs, but it does make provision for the rights to freedom of expression and free media, association and assembly, the right to demonstrate, to access information and to exercise political rights, all of which are contained in the Declaration on HRDs and other binding international treaties. It also places an obligation on the state to enact legislation to give effect to these rights. Despite the obligations placed on the government by the Constitution and other binding international treaties, the Zimbabwean government has not implemented the Declaration on HRDs or any legislation that protects (W)HRDs.

Despite the obligations placed on the government by the Constitution and other binding international treaties, the Zimbabwean government has not implemented the Declaration on HRDs or any legislation that protects (W)HRDs. The ISHR reported that 1,407 HRDs had been arrested and charged with violating one or more of the provisions of the Criminal Code. In May 2019, seven HRD defenders, including three women, were arrested for attending a capacity-building workshop on non-violent protests in the Maldives, and charged with subverting a constitutionally elected government (Amnesty International, 2019). This is in direct violation of their rights to freedom of association and the right to access and communicate with other organisations.


Under this law, a large number of HRDs have been arrested and detained on charges ranging from subverting a constitutionally elected government, insulting the office or person of the president, uttering words which are likely to undermine policing authority, and communicating falsehoods prejudicial to the state. While the court has struck down offences relating to criminal defamation and insult, the authorities continue to apply these provisions. The basis of the charges includes public statements made, and associating with certain international organisations. In 2016, the ISHR reported that 1,407 HRDs had been arrested and charged with violating one or more of the provisions of the Criminal Code. In May 2019, seven HRD defenders, including three women, were arrested for attending a capacity-building workshop on non-violent protests in the Maldives, and charged with subverting a constitutionally elected government (Amnesty International, 2019). This is in direct violation of their rights to freedom of association and the right to access and communicate with other organisations.


The purpose of the Act is to regulate public gatherings, demonstrations and marches. The Act grants a wide range of powers to the police to prohibit and disrupt demonstrations, public meetings and assembly. The Act effectively bans any public gathering without police permission, which is rarely granted to HRDs. This Act has been used to disrupt the activities of and arrest many WHRDs, including members of Women of Zimbabwe Arise (WOZA) and Katswe.
sisterhood, who have on numerous occasions been charged with violating provisions of the POSA (ISHR, 2016; Williams & Mahlangu, 2011; Zimbabwe Human Rights NGO Forum, 2019).

This Act regulates the registration and operation of media houses and journalists and monitors the content of media publications. It has led to the arrest of journalists from privately-owned media houses and the closure of privately-owned media houses. The legislation has been used to impede the free flow of information and foster intolerance to views that are contrary to those of the ruling party. These laws are targeted at the closure of civic spaces and have been used as a tool in the ‘war on human right defenders’ (Forst, 2018: 7).

There has also been a failure by government to implement laws that give effect to the rights to non-discrimination, liberty, security of the person, and privacy. This has led to attacks and arrests on the LGBTQI+ community. Members of Gays and Lesbians Zimbabwe have suffered arrest, detention, police raids at their homes and places of work, and confiscation of equipment and documents. The police refuse to investigate crimes committed against the LGBTQI+ community, and they are often left with no effective recourse to protect their rights (ISHR, 2016).

Of particular importance to the situation of WHRDs is the impunity enjoyed by state and non-state actors with regard to politically motivated sexual abuse, rape, and other forms of brutality. From at least as far back as Gukurahundi, rape and sexual violence have been used as a targeted weapon to ‘correct’, ‘discipline’, and suppress activities of WHRDs and female political activists (Kwenda, 2013). While the present government claims to have brought about political reform and a new dispensation, matters regarding the impunity of police and military actors remain unchanged.

Following the deaths of unarmed civilians during the protest against the delayed release of election results on 1 August 2018, a Commission of Inquiry was set up to investigate the involvement of the police and military. The Commission found, inter alia, that the army and police used excessive force in attempting to disperse protestors, and it made a list of recommendations to the government (Motlanthe et al., 2018). Recommendations included payment of damages, political reform and accountability in respect of alleged perpetrators (ibid: 50-55). A year later, none of these recommendations have been implemented, perpetrators have not been brought to book, and there has been no justice for affected citizens.

During unrest over the deteriorating economic state of Zimbabwe in January 2019, numerous cases of rape, assault and abuse of women were reported as having been committed by the security forces (Nyakanyanga, 2019). The casual response and denial of these actions by the government is evidence of a continued pattern of refusal to hold perpetrators of sexually motivated crimes against WHRDs accountable for their actions. The use of rape and state-sanctioned violence has become the norm in Zimbabwe with many WHRDs falling victim with no protection being offered by the state. Perpetrators of politically motivated rape and violence are not brought to book, as it is highly unlikely that security forces will investigate their own members and deliver justice to ordinary citizens.

From the above, it is clear that the government of Zimbabwe has fallen far short of its obligations to protect the fundamental rights and freedoms of various HRD groups so as to create an enabling environment within which they can perform their work without fear.

Attempts at reform
While not making any significant change to the situation of WHRDs as outlined above, there has been some attempt by the government to align laws with the Zimbabwe Constitution. To this end, Parliament has tabled the Maintenance of Peace and Order Bill to replace the POSA, as well as the Freedom of Information Bill to replace the AIPPA. Despite this being a welcome and long overdue exercise, major criticisms around both these Bills centre around the fact that do not fully give effect to the rights of freedom of assembly and access to information and are not wholly consistent with the spirit and letter of the Constitution (see, for
Of particular importance to the situation of WHRDs is the impunity enjoyed by state and non-state actors with regard to politically motivated sexual abuse, rape, and other forms of brutality.

Examples, Veritas, 2009a, 2009b; MISA Zimbabwe, 2019). The Bills, in some respects, bear large similarities to their predecessors and are not fully aligned with international best practices. However, there is acknowledgement that, despite not achieving the desired levels of protection, the Bills are a step in the right direction in the process of aligning unconstitutional laws with the Constitution.

Conclusion

There have been significant global attempts for the recognition of and protection of WHRDs. The UN and AU in particular have taken steps and interventions to ensure the protection of WHRDs, albeit limited by the confines of permissible interventions under public international law. Much of the work for the protection of WHRDs is hindered by actions of individual states in their continued refusal to fully recognise and protect WHRDs. The attempts at reform taken by the Zimbabwean government show that there is little to no political desire to create an enabling environment for the work of WHRDs. The Zimbabwean government still has a long way to go in creating a conducive framework within which WHRDs can freely carry out their work. To achieve this, there is a need for government to take active and targeted steps to fully align all laws with the Constitution, implement the Declaration on HRDs and the recommendations in the resolutions on WHRDs, ensure accountability, and engage with the Special Rapporteurs and various WHRD organisations to undertake an overhaul of the current system and replace it with one where WHRDs are safe, protected and able to carry out their work freely.

