



# ***Women and Law Enforcement in Zimbabwe***

Report produced by IDASA (An African  
Democracy Institute), and the Research and  
Advocacy Unit (RAU)

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## Background

The women of Zimbabwe have had varying experiences with national law enforcement agencies and many of them are unpleasant. These experiences are the same regardless of whether the women are activists or not, but perhaps worse for female activists. Police officers have been responsible for some of the most serious human rights and rule of law violations in Zimbabwe today.<sup>1</sup> Police brutality in Zimbabwe extends to opposition politicians, students, trade unionists, journalists and members of civil society organisations, this paper however focuses on women.<sup>2</sup> Women have encountered torture, assault, harassment, intimidation, and imprisonment at the hands of the police, who act in breach of their professional and legal obligations.

The police have a responsibility to respect human rights<sup>3</sup>, but the fate of women activists, especially those from Women of Zimbabwe Arise (WOZA) members, tells a different story.<sup>4</sup> In a series of reports from 2007, WOZA demonstrated the perils of both being an activist and female<sup>5</sup>, showing the kinds of abuse and the consequences of abuse at the hands of the police. From a sample of 1983 WOZA members, 42% reported assault, 33% reported physical torture, 64% reported humiliating and degrading treatment, and 78% reported political threats. Many violations occurred during the course of protests where the police were the perpetrators, but it was also the case that equally many took place in police custody. The female members of the NCA have also suffered the same fate; as they stated in a 2009 study, 70% of the perpetrators of violence were from various branches of the police force<sup>6</sup>. Assault was the most common violation, mentioned by 80% of these members, and the weapons used in the assaults were baton sticks and booted feet, part of the uniform of the police.

The brutality meted out against female civil rights activists, is well documented, with one of the most notorious cases being that of Jestina Mukoko, Director of the Zimbabwe Peace Project<sup>7</sup>. Jestina was abducted from her home by members of the Central Intelligence Organization on December 3, 2008, and held captive in police custody for several weeks, where she was brutally beaten, tortured, forced to confess to an alleged plot to mount a terrorist incursion from neighboring Botswana, and subsequently imprisoned before being brought to court, where she was eventually granted bail on February 27, 2009.<sup>8</sup> Jestina's experience of police intimidation was not an isolated incident; another example is the case of Gertrude Hambira, now living in exile in South Africa after being harassed by senior law enforcement agents and members of the Joint Operations Command [JOC].<sup>9</sup>

Police abuse is not the privy of women activists, even women who attempt to report domestic violence are frequently disrespected, and often told to go back home and resolve their differences with their partners. The Domestic Violence Act<sup>10</sup> came into force in 2007, and was hailed as one of the most progressive laws for the advancement of women in Zimbabwe. Despite this Act being in

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<sup>1</sup> See IBAHRI, *Partisan policing: An obstacle to human rights and democracy in Zimbabwe*, An International Bar Association Human Rights Institute Report (OSISA) p19 OCTOBER 2007.

<sup>2</sup> See a report by WOZA, *The Effects of Fighting Repression with Love*. pg4, MARCH 2008, HARARE: WOZA.

<sup>3</sup> Article 1 of Southern African Regional Police Chiefs Co-operation Organisation SARPCCO Code of Conduct for Police Officials 'Harare Resolution on the SARPCCO Code of Conduct for Police Officials' 2001. Zimbabwe is a member.

<sup>4</sup> See IBAHRI's report, *Partisan policing: An obstacle to human rights and democracy in Zimbabwe*, p27 OCTOBER 2007.

<sup>5</sup> See WOZA (2007), *A Preliminary Report on Political Violence against Women of Zimbabwe Arise* [A report by Women of Zimbabwe Arise (WOZA). March 2008. ZIMBABWE: WOMEN OF ZIMBABWE ARISE; WOZA (2008), *The traumatic consequences of gross human rights violations suffered by WOZA women*. HARARE: WOMEN OF ZIMBABWE ARISE.

<sup>6</sup> NCA (2010), *Fighting for a New Constitution: Human Rights Violations experienced by Female Members of the National Constitutional Assembly*, p13, Report produced by the Research & Advocacy Unit. March 2010. HARARE: RESEARCH & ADVOCACY UNIT.

<sup>7</sup> Zimbabwe Peace Project is a Zimbabwean local human rights nongovernmental organization that works extensively with the grassroots.

