

GENDER & TRANSITIONAL JUSTICE FACTSHEET



NATIONAL
TRANSITIONAL JUSTICE
WORKING GROUP
ZIMBABWE

WHAT IS TRANSITIONAL JUSTICE?

It is a set of initiatives put in motion in the aftermath of violent conflict, and other periods of massive violations of human rights that aim to provide recognition to victims while also ensuring that cycles of violence and human rights violations are broken and paving the way for justice, peace, and inclusion.

The National Peace and Reconciliation Commission

The National Peace and Reconciliation Commission (NPRC) has the primary mandate to deal with the national dealing with the past agenda as articulated in section **252** of the Constitution of Zimbabwe, 2013. (the Constitution) which specifies its functions which include ensuring post-conflict justice, healing and reconciliation. In performing its constitutional mandate, the NPRC is also guided by the National Peace and Reconciliation Commission (NPRC) Act [Chapter 10:32].

Section 9 of the NPRC Act

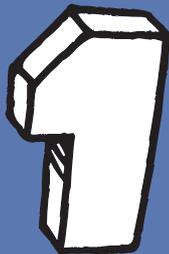
Section 9 of the NPRC Act offers an opportunity to build momentum fundamental for gender justice which has often been excluded from transitional processes. Section 9 is intended to increase the participation of women and incorporate a gender lens into all of the NPRC's peace and transition efforts. The section is an important tool for actors both inside and outside of the NPRC to promote inclusion of women and girls.

This factsheet shares some interesting facts on gender and transitional justice.



DID YOU KNOW?

Section 9 (1) (b) (NPRC ACT)



The NPRC has a mandate to establish a Gender Unit to provide for the development of strategies to encourage the participation of women, girls and other marginalised groups in the work of the Commission.

The experiences of women have not been adequately addressed by transitional justice processes, nor have women had sufficient opportunities for participation. Without the engagement of women and a solid understanding of how and when violations have affected men and women differently, transitional justice processes cannot successfully contribute to a more just society for all.

Section 9 (1) (h) (NPRC ACT)

The NPRC is obliged to investigate the use of sexual crimes as a weapon during and after conflicts.

The NPRC is tasked with addressing sexual violence and examining how women were distinctly impacted by various episodes of human rights violations. For a long time, conflict-related sexual violence occurring for a purpose of punishment, coercion, discrimination or intimidation was largely viewed as an unfortunate side effect of war. There was a pervasive silence regarding violence against, harm to, and the degradation of women.

Sexual violence has threatened security and impeded peacebuilding in post-conflict situations in Zimbabwe. The current legislative framework of the NPRC offers an opportunity to consider and build momentum fundamental for gender justice. {1}



Section 9 (1) (i) (NPRC ACT)



The NPRC is obliged to reach out to and identify victims of gender-based human rights violations and provide such victims an opportunity, in private or public, to relate their own accounts of the violations or harm they have suffered and to set out their needs.

Gender-based violations have long plagued the nation, violence against women and girls is one of the most widespread, persistent and devastating human rights violations. According to Section 9 (1) (i) of the NPRC Act, the NPRC should include the voices of the victims of gender-based violence and put strategies in place to hear the victims and to ensure victims participation in the transitional justice processes.

DID YOU KNOW?

Section 9 (1) (j) (NPRC ACT)

The NPRC is tasked with holding specific public or private hearings on the gendered nature and context of violence and marginalisation and investigate the causes of such violence and marginalisation.

While women and girls experience some form of gender-based violence, it is a double tragedy for indigenous women and minority girls in marginalised communities. They lack recognition and this leaves them invisible and excluded from the transitional justice processes. Often times reporting and litigation is an unrealistic possibility because of marginalisation.



Section 9 (1) (k) (NPRC ACT)



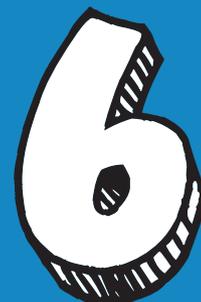
The NPRC must assess the needs of victims of gender-based violations and marginalisation and make recommendations that may include urgent interim measures, as to the appropriate measures required to redress such violations and marginalisation.

Inclusion and recognition of victims in transitional justice processes are key in ensuring peace and healing of the survivors of gender-based human rights violations and human rights atrocities. Introducing a gendered perspective facilitates a more comprehensive approach to transitional justice and breaks the culture of impunity, which if not broken affects the legitimacy and credibility of the NPRC.

Section 9 (1) (f) (NPRC ACT)

The NPRC is mandated to develop protocols for statement taking, collection and analysis of gender and sex-disaggregated data, to conduct interviews and hearings and other operational matters to ensure that gender concerns are fully addressed.

To ensure that victims of gender-based human rights violations meaningfully engage in transitional justice, the NPRC should put in place measures that effectively address the causes and consequences of gendered experiences of human rights violations. The inclusion of the victims is essential in providing adequate remedies for the survivors and victims.



DID YOU KNOW?

Section 9 (1) (d) (NPRC ACT)



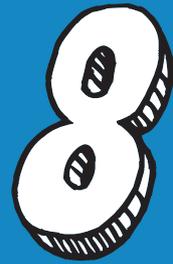
The NPRC is tasked with the mainstreaming of gender imperatives into every aspect of the Commission's work.

The participation of women and women's groups in consultation and decision-making processes on the design of transitional justice processes are crucial to achieving peace and post-conflict healing. The value of gender mainstreaming in conflict resolution and in particular within the realm of transitional justice is not only limited to its applicability to providing redress to victims of gross human rights violations. It brings the aspect of adequacy and appropriateness of the proposed redress. {2}

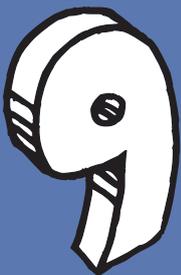
Section 9 (1) (c) (NPRC ACT)

The NPRC must ensure gender equity in the structure of the Commission, its secretariat and any other committees that the Commission may set up.

The incorporation of gender justice into accountability mechanisms emphasises two key objectives, namely acknowledging and seeking justice for women's experiences of sexual violence during conflict and securing increased representation of women in arenas of policy making and decision making on post-conflict issues as well as in the transitional justice mechanisms themselves. {3}



Section 9 (1) (g) (NPRC ACT)



The NPRC should monitor gender related practices within the Commission and advice on best practice and principles

Such monitoring would require clear gender equality outcomes, results, and indicators that are informed through a gender gap analysis. Embedding clearly crafted gender equality goals, outcomes and indicators in any gender action plan can be an effective strategy for ensuring that gender equality is taken seriously in the design and implementation of any transitional justice mechanisms. {4}

[2] Gender mainstreaming in Transitional Justice in Zimbabwe policy paper

[3] Gender mainstreaming in Transitional Justice in Zimbabwe policy paper

[4] AusAid 2001

Compiled and distributed by
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