References


TECHNOLOGY AND WOMEN HUMAN RIGHTS

Percy F. Makombe
Marystella Auma Simiyu
In March 2019, the Internet celebrated its 30th birthday. In reflecting on its exponential growth, its inventor, Tim Berners-Lee (2019), made the following poignant point:

… while the web has created opportunity, given marginalized groups a voice, and made our daily lives easier, it has also created opportunity for scammers, given a voice to those who spread hatred, and made all kinds of crime easier to commit… it’s understandable that many people feel afraid and unsure if the web is really a force for good.

The rapid development and adoption of the Internet have transformed ways of communicating and organising. In the 1990s, the term cyberfeminism was coined by Sadie Plant from the Cybernetic Culture Research Unit at the University of Warwick to describe the work of feminists who theorise, critique, and exploit the Internet, cyberspace, and new media technologies (Conslavo, 2012). The term has also been used to define individuals who want to use new technologies to “disrupt society’s patriarchal norms, and to have fun doing it” (Starrs, Pierce, da Rimini & Barratt, 1991).

New communication mediums often bring with them expressions of hyperbole. This is evidenced by Berly Fletcher’s (1999: 340) celebration of cyberspace where she wrote about its power “to stretch the imagination” and offer “a perfect space for feminists”. Years later, it is apparent that the digital space is not such a progressive, brave new world. While it has launched a revolution of the voiceless against the heedless, it has also given succour to an increasingly toxic cyber environment that spreads abuse by those who encourage misogynistic behaviour through online spaces for the humiliation, abuse and control of women.
The proliferation of mass communication online has provided a variety of platforms for women to interact and express themselves, driving global movements such as #MeToo. These movements and global campaigns have increased the visibility of women’s issues worldwide, including bringing together geographically isolated groups and individuals. This type of solidarity among women has created the equivalent of “female collective action” (Alvarez, 1990: 49) as there is a recognition of the multiplicity of voices. It was not too long ago that mass media – largely print, radio, and television – were integral tools in our communication system. These created a basis for one-way communication where messages are transferred from sender to receiver without any opportunity for dialogue between the two. Through the Internet, and particularly the rise of social media, this model has been challenged as messages can now easily flow from many to many. This process has given birth to new platforms for communication (Pfister, 2011). Today, social media is commonly used to expand political and economic freedoms creatively, as well as mobilise different causes. During the Arab Spring, when former President of Egypt Hosni Mubarak was overthrown in this popular uprising, one activist (in Shearlaw, 2016) was quoted saying, “We use Facebook to schedule our protests, Twitter to coordinate and YouTube to tell the world,” on his Twitter account. These innovative ways of engaging and mobilising are a result of profound developments in communication.

One of the outstanding journalists of the twentieth century, AJ Liebling (in Brynjolfsson & McAfee, 2014: 136), remarked, “freedom of the press is limited to those who own one”. While this held some truth before, it is less the case today. Cyberspace has provided people and organisations with the means to speak and spread their thoughts in previously unthinkable ways. It has also contributed to the growth of online spaces where the listener and the reader are not just an audience but are also co-creators of content, thus expanding space and voice. The explosion in reach has also been facilitated by the rise in mobile technology, where content creation is now at our fingertips. The downside is that this can result in explosions of uncontrolled, incorrect, and harmful online content posted by unknown users identified as online “ghosts” with untraceable personal information or by trolls and creators of fake news.

It is through these channels that patriarchy has reconfigured itself online, perpetuating cyber violence against women. The UN (1993: 2) defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts.” The UN considers cyber violence to be an extension of that definition and is concerned that the gendered nature of cyber violence is increasingly apparent as technology and online spaces are used to harass, threaten, stalk and abuse women (UN Broadband Commission for Digital Development, 2015).

Although both men and women can be victims of cyber violence, women experience this form of abuse more often than men do, and largely from male counterparts (Powell & Henry, 2015). Examples have been given by Winterton (2015) of challenges faced by young women on the Internet. In one example, two teenagers in the Democratic Republic of Congo had private pictures taken by a boyfriend surface on Facebook without their knowledge or consent. In another example, a Pakistani women human rights defender (WHRD) had her address included in a blog post that called on readers to kill her. Within 30 days of the
distribution of the post, she and her husband were shot. The Association for Progressive Communications analysed over 1,000 cases of cyber violence and concluded that women between the ages of 18 and 30 are likely to experience online violence and, more worryingly, that less than half the cases reported to authorities have been investigated (Winterton, 2015).

Amnesty International has weighed in on the cyber violence against women debate. In a project known as Troll Patrol, Amnesty International, in collaboration with an artificial intelligence company Element AI, and over 6,500 volunteers from 150 countries analysed 288,000 tweets to assess what could be considered problematic content (Amnesty International, 2018). The results from Troll Patrol revealed that 7.1% of tweets sent to the women in the study were problematic or abusive. This amounted to 1.1 million tweets mentioning 778 women over a period of a year, or one every 30 seconds. Black women faced the most abuse, being 84% more likely to be mentioned in problematic tweets in comparison to white women. However, they also note that online abuse against women cuts across the political spectrum (Amnesty International, 2018).

What this research shows is that although online harassment does not always distinguish between gender, race, and religion, the majority of the victims are women. This harassment has led to women engaging in censorship online to avoid abuse and hate. It has also had implications on freedom of expression and speech. Being silenced online is as serious as being silenced anywhere else. Everyday prejudices are carried into online platforms, and the vitriol spread online reflects in offline behaviour. However, the Internet itself cannot be considered the problem. The problem always existed. It has to do with the normalisation of harassment and experiences of violation in public spaces. Women are, therefore, ‘forced’ into silence and pushed into invisibility, not because they are invisible, but because patriarchy has created a system that refuses to acknowledge their realities.

Ugandan academic and prominent human rights activist Dr Stella Nyanzi was sentenced to 18 months in jail in August 2019 for a poem she posted on Facebook in 2018. The poem was considered by the state unacceptable for suggesting that it would have been better if Uganda’s president, Yoweri Museveni, had not been born. It is a common trend in African countries for such excessive restrictions on freedom of speech to have repercussions for activism. In 2017, Uganda’s first lady Janet Museveni neglected her promise to provide free sanitary pads to schoolgirls, which infuriated Nyanzi, not least because the first lady had run a strong campaign on sanitary pads and had become Minister of Education. After Museveni’s reneging on the promise, Nyanzi (quoted in Mwesigire, 2017) took to Facebook and shared the following:

What sort of mother allows [her] daughters to keep away from school because they are too poor to afford padding materials... What malice plays in the heart of a woman who sleeps with a man who finds money for millions of bullets, billions of bribes, and unaccountable ballots to stuff into boxes but she cannot ask him to prioritise sanitary pads for poor school girls? She is no Mama! She is just Janet!