<sup>8</sup> After Jestina took her case through the courts, the Zimbabwean Supreme Court finally ruled on September 28 2009 that state security forces had violated her human rights to such an extent as to warrant a permanent stay of prosecution in the case against her. See [http://www.eepa.be/wcm/dmdocuments/EEPA\\_Occasional\\_Paper\\_5\\_copy.pdf](http://www.eepa.be/wcm/dmdocuments/EEPA_Occasional_Paper_5_copy.pdf) Accessed on 12 Jan 2011

<sup>9</sup> [http://www.eepa.be/wcm/dmdocuments/EEPA\\_Occasional\\_Paper\\_5\\_copy.pdf](http://www.eepa.be/wcm/dmdocuments/EEPA_Occasional_Paper_5_copy.pdf) Accessed on 12 Jan 2011. Gertrude is the Secretary General of the General Agriculture and Plantation Workers Union of Zimbabwe [GAPWUZ], which represents the rights of farm workers, the rights of many having been violated and livelihoods destroyed as a result of Zimbabwe's chaotic land reform programme. Hambira, through video footage taken with mobile phones, had exposed all forms of brutality on farms, including sexual violence meted out against female farm workers.

<sup>10</sup> Domestic Violence Act (Chapter 5:16) No.14/2006

place, women continue to be subjected to abuse by their partners as there is a general reluctance by the police to enforce the Act and protect abused women.

The manner in which the police handle women will potentially undercut women's confidence in the police's ability to deal with domestic violence issues. Many police officials view domestic violence as a "private" matter, best left behind closed doors. This has resulted in attitudes and systems that minimize police responses and discourage specialized responses to women who are victims.<sup>11</sup> The conduct of the police is a breach of Section 5 of the Domestic Violence Act, and numerous international treaties, as they frequently decline to listen to complaints, investigate them, advise complainants, facilitate access to medical assistance, and ensure the women are aware of the legal remedies at their disposal.<sup>12</sup>

Whilst women are protected by law as citizens of Zimbabwe, this becomes ineffective when the protection cannot be implemented, and especially when the ones supposed to offer protection are perpetrators of violence and intimidation. Women and children should be confident and feel secure when they see a policeman or a soldier. There is need to restore confidence in law enforcement agents so that they protect women and their dignity.

### **ZRP History and Structure**

The police force of Zimbabwe was created by Chapter IX of the Constitution which provides for the establishment of the Zimbabwe Republic Police (ZRP) as follows:

*Section 93..*

- (1) There shall be a Police Force which, together with such other bodies as may be established by law for the purpose, shall have the function of preserving the internal security of and maintaining law and order in Zimbabwe.*
- (2) Subject to the provisions of an Act of Parliament, the Police Force shall be under the command of the Commissioner of Police, who shall be appointed by the President after consultation with such person or authority as may be prescribed by or under an Act of Parliament.*

The fact that the appointment of the Commissioner General of Police is at the prerogative of the Presidency can be problematic in that it can compromise the commissioner's ability to act impartially and without political bias. This has been the case in Zimbabwe where the Commissioner General of Police, Augustine Chihuri, has openly stated that he is a supporter of the Zimbabwe African National Union-Patriotic Front (ZANU PF), and will therefore not tolerate anyone from the opposition party or those suspected of belonging to it.<sup>13</sup> So instead of conducting itself as a national security force charged by the Constitution and the Police Act (Chapter 11:10) with ensuring public order and security in the country, the ZRP has abandoned its constitutional mandate in favor of an approach to policing which is blatantly partisan.<sup>14</sup> This conduct is against the spirit of the African Regional Police Chiefs Co-operation Organisation (SARPCCO), which provides in Article 2 of the Harare Resolution that:

*'Police officials shall treat all persons fairly and equally and avoid any form of discrimination'.*

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<sup>11</sup> Ibid

<sup>12</sup> Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO). Code of Conduct for Police Officials 'Harare Resolution on the SARPCCO Code of Conduct for Police Officials' 2001.

<sup>13</sup> Zimbabwe Human Rights NGO Forum, *Their words condemn them: The language of violence, intolerance and despotism in Zimbabwe*, p18 MAY 2007, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

<sup>14</sup> IBAHRI's report, *Partisan policing: An obstacle to human rights and democracy in Zimbabwe*. An International Bar Association Human Rights Institute p.52 OCTOBER 2007

The African Commission on Human and Peoples' Rights<sup>15</sup> (ACHPR) has in the past condemned the ZRP's partisan stance and routine abuse of human rights<sup>16</sup>. The ACHPR also recognized breaches of international law by Zimbabwe, and recommended that the government study and implement the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (otherwise known as the Robben Island Guidelines) adopted by the African Commission at its 32nd Ordinary Session held in Banjul, The Gambia in October 2002.<sup>17</sup> Since that visit by the ACPHR there has been no discernable improvement in the manner in which the Law and Order section (specifically mentioned by the ACPHR), and the whole police force in general, conduct themselves.