Nyanzi did not stop there, she started a fundraising campaign to buy young girls the sanitary pads they had been promised, but she ended up arrested for her efforts. As her case unfolded in the court in 2019, far from feeling threatened, Nyanzi continued to post critical messages on Facebook. On one of the mornings during her court appearances, to her Facebook account she posted:

I did not come to your court for Justice. I came to continue poking the Leopard’s anus. …I refuse to be a mere spectator in the struggle to oust the worst dictator.¹

Some of the comments made on her Facebook page and Twitter account criticised her for her “hardline” stance that would send her to jail. She was accused of being selfish in her speech, and not thinking about her children and family. This type of criticism is problematic for it seeks to domesticate women.² However, women like Nyanzi are not prepared to be suppressed into

¹ https://web.facebook.com/stella.nyanzi/posts/10157263105295053
² In A Room of One’s Own, Virginia Woolf (1929) writes an extended reflection of the constraints on women, who are “now and then mothers and daughters”, and confined to domestic roles, which aptly engages on the issues at play here.
domestication, and they pretend to be satisfied when they know their rights are violated.

In general, there must be no exaggerated belief in the online medium and the platforms it has created, not least because technology and social media cannot free us from the limits of human nature. Another concerning issue around the gendered nature of cyber violence has to do with the objectification and sexualisation of women. Women politicians are judged more harshly in comparison to their male counterparts and are three times more likely to receive sexist comments (Taylor, 2017). Comments are made about how they look or what their role as women should be rather than what they stand for, and in the process attention shifts from their message to irrelevant factors such as their looks in what is ultimately a degrading process for all involved.

Social media platforms are beginning to take note of the online abuse and acting on it, including by simplifying processes for reporting inappropriate content. This is largely reactive and does not deal with the posting of abusive content, however. After all, once something has been posted online, it cannot be unseen. Social media and technology companies that offer Internet-related services and products should begin to invest in resources that deal with the harassment and abuse of women online more directly. An important step in addressing online violence against women “is to recognise that it is a legitimate and harmful manifestation of gender-based violence... women and girls deserve to live in a world where they are free from physical violence – domestic abuse, sexual assault and rape as a weapon of war – as well as violence online” (Winterton, 2015). To deal with these problems, “both laws and code to minimise this behaviour” will be necessary as well as a redesign of the “systems and research to understand existing systems and model possible new ones or tweak those we already have” (Berners-Lee, 2019). Otherwise, if this is not done, it gives the impression that it is easy to get away with ‘murder’ in the cyberspace when there should be consequences for all abuse perpetrated online.

References


The impact of the relentless advocacy of women human rights defenders (WHRDs) is far-reaching and visible in diverse fields, including academia, legal, law enforcement and military service, politics, civil service, national and international organisations, and grassroots communities (UNHRC, 2019). The term WHRD describes not only women who work on human rights but also other human rights defenders handling issues on the rights of women and other gender-related matters (OHCHR, n.d.). As Michel Forst (2019: 2), the UN Special Rapporteur on the situation of human rights defenders, notes:

The work of human rights defenders has become increasingly difficult in closing democratic and civic spaces, witnessed not only in emerging democracies but also in established democracies (Freedom House, 2019). Women are more vulnerable to violations and abuses than their male counterparts, necessitating a recognition of the unique challenges they face, and the need for mechanisms to protect them and promote their work (WHRD International Coalition, 2012; PBI Kenya, 2017).
Women defenders often face additional and different risks and obstacles that are gendered, intersectional and shaped by entrenched gender stereotypes and deeply held ideas and norms about who women are and how women should be.

The primary responsibility lies with states to ensure a safe and enabling environment for human rights defenders in general and WHRDs in particular. Given the challenges that WHRDs face and the threats to civic and democratic space, it is necessary to capitalise on all platforms that advance the fight for the realisation of women’s rights. Digital media has provided new frontiers for this struggle, and WHRDs, including young women, are finding their voices in these spaces (Nyabola, 2018: 127).

This article focuses on how WHRDs in Kenya are using digital media to amplify their work. Before delving into the situation in Kenya, the article will first briefly discuss the existing legislative and institutional framework, and its impact on providing the operational space WHRDs need.

Legislative frameworks

International

There are certain human rights and fundamental freedoms that are essential to the work of human rights defenders. These include freedom of expression and opinion, the right to access information, liberty and security of the person, freedom of assembly, freedom of association, and freedom of movement. Furthermore, in the event that the work of human rights defenders brings them into conflict with the law, freedom from cruel, inhuman and degrading treatment, the right to a fair hearing, and the right to life are especially important.

The Universal Declaration of Human Rights (Universal Declaration) and the International Covenant on Civil and Political Rights (ICCPR) are seminal human rights documents that provide for these rights. The Universal Declaration is widely accepted as customary international law, while 173 states have signed and ratified the ICCPR, and six other states have only signed it (see OHCHR, 2019). With specific focus on women, the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is instructive in obligating states to ensure the elimination of discrimination against women in ‘political and public life’ including equal participation in activities of non-governmental organisations and associations. Kenya ratified CEDAW in 1984 (OHCHR, 2019).

The UN Declaration on Human Rights Defenders goes further to provide for rights and protections specific to human rights defenders, as well as the duties of the state and the community at large, to promote and protect human rights. States are obligated to put in place legislative, administrative and other measures to realise the rights in this Declaration.

The African Charter on Human and Peoples’ Rights similarly articulates the rights essential to the work of WHRDs. The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol) further enhances the protection of the rights of women on the African continent, reiterating the call for the elimination of discrimination against women. The African Commission on Human and Peoples’ Rights has also adopted resolutions that address the unique challenges faced by WHRDs and the necessary measures to provide a safe and enabling environment for them.

2 Article 7, CEDAW.
3 Article 2, Declaration on Human Rights Defenders.
4 Article 4-7 and 9-11 of the African Charter.
Kenya’s legal and institutional framework

The Constitution of Kenya\(^7\) has a progressive bill of rights that encapsulates the rights contained in the ICCPR, and is binding to all state organs and persons. In particular, Article 27 provides for equal protection and the benefit of the law for all persons. Additionally, it prohibits the state and any other person from directly or indirectly discriminating against any person on any grounds, including sex.\(^8\)

However, Kenya is yet to draft legislation or a policy that deals with the rights of human rights defenders directly. While the Public Benefits Organisation Act was signed into law in 2013 to facilitate an enabling work environment for civil society organisations (CSOs), the Kenyan government has failed to operationalise the Act, despite court orders to do so (ICJ Kenya, 2017). Attempts to amend and annul the legislation in bad faith show the low level of commitment from the government to support the work of human rights defenders in Kenya (Kenya National Commission on Human Rights (KNCHR), 2017).

The KNCHR (2016: 7) has been instrumental in documenting the experiences of human rights defenders in Kenya, particularly on harassment and intimidation, violence, arbitrary arrests and detentions, and other violations of their human rights and fundamental freedoms. In 2013, it drafted a Model Human Rights Defenders Policy and Action Plan that the state is yet to adopt. The work of the KNCHR is further boosted by the National Gender and Equality Commission (NGEC), a constitutional commission established under the NGEC Act (2011) to address the gender-specific aspects of human rights. Kenya is also home to strong civic activism through a vibrant network of CSOs.

WHRDs and digital activism

Despite the existing constitutional protections, WHRDs in Kenya continuously have to struggle for the space to articulate their concerns and demand action from government. Broadcast and print media, often referred to as traditional media, has not always provided WHRDs with the requisite platform and support to advocate for human rights (Williams, 2015: 324). This is seen in the framing of news content concerning women that serves to reinforce negative gender stereotypes and advance patriarchal attitudes.\(^9\) Increasingly, WHRDs are embracing online media as the avenue to mobilise for action (Nyabola, 2018: 127). As of 2017, 39% of the population in Kenya were internet users, a considerable target audience (Silver & Johnson, 2019).

A significant online campaign that ultimately led to offline action is #MyDressMyChoice (Nyabola, 2018: 129-132). The #MyDressMyChoice campaign was organised by a Facebook Group called Kilimani Mums following a spate of incidents in 2014 where men publicly stripped and assaulted women on the grounds that they were not ‘decently dressed’ (Regev, 2014). Some of the incidents were recorded and went viral. This online campaign led to a street protest on 16 November 2014 calling for justice for the victims, and a condemnation of violence against women in Kenya. According to Kenya’s 2014 demographic and health survey, approximately 45% of women aged between 15 and 49 have been victim to physical violence in their lifetime. A further 14% have experienced sexual violence (Kenya National Bureau of Statistics (KNBS), 2015: 291). This campaign served to highlight the experiences of women in Kenya and led to the arrest, prosecution and conviction of the suspects, and legislative action (Equality Now, 2015).

Other notable online campaigns include #JusticeForLiz, calling for access to justice for a 16-year-old gang rape victim, whose attackers were given menial labour as punishment rather than booking them for the crime (Brown, 2015). #JusticeforKhadija called for justice for Khadija, a 16-year-old girl beaten and burnt by her 40-year-old husband (Kenya Today, 2015).

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7 Constitution of Kenya, Chapter 4.
8 Ibid, Article 27 (4) (5).
9 CEDAW, General Comment No. 35 (2017) on Gender-Based Violence Against Women, Updating General Recommendation No. 19, para 30.
#JusticeforFatuma also demanded the prosecution of Mohamed Deeq, who severely injured his wife Fatuma, stabbing her until the blade stuck in her cheek. These online campaigns brought attention to the difficulty in accessing justice for victims of gender-based and domestic violence, particularly in rural areas. Other online campaigns touched on reducing the gender gap, such as #WeAre52pc, calling for the implementation of the affirmative action measures provided in the Constitution, and #SayNoToManels, calling for equitable inclusion of female voices in public media debates (Nyabola, 2018: 138).

However, when WHRDs articulate their concerns on digital media, they have been met with backlash and online harassment, and even been mocked derisively as ‘unhappy’, ‘angry’ feminists (Nyabola, 2018: 127). Similar to attacks on WHRDs who work on the ground, the attacks are mostly gender-oriented and not as much based on the substance of their advocacy. For example, the online campaign #MyDressMyChoice reignited a heated debate on decency, and even inspired an online counter-campaign, #NudityIsNotMyChoice, that was created and widely shared by a largely male audience (Honana, 2014). Most concerning are the threats directed at activists, threatening them with assault and stripping if deemed to be indecently dressed (Nyabola, 2018: 137). This decency standard, though often linked to ‘African values’, in truth is motivated by the need to police women’s bodies (ibid: 133).

An ardent WHRD in Kenya, and leader of the #JusticeForKhadija campaign, Wanjeri Nderu, has used digital media extensively to campaign on various human rights issues (Amnesty International, 2018). As of 2019, she has more than 40 000 followers on Twitter and it is through her online pages that victims or their loved ones reach out to her for assistance. She has been a victim of physical, verbal and online attacks because of her activism and, at times, the threats extend beyond her person to her family. As she reports, she has been disproportionately targeted for her activism, more so because she is a female speaking truth to power (Amnesty International, 2018).

Undeniably, digital media is valuable for affordable and quick collective action that reaches a wide audience. However, online harassment of WHRDs, which sometimes materialises in offline attacks, is an emerging concern for the safety of WHRDs. In 2018, the Kenyan Parliament enacted the Computer Misuse and Cyber Crime Act. However, 26 sections of the legislation were suspended because they violated constitutional guarantees of including freedom of expression, press freedom, right to privacy, security of the person, property rights, and the right to a fair hearing (Muendo, 2018; Nanfuka, 2018). The implementation of the Act would have negatively impacted on activism by CSOs and individuals. A human rights approach must be employed in drafting legislation to actuate the obligation of states to create an enabling environment for human rights activism, especially for vulnerable groups such as WHRDs.

Conclusion

Through the Constitution, Kenya has the foundation to provide a conducive environment for the operation of WHRDs. However, what is lacking is a willingness from government to make this a reality. Additionally, with regards to emerging issues such as digital activism that may require additional legal protections, the actions by government decry their support for WHRDs.

Social media has provided a much-needed platform for WHRDs to advocate for the protection of human rights. The necessary legal protections, drafted and implemented under a human rights lens, are crucial, together with the support of offline actors, including police, prosecutors, government, and the wider society (Nyabola, 2018: 150-151). However, legislative measures can only do so much in the presence of a society that does not value the work of WHRDs. There is need for widespread social awareness, both online and offline, to dismantle negative social and stereotypical attitudes towards WHRDs to allow them to undertake their work safely.