### **International and Regional Obligations**

The ZRP is bound by many international human rights standards.<sup>18</sup> The ZRP is also a member of SARPCCO, a regional professional association which is committed to disseminating best practices and raising the standard of policing, including the respect for human rights. The SARPCCO Code of Conduct, titled the 'Harare Resolution on the SARPCCO Code of Conduct for Police Officials', outlines the minimum standards to which the ZRP are meant to be committed.<sup>19</sup> SARPCCO is not legally binding on the government but it has persuasive value because we have committed as a country to adhere to its core values.

Article 1 of the SARPCCO, states that,

*'In the performance of their duties, police officials shall respect and protect human dignity and maintain and uphold all human rights for all persons.'*

### **Survey on Women's views**

A survey was conducted in late 2009 to find out the views of Zimbabwean women on elections, transitional justice and a number of related issues, including law enforcement and the conduct of the police. The survey was conducted by the Research and Advocacy Unit (RAU) in partnership with IDASA (An African Democracy Institute), the International Center for Transitional Justice (ICTJ) and the Women's Coalition of Zimbabwe (WCoZ).

Over 2220 women were interviewed across the country and a small number of Zimbabwe women living in South Africa and Botswana. This report draws on the findings relating to the responses from a final sample of 2,149 women after the data had been cleaned. A comparison was made between the rural and urban women who took part in the survey to see if any differences emerged concerning their opinions on law enforcement agents; however, no significant differences emerged. The specific section on Law and Order of the questionnaire is attached as Appendix 1, and the other areas covered in the survey are attached as Appendix 2.

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<sup>15</sup> The African Commission Mission Report, Executive Summary of African Commission's Fact-Finding Mission to Zimbabwe 24 to 28th June 2002.

<sup>16</sup> See the Zimbabwe Human Rights NGO Forum Monthly Political Violence Reports at <http://www.hrforumzim.com>

<sup>17</sup> [www.sarpc.org.za/d0000901/P1021-ACHPR2002-Zimbabwe.pdf](http://www.sarpc.org.za/d0000901/P1021-ACHPR2002-Zimbabwe.pdf).

<sup>18</sup> Zimbabwe is party to the following international and regional human rights treaties: United Nations International Covenant on Civil and Political Rights (13/05/91); United Nations Convention on the Elimination of All Forms of Discrimination against Women (13/05/91); United Nations International Convention on the Elimination of All Forms of Racial Discrimination (13/05/91); United Nations International Covenant on Economic, Social and Cultural Rights (13/05/91); United Nations Convention on the Rights of the Child (11/09/1990); African Charter on Human and Peoples' Rights (12/06/86); Protocol to The African Charter on Human and Peoples' Rights on The Establishment of an African Court on Human and Peoples' Rights (signed on 09/06/98); Protocol to The African Charter on Human and Peoples' Rights on The Rights of Women in Africa (signed on 18/03/2003); African Convention on Preventing and Combating Corruption.(22/02/07); African Charter on the Rights and Welfare of the Child (22/02/95); The SADC Treaty .

See preamble to the SARPCCO Code of Conduct for Police Officials 'Harare Resolution on the SARPCCO Code of Conduct for Police Officials' 2001, downloadable from: <http://www.idasa.org.za>.

<sup>19</sup> See IBAHRI's report, 'Partisan policing: An obstacle to human rights and democracy in Zimbabwe' p 24, An International Bar Association Human Rights Institute Report (OSISA) October 2007.

This report is the third in a series<sup>20</sup> of reports based on the survey mentioned above and it looks specifically at the section on law and order in Zimbabwe, and what Zimbabwean women's views are on law enforcement agents. The issues raised in this part of the survey include views on the extent to which law enforcement agents respect the law, how they have handled matters relating to political violence, and whether there are any areas in law enforcement that need improvement and how this can be achieved.

### *Survey Methodology*

The questionnaire used in the main survey was developed from a previous instrument used in surveying women, and modified by the incorporation of new questions. The questionnaire went through four rounds of internal discussions between the three main organisations involved – ICTJ, Idasa, and RAU - before being translated into Shona and Ndebele. A small pilot, involving 53 women, was carried out by RAU to test the validity of the questionnaire, following which further modifications were included.