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10 See www.fatumasvoice.org/justiceforfatuma
References


“Human rights defenders at risk often find it difficult to talk about their mental and emotional wellbeing, even when they are concerned about it.”
Women human rights defenders (WHRDs) work in environments that exert immense pressure on them, they bear witness to violations and violence, and often face health problems derived from exhaustion and stress from their personal experiences and activism. This leads to the possibility of being demoralised by working in such environments. Alice Nah (2017: 1) explains, ‘Human rights defenders at risk often find it difficult to talk about their mental and emotional wellbeing, even when they are concerned about it.’ Human rights practice, as a culture, does not make this any easier because it tends to ‘emphasize self-sacrifice, heroism, and martyrdom’ (ibid), which discourages defenders from expressing their anxieties and seeking pleasure as well as help. This results in a loss of ‘valuable technical capacity when people burn out or can’t cope with any more sadness and feel that they have to do different work, or end up in situations where their emotional and physical health is affected’ (Vidal & Tolmay, 2015) and they can’t perform. It is thus necessary to think about the sustainability of this group of women’s rights activists, and to pay particular attention to their wellbeing.

Marrianne Mollmann (2019) says, ‘This lack of wellbeing is as paralyzing as insecurity can be. Given this, self-care becomes a precondition for social justice work, and so – as feminist activist and writer Audre Lorde famously said – an act of political warfare.’ It is crucial that WHRDs take care of themselves to ensure that they can fully and actively fulfil their role in their society. For most WHRDs, their wellbeing is usually ignored, but it is at the very core of ensuring the functionality of an individual as an activist. The work of WHRDs has been marred by socio-cultural norms and systems of power which have the effect of erasing one’s happiness and wellbeing, which p affirms the low position of
women in a patriarchal society.

WHRDs in Malawi face a lot of name-calling, cyber-attacks through social media, and sometimes repressive laws are used to detain them in police custody. All these things result in emotional and mental stress for WHRDs, which affects their work. These personal experiences of discrimination or violence for WHRDs result in burn out and they are usually not dealt with to focus on the individual. Rather, most interventions focus on the external, such as those who benefit from the work of WHRDs.

Challenges preventing WHRDs, activists, and social movements from making self-care and wellbeing part of the political agenda

There are some challenges that prevent self-care activities from being a part of the work of WHRDs in Malawi. In the women’s rights and feminist movement, there is limited or no full realisation that the work involves continually undergoing or bearing witness to violations and violence. The fact that most activists do not have a structural mechanism to help deal with the trauma takes its toll on the individual, which affects their state of wellbeing, mental health, and ability to work effectively. In other occupations, for instance, construction, there are safeguards to protect the occupational wellbeing of the worker. However, this is not standard practice in women’s rights work, while funding for the institution of WHRD protection is also a major challenge. As Jessica Horn (in Vidal & Tolmay, 2015) points out:

We know that there is very little core support available for women’s rights organizations, and occupational wellbeing would be something that is resourced through core funding. When you are struggling to raise money for project implementation, it becomes a hard sell to make the case for additional funds or staff time for emotional wellbeing and mental health.

The funder-grantee relationship itself can limit openness and some activist groups are reluctant to share emotional needs. There is a fear that funders may withdraw funding as they perceive emotional, protection and wellbeing needs as an inability to deliver on project goals. On the contrary, the chances of project failure are high in cases where the wellbeing of activists is not incorporated (Mollmann, 2019). Some WHRDs do not receive any remuneration for the work they do, which means they have to work other jobs to cover their living expenses, which increases both their workloads and the wear on their physical, mental, emotional and psychological health and energy (Hernández Cárdenas & Tello Méndez, 2017).

The other challenge is that of identifying methodologies that WHRDs can use for wellbeing to address the multifaceted discrimination that WHRDs in society face. Many view WHRDs as ‘rebellious’ and not fitting the traditional definition of what a woman should be and do. It is difficult to find practitioners who have a combination of the skills to ensure

The principle of self-care is important as it reminds us as feminists that we feel emotions, we should not be neglected, and we are always working with other people and their emotions

(Hernández Cárdenas & Tello Méndez, 2017)
their own wellbeing, the knowledge of women’s rights needs, the drive to undertake the challenges involved, and who do not have discriminatory attitudes. The women’s rights sector has a human resources challenge, and there are not that many skilled and knowledgeable people working in women’s rights at national, regional and global level as compared to other sectors (Vidal & Tolmay, 2015). Some are driven to the sector by their own experiences of violence and may not have the skills necessary when they enter the field.

**Recommendations to deal with WHRDs’ challenges**

The principle of self-care is important as it reminds us as feminists that we feel emotions, we should not be neglected, and we are always working with other people and their emotions (Hernández Cárdenas & Tello Méndez, 2017). Hence, the following recommendations can assist in addressing the challenges highlighted above.

Firstly, regular counselling to deal with the trauma that WHRDs are witness to and that they themselves undergo will help those highly stressed WHRD. WHRDs need physical security. Their homes and workplaces must have adequate security infrastructure, and self-defence training may be necessary in circumstances which pose physical threats and where the possibility of abduction, torture, etc. must be considered. The feeling of being protected and secure will enhance the performance of the WHRDs because the physical risk is minimised. From a psychological point of view, counselling can be employed.

It is also important to establish allies and supportive groups who undertake collective organising and movement building to ensure that WHRDs are able to put pressure on responsible bodies for the protection of WHRDs. This includes advocating for the repeal of archaic and repressive laws that are used against WHRDs to stifle their voices. Capacity-building in skills and knowledge through training and mentorship programmes would help to address the gap in skills and knowledge.

`Individuals, organizations or movements can all commit to everyday actions of self-care. It can be as simple as taking meaningful and restorative breaks from work, or blocking off longer lunch hours`  
*(MobLab, 2018)*

**Next steps in moving strategies forward to sustain care and wellbeing of WHRDs**

Happiness and activism can co-exist. Organising is collective, and so is care. WHRDs operate from different cultures, contexts and political environments, and the strategies are also diverse and constantly changing. In this volatile and challenging global context, holistic security is a feminist political strategy that contributes to the preservation and sustainability of movements (Ranganathan & Díaz Ezquerro 2017).

Firstly, in the prevention of burnout, there is a need for activists to look out for warning signs of burnout as an individual and in the collective team through building allies and collaboration.

Researcher Hava Gordon (in MobLab, 2018) says that an absence of ‘allyship’ can lead to burnout. It is important
There is a need for feminists and WHRDs to have commitment to their own wellbeing and for them to ensure they set realistic goals in their work which would ensure that self-care is more attainable (MobLab, 2018).