A two-day training session was then held for potential enumerators, who were provided mostly by the member organisations of the Women's Coalition as RAU is a member of the Coalition. Following selection and training, the enumerators were deployed for a small pilot phase, and both the questionnaire and the ability of the enumerators were re-examined. A small number of the enumerators were eliminated, and the major survey was begun.

Each interviewer was required to do 50 interviews in their local area, with the cases selected from every 10<sup>th</sup> household. It was not possible to strictly control the sampling, but it is evident that the study did achieve the objectives of obtaining wide geographical coverage and broad representation of ages. The interviews were conducted in the language of choice for the interviewee: English, Shona, or Ndebele, using the appropriate questionnaire. All respondents were informed of the confidentiality of the results, and that no individuals would be identified.

The sample was drawn from all 10 provinces of Zimbabwe, and the distribution and demographic features were mostly similar to previous surveys.<sup>21</sup>

The data was entered on a purpose built database, and frequencies were calculated for all fields.

Although the methodology could not wholly attain the rigour of a randomized, stratified probability survey, it is evident that there is considerable agreement in this sample with the demographic data from the Afrobarometer 2009 report (AB4), except with respect to age, and even in respect of age there is moderate agreement with the data from AB4. Furthermore, it should be noted that, whilst the methods do not accord with strict random stratified sampling, the data itself is strongly corroborated by the findings of a large number of previous reports, especially in respect of violations, witnessing, and elections.

## **Findings**

The role of the police in a democracy is summed up in Article 1 of the United Nations Code of Conduct for Law Enforcement Officials.<sup>22</sup> Police officers and other law enforcement agents are obliged

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<sup>20</sup> There have been two other reports written in 2010 based on this sample of women. The first one was *Women, Politics and the Zimbabwe Crisis* which reflected on what women understood about the crisis in Zimbabwe and what they wanted. The second report was *Preying on the "weaker" Sex: Political Violence against Women in Zimbabwe* which focused on the women's experiences and witnessing of political violence.

<sup>21</sup> See Chikwanha-Dzenga, A. B, Masunungure, E, & Madingira, N (2000), *Democracy and National Governance in Zimbabwe: A Country Survey Report*. Afrobarometer Paper No.12; Chikwana, A., Sithole, T., & Bratton, M. (2004), *The Power of Propaganda: Public Opinion in Zimbabwe*, 2004, Afrobarometer Report No. 42; Afrobarometer (2009), *Summary of Results. Round 4 Afrobarometer Survey in Zimbabwe*. Compiled by MPOI; *Public Attitudes to Transition in Zimbabwe*. 11 December 2009, Freedom House & Mass Public Opinion Institute.

<sup>22</sup> Law enforcement officials shall at all times fulfill the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession. This Code was adopted by General Assembly Resolution 34/169 of 17 December 1979.

to abide by the national law when carrying out their duties. Since police officers have far-reaching powers, such as the power to arrest and detain criminal suspects, these powers must be exercised within the confines of the law and must not be abused.<sup>23</sup> Section 29 of the Police Act makes it an offence for members of the ZRP to contravene any provision of the Act, or any order made in terms of it, or who commit offences specified in the schedule to that Act. Part Five of the Police Act deals with the discipline of members of the ZRP who contravene the Act. An officer who contravenes the Act can be liable to a level ten fine or five years in prison; to the best of our knowledge no police officer has ever been brought before the disciplinary committee for acting outside the law<sup>24</sup>. To civilians, the police represent "*government in action*", and thus may influence their overall opinions on and perspectives of the larger government, its philosophy and applicability to their daily lives. The actions of the police may strengthen or weaken the public support necessary to sustain a viable democracy.<sup>25</sup> Government must undertake immediate legal, structural, and political reforms to ensure that the judicial system holds police officers who contravene the Police Act accountable and deters future abuse.