The key to self-care in building sustainable feminist movements is to start self-care from a small scale with small actions and incorporate it as a deliberate strategy over time (MobLab, 2018). ‘Individuals, organizations or movements can all commit to everyday actions of self-care. It can be as simple as taking meaningful and restorative breaks from work, or blocking off longer lunch hours’ or staff team-building activities (MobLab, 2018). Self-care strategies can start from small steps which lead to building holistic plans for the individual WHRDs as well as contributing to the collective. For these efforts to work, there is a need for organisational leaders to take the lead and believe in the importance of self-care so that the prevailing organisational culture becomes accommodating.

cc As feminists and WHRDs, we often find ourselves feeling guilty for wanting to indulge in small pleasures and things that bring joy. However, our wellbeing and happiness should be given the same importance as the work that we do in our communities. Feminists and WHRDs should explore things that bring fun into their lives and take the pressure of work off their minds to allow them to unwind. This may include being involved in other groups that are not related to feminist work.

In addition to the strategies above, FRIDA (2016b), a young feminist funding agency, suggests the following:

- Technology can also become one’s worst enemy when one is being bombarded with emails from work causing unnecessary stress, especially in the evenings and on weekends, hence activists should be able to unplug.
- Activists should consider joining a non-activist group or activity away from human rights work.
- Activists should not be afraid to ask for help. Talking to one’s colleagues and friends for some advice and thoughts is also one important aspect of self-care.

- When it comes to patriarchal attacks, activists may be surrounded by violence, threats, negative emotions, and distressing stories. Seeking out the positive stories of change in activists’ struggles in the face of stories of injustice, inequality and violence, can be rejuvenating to activists. Finding feminist allies in the real world can support and inspire the individual activist.

**Conclusion**

Human rights violations against women have increased over the years (UN Women, 2019), and with that, the demands on WHRDs have increased. This increased demand has resulted in an increasing need for security and self-care.

There is a need for feminists to consider how they can ‘leverage allies in the service of the broader collective work within organizations and teams. Interdependent and collaborative work structures can help teams share both power and responsibility, helping avoid burnout’ (MobLab, 2018).

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Human rights violations against women have increased over the years (UN Women, 2019), and with that, the demands on WHRDs have increased. This increased demand has resulted in an increasing need for security and self-care.
for WHRDs. If the work of WHRDs is going to be effective, sustainable and inclusive of more women, including young women, there is a need to recognise this. It may mean that ‘a fundamental reboot’ of the way activists work (Mollmann, 2019). There are few funders in support of safety and self-care as contributing to the sustainability of the work that activists do. However, for the longevity of the movement, there is a need for more donors to support the wellbeing of the WHRDs they support as they carry out their brave work of transforming violent and unequal societies. In other words, defend the defenders. Horn (in Vidal & Tolmay, 2015) says that it is very important for donors to acknowledge the seriousness of WHRDs’ situation, and they must begin allocating resources to create supportive systems before it is too late.

In conclusion, as feminists, there is a need for us to look at self-care not as yet another added task onto our work, but to see it as something that is integrated into our work. Whether one is working or not, there ought to be prioritising of individual needs. Thus, FRIDA (2016b) advises, ‘Just like our feminism, it is an everyday and living practice that we are constantly learning and unlearning; not just a work ethic to follow.’

References


A ferocious feline
Waits.
Paints her nails,
Waits.
Chats with her girls,
Waits.
Inhales a hit of earth,
Waits.
Listens to Her,
Waits.
Steps into the night of life,
Waits.
Surveys with sparkling eyes,
Waits.
Surrounded by systemic lies,
Crouches.
Scowling to mask the fear,
Growls.
How does she end here?
Whimpers.
Simply this cannot be.
Stadies.
She must protect her peace.
Pounces.
Ripping apart the enemy,
Defeats.
Returning home with a kill,
Eats.
Satisfied with her meal,
Sleeps.
A ferocious feline’s will:
Keep the peace.
Manase Kudzai Chiweshe

A ferocious feline Waits.
Paints her nails, Waits.
Chats with her girls, Waits.
Inhales a hit of earth, Waits.
Listens to Her, Waits.
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Surveys with sparkling eyes, Waits.
Surrounded by systemic lies, Crouches.
Scowling to mask the fear, Growls.

How does she end here? Whimpers.
Simply this cannot be. Steadies.
She must protect her peace. Pounces.
Ripping apart the enemy, Defeats.
Returning home with a kill, Eats.
Satisfied with her meal, Sleeps.

A ferocious feline’s will: Keep the peace.
Can Chinenke

Ene Ogaba

Mama spoke of Chinenke as God, the Creator. He is to be reverenced and we are to come before him every morning and at night to reaffirm our belief in His almightiness. Chinenke, she said, created the man first, and as a woman, we are to reverence him as the very first human. A woman’s name only holds water when a man is mentioned. Her worth is realised on the day she is married to a man; only that day will she be fit to be called “woman”, she would say.

On my first day cooking for the family, I could overhear the whispers from the dinner table: “She’s now a woman o,” my uncle said to mama with so much happiness coated in his ageing voice. Does this mean I had been a man for the better part of life and could only attain the status of womanhood if I’m a good cook? I wondered if Obinna had now become a woman too. He was always in the kitchen experimenting with mamas’ spices, and he says he would like to travel abroad one day and cook for an Oyibo family. No one ever made comments about Obinna’s meals, but each dish I presented before their altar led to whispers about how good a woman I’ve grown to become and how great a wife I’ll be to my husband. But, I want to cook food that can be tasteless too and not have to be reminded of a husband I am yet to meet, let alone be married to.

Ahamefuna was my husband though. Mama said when the visitor Chinenke blesses all women and comes knocking, his family will come and pay my bride price, and we will get married soon after. This mysterious visitor mama spoke about came a week after Aham fell from a palm wine tree and broke his back while trying to impress some girl, they said. Mama and uncle said I cannot marry a man that cannot perform. I do not understand what they mean, but I am happy. I am now without a husband.
After Aham, I always saw the next man who calls me “Onye” as a potential fit for a husband. Mama often reminds me how homely it is when a woman allows a man to finish his sentences before responding. Papa died long before I was weaned as a baby. So, Mama's words meant the world to me. Mama's command of English was slightly above average, uncle always boasted about his sister being the first Englishman's cook in the village when the missionaries came. No wonder cooking and reverence for Chinenke were synonymous to Mama. As I watched Nkechi play football with the boys, my feet tingled to touch the ball, but mama had told me football is a man's game, except I wanted to look like a man as Nkechi is. She made neat cornrows for me and compared it to Nkechi's shaved hair. She places much emphasis on how the glory of a woman radiates from her hair.

On Sundays, she would place my head on her lap and wrap my head in a very big scarf. You could barely see my ears. “Why is Mama covering this glory she had talked about?” I thought. In her dance, it was almost like a celestial Being had taken control of her body when the Ibo choir sang and her body moved with every beat from the drum, Oghene and gong. “Mama surely will be the first woman to enter heaven to see Chinenke,” I thought during each church service. Mama said God blesses the man to provide, because man was created after his image. She boasted of the tubers of yam father brought home during each farming season. This made me to wonder, “Can this god who made man be female too?”

I remember the day Chinenke's visitor came and mama danced. Her joy could make the Idemili River overflow its bank. I could not stand the tug of war in my stomach on that early morning, so I went to boil some herbs. As usual, uncle was outside sharpening his cutlass. “Onyeee...ee! Your visitor has come!” he screamed with so much joy. My skirt was littered with red spots and uncle was the first to witness the coming of the visitor, and not even me the host. Mama rushed outside dancing as though she had foreseen the coming of this mysterious bloody visitor.

Chinenke once again has failed me. Why let uncle be the first partaker of my initiation into womanhood? Mama whispered to all the women who came to our compound that morning that “Onye has seen her visitor”. Then mama warned me, since Aham is no longer to be my husband, and uncle is yet to find a suitor for me, “Be careful Onye! Your visitor has come now, any man that touches you will get you pregnant.”

I wondered how many times Nkechi may have gotten pregnant. She was always playing football with Obinna and his friends. Nkechi has touched a lot of boys, perhaps only a man can get a woman pregnant, and not boys like Obinna. I wondered if Chinenke blesses the man with his visitor also to usher him into manhood. Then, I remembered mama's admonition about Chinenke only blessing women with children when their visitor comes. Perhaps Chinenke has not blessed Nkechi with his visitor, so Nkechi does not behave like a woman. Can this god allow me to wear short knickers as Nkechi does and play football with Obinna and his friends? I just want to feel the air dancing in every strand of my hair and not mama’s scarf reminding me of Chinenke’s almightiness on Sundays? I want to touch many boys and not get pregnant. I want to be Nkechi. I envy her manliness, though she is but a girl like me. Can Chinenke, “God the Creator”, be female too?
Ethel Irene Kabwato was born in Mutare, Zimbabwe into a creative family and has won prizes for her prose and poetry. Although her childhood ambition was to be a journalist, Ms Kabwato became an English teacher. She now writes for various publications and still pursues her career as an English teacher. Her work appears in various anthologies, namely, Sunflowers In Your Eyes, Writing Free, Writing Now, Between Two Rocks, Light A Candle, Ghetto Diary (a current advanced-level literature setwork), and an educational English textbook published by Scholastic (USA).

In 2015, she edited a poetry anthology, Traps, a collection of poems by Zimbabwean women writers. Most recently, Ms Kabwato’s poetry was featured in New Daughters of Africa, edited by Margaret Busby (UK). She has read her poetry at Rhodes University and the University of the Witwatersrand (South Africa). In 2008, she was a guest at the Movies That Matter Human Rights Film Festival in Amsterdam, an event that culminated in the setting up of Slum Cinema (Zimbabwe), a voluntary initiative which seeks to empower disadvantaged youths through multi-media work. Ms Kabwato, along with another poet, was a guest writer at the Guardian Hay Festival (Wales, UK) while on a reading tour of Sunflowers In Your Eyes.

**Echoes of Silence**

Our thoughts meander
Our silence bravely borne
The scars are hidden
Deep within our hearts
We thought we could
But didn’t know
We couldn’t
We thought it was all crazy
Yet the craziness was with our souls
We searched within
But the echoes of our silence
Reached their hearts
Slowly, the journey began
Unwinding the dark mysteries
Surrounding us
Our voices, tormented
Silenced
Unheard
Became whispers.
We journey through strange lands
You and I,
Our voices blending into one
A reflection of the rape of the land
We once called home.
For us, whose hearts are still there;
We sow in the dreams of others
The seeds of hope.

We have walked away
From the hills and boulders
From the rivers and mountains
From the sound of the bell
At Mount Carmel Mission
From the iron bird
... and its flight;
As it swooped on us
In our white cotton socks
of virginity
... and left mothers rocking empty cradles
Of children taken from them too soon.
Where we have come from...
I fear the future! I want so much to love it instead.

glimpses of future show themselves mostly in apocalyptic terms

my afro-sceptic valley deepens, widens and heats up

simply surviving is a victory for many

my trust ebbs ever slowly yet methodically

by the government? by me?

maybe the ones I share ubuntu with?

we play the agonistic lyric of our despondency – daily

who will be the vectors of our dreams

the ones in brain-packed rooms?

with utopia universalised

I feel caught in the headlights

like *Kalulu* in the dead of night – lost and out of my wits

this egalitarian project often feels failed

dry like my ghost home-town

all its youth wringed out

the loud silence of the masses infuriates my soul but

clearly crushes HERS
SHE jumps head-first into the roasting pan
akrasia – that dreadful weakness of will – cast to the side
I, in prayer for HER, hope my meatless days absolve me of my guilt
hurry the day this statement by gastronomy
joists my legs, hands and mouth into action
causing a political earthquake
cascading to the depth of the conscious
with solemn grimace plastered on his face
he says to me – *the government has stolen the hope of the people*
shifts the gear in the rented Corolla
the instrument of his daily personal victory
my afro-scepticism roused, it pokes its head again
SHE walks into my mind
placard in hand and tweet in the other
and promptly exorcizes that ghost
Ivy Linda Moyo

AN EMP

A diligent weaver, she never tires
One by one she picks up the stitches and
brews my admiration

An artist in her own right,
She works with determination
As she structures out her intention

Black, white, yellow, red, a nation imagined
She weaves each colour for its self-flourishment

And when her unified rainbow ensemble begins to take shape
She gladdens on her achievement

On she weaves with increased anticipation
Letting each stitch say its own proclamation
She loops one up
She loops one down
And cheers as they cocoon one another
'This way they protect each other,' she beams
Reflecting her values for togetherness
A self-made stitch herself
She relates with all that pass through her hands
So when she hiccups and misses a stitch
She weaves to bankrupt negativity and picks it up
She understands that to lose one would be to lose all
For when women stand together, their will becomes embroidery in getting social justice
So in solidarity, they stand in her never-ending loom of women's empowerment
How Dare!

How dare you call them appliances, aids, sticks & tools?
We call them crutches, wheelchairs, & callipers
They are feet, ears & hands that provide mobility
These are limbs that make a person function well
Words like sticks & tool take away dignity
How dare you undermine her & judge her ability
You make a decision that she should & must have a hysterectomy!
Be sterilised & have an abortion without her consent
Do you not know that it is her right to make that choice to have a child?
A choice based on her rights as a human...
Could it be that her dream is to have children?
Now you are taking away that dream
You have made these decisions because she is a woman with a disability?
Shame on you society!
You value your culture better than you respect a life of a person and her rights!
You cannot stand, having a woman with a disability with a child from your son
Is she not your daughter or your sister!
Where is your conscious?
Where is your belief in the right of a woman to freedom of life & choice?
To marry, have children, right to access family planning,
Right to sexual choice, education & to be herself!
Look beyond her disability & see a woman
A woman of value & purpose
A Person

Your eyes are the link to the imagination
Of many answers to your questions
Imaginations, feelings of negative & positive views
Are the results to what you want to believe?
You can believe anything, anyhow & anywhere
Who told you I was a woman?
Who told you I was disable
Is it not the imagination of the memory of...
The picture you once saw,
What if you were disable & I was not?
Does it really matter what I am?
Does it make a difference?
If you believe what you see, the negative vision
Then you are not seeing what I am
Can I take a chance & say you have failed for
You have used your negative forces as your sight signal
Switch off.... & switch on
Your positive sight signals are on
What do you see?
Do you believe you can identify my being?
What do you see?
A person!
Yes! I am a Person!

Her Scars of Life

Your character portrays an African eagle
An eagle that managed to escape from its prey
Oh! Woman you survived the scars of this world
You were once, twice & frequently physically, mentally abused And raped by someone close to you!Never did you open your mouth & tell a living soul!Someone you trusted & thought he would protect you!
Did this to you!
He took advantage of your innocence & beauty
Behind your tender smile is where you hid this deep secret!
A secret of self-hate, blame & worthless!
It was not your fault & never should you think to blame yourself again
It happened because this world has insolent, dangerous, Heartless, shameless and selfish people!
The pain you went through I can never imagine
But because of this misfortune
The scars have shaped & contributed to your character
And ability to govern
They have made you a strong, confident, and aggressiv Loving & sensitive woman!
A leader & someone who stands up for others
An eagle that flies swiftly, high above the storm
You are wise like an eagle who builds her Nest high where nothing can destroy her young!

Celebrate her life

Today I celebrate a life of a woman
I celebrate her right, needs & freedom
I celebrate her tears, fears, struggles and triumphs
I celebrate her new song
Halala, helele, halala, helele
You strike a woman you strike a rock
Watint’ umfazi watint’ imbokodo
Her life has been as hard as rock, Yet she never gives up on her dream, Her dream to own her life, make decisions, Without being undermined or taken advantage of by society
Abused, powerless, spat upon, Embarrassed & stripped of her womanhood,
The smile of her baby gives her hope & reminds her of her dream,
She glazes like the African sunrises
She looks for help & skills to empower herself,
I celebrate her zeal, passion, & drive
I celebrate her desire to gain knowledge, power & strength,
I celebrate a life of a woman, who has discovered her gift, talent & right
I celebrate this day with her
Give me the swindler who stole our destinies
And tampered with our blessings from conception
Discredited our ambitions of higher aspirations
Tied our fates with traditional bindings
Decreed the degradation of our existence
I wanna tell him he’s got da nerve!

Listen

Who is this conman so afraid of our femininity?
Running his mouth disseminating slanderous mockery?
Colonizing our abilities and calling it culture?
Demeaning our intelligence and calling it hormones?
Dear Lord, as if he knows their significance!!
Where does he get the nerve...?

Say... tell me this...

Where does this charlatan get his ridiculous notions of grandeur?
Violently advocating the extinction of the enlightened goddess?
Banishing us to menial drudgery asserting his falseness!
Using his fist to suppress his superiors, my god how inferior!!
Yet we are strong enough, we bring mankind into existence.

His nerve...!
Say... why...
Why are WE afraid of this impostor?
Shifting the blame like we don’t tango to the same song?
Content to sing along instead of leading by example
Shackled to the misguided fears of an inferiority complex and
Begging for humiliation and displaying the scars like trophies

Now you got the nerve…!

Overcome this confinement of perpetual slavery
Stand your ground in the face of this oppressor
Fight for your humanity as a people, your identity as a culture
Your rights as individuals, you stand as equals

Tell this bigot he’s got da nerve…!

Stop giving away pieces of your integrity for an illusion
Nourishing his wickedness with buckets of your tears
Hiding his weaknesses and demeaning your stature
And hiding from your strength and lurking in his shadow

Show him you’ve got the nerve…!

Yank out this hypocrite from the mantra of your destiny
Deny him your essence for a mere presence in your heart
Show him the gate of the lost city of the ignorant

Tell him…

I said, tell him your preference can never be changed to his opinion!!

HE’S GOT DA NERVE…!

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Sophiwe Nzima-Ntšekhe. Born in Zimbabwe but now a naturalized Mosotho residing in Lesotho for over 20 years, Siphiwe Nzima-Ntšekhe is an avid activist using her writing to stimulate the masses with inspiring poems and songs for over 10 years. She spent five years from 1994 in Brussels, where she was introduced to writing as a form of self-expression and, in so doing, the poet was born. She attended schools in Lesotho and Belgium and did her BA Drama degree at the University of the Free State in South Africa.

Siphiwe’s work is an infusion of spoken word, African melodies and traditional drumbeats inspired by contemporary afro-pop artists. Her passion for the preservation of the African child has seen her create poems on human rights, gender-based violence and child abuse. She uses poetry to free herself from her own childhood abuse experiences and has since become a voice of reason for those afraid to speak up and for those who share her passion in standing up together against prejudice, violence and abuse.
Wynona Mutisi

The woman embodies all that she is fighting for; hence the tattoos that are representational of different sexualities. Her body language says she is vulnerable. She has half the tools she needs to attain the ideas tethered to her arrows. She needs the bow — which has been stolen from her — to use the arrows.

Wynona Mutisi is a fourth-year fine art student majoring in art history, visual culture and fine art practice at Rhodes University. Her body of work is mostly a combination of printmaking and digital art and it addresses different aspects of her life from her memories to her thoughts about the world around her. She currently freelances as a graphic designer and illustrator and tries to marry her design world with the fine art world. She is more interested in writing about art so she seeks to influence the rethinking of the functions of visual culture in Africa while actively producing new knowledge. Her inspiration mostly comes from female African creatives ranging from designers to content creators who are making a living out of their creative work.
EDITOR’S NOTE:

This 10th issue of Buwa! is a milestone for all of us at OSISA. As a journal on African women’s experiences, we are proud of all the interventions, thought-leadership and contributions to Buwa! since we first published 10 years ago.

This current issue is the culmination of several coordinated efforts. I would like to thank all our contributors, for heeding the call and sharing their thoughts; you make this publication what it is. I would also like to recognise and thank the team I worked with in the production of this issue:

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- Cynthia, Editor-in-Chief

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