### ***Respect for the law***

The issue of respect for the law in Zimbabwe has been a contentious one over the past decade. One of the allegations against the three arms of the government of Zimbabwe; the executive, judiciary and parliament; has been their failure to uphold the rule of law when matters are of a political nature. There is widespread arrest of women activists where unnecessary violence is used and women being detained for beyond the prescribed 48 hours. In some instances the police do not take women into custody, but assault them at the congregation point as they are aware that the women activists they are targeting have not committed any crime and there is no possibility of conviction if formal charges are laid against them.<sup>26</sup> By assaulting women activists in public, the police are meting out a kind of extra-legal street justice simply on the basis that those targeted are perceived to be opposition supporters. Even in instances where activists are taken into custody, the police often do not lay formal charges, and where charges are laid, activists are almost never found guilty as charged.<sup>27</sup>

In the survey women were asked *whether in their opinion they believed that there is respect for the law in the country*. In response to the question, 74% of the women felt that there was no respect for the law in Zimbabwe; 14% reported that *maybe* there was respect for the law, 8% were *definite*, while 3% stated that they *did not know* whether there was respect for the law.

### ***Responsibility for enforcing the law***

Fifty four percent [54%] of the women in response to the question, *who in their opinion should be responsible for enforcing the laws of Zimbabwe*, stated that the police force is the responsible body for the enforcement of laws of the country. 25% of the women felt that the government should be responsible, 12% indicated that the responsibility should be that of the judiciary, 8% reported parliament as the responsible body, while 2% stated the army should be responsible for the enforcement of the law. These results show that a majority of Zimbabwean women know that the police are the responsible body for law enforcement in Zimbabwe and this is in line with the law.

### ***Application of the law***

A statement was posed in the questionnaire to determine whether the women agreed or disagreed with the notion *that law enforcement agents should apply the law fairly and use the law to protect*

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<sup>23</sup> The most recent case *WOZA v Attorney General SC 22/10*, also discusses the illegality of the arrest of WOZA women during a peaceful march.

<sup>24</sup> However, there have been many civil actions brought against the police for violations of women's rights. For example, see Zimbabwe Human Rights NGO Forum (2006), *An Analysis of the Zimbabwe Human Rights NGO Forum Legal Cases, 1998–2006*. Published by the Zimbabwe Human Rights NGO Forum. June 2006, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2006), *Who Guards the Guards? Violations by Law Enforcement Agencies in Zimbabwe, 2000 to 2006*, December 2006, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

<sup>25</sup> *Police and human rights manual for police training in Macedonia*. p12

Available on, <http://www.humanrights.dk/files/pdf/Engelsk/International/macedonia.pdf> Accessed 9 Feb 2011.

<sup>26</sup> Solidarity Peace Trust, *'Destructive Engagement: Violence, Mediation and Politics in Zimbabwe'*, p35 JULY 2007.

<sup>27</sup> *ibid*

every citizen despite their political affiliation. As regards the abovementioned notion, the majority (see Table 1 below) indicated clearly that the law is for the protection of citizens of the country and its fair application cannot be deviated from because of the person's political affiliation.

**Table 1**

<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Don't know</b>
77%	18%	1%	1%	1%	1%

A question was further asked to the women to determine whether they *were satisfied with the way political violence cases have been handled by law enforcement agents in the past*. As indicated earlier, the ZRP has been accused of partisan policing, favouring the then ruling party (ZANU-PF) when matters reported to them relate to political violence. For example, and mentioned earlier, the Commissioner-General of the ZRP has made public statements that he will not pay allegiance to any other person that wins an election in Zimbabwe except if it is President Mugabe. In 2001, he publicly stated that "I would like to make it public that I support ZANU PF because it is the ruling party. If any other party comes to power, I will resign and let those who support it take over."<sup>28</sup> Furthermore there have been numerous reports that when Movement for Democratic Change (MDC) supporters report matters to the police and accuse ZANU-PF supporters of being responsible for the violence, the police are more likely to arrest the people making the reports as opposed to investigating the alleged perpetrators.

In an earlier report, *Preying on the "Weaker" Sex: Politically Motivated Violence against Women in Zimbabwe*<sup>29</sup>, 23% of those that reported experiencing political violence reported the matter to the police. Of those that did not report, 67% indicated that they did not report their violations to the police because of fear of reprisals, and 31% did not report to the police because the police were involved in the violence against them or what they witnessed. This was also the case in another report on politically motivated rape<sup>30</sup>, where most of the victims did not bother to report the rape to the police, and, of those that did report to the police, only 4 reported the rape, whilst the other 5 merely reported damage to their property or theft of property. The reasons for not reporting included fear of reprisals from the perpetrators and the attitudes of the police towards any one perceived to be a MDC supporter.

In the present survey, the majority of women [77%] expressed their dissatisfaction with the way law enforcement agents have handled cases of violence. 47% of the women were dissatisfied, with 34% were highly dissatisfied, 7% were neither satisfied nor dissatisfied, 5% were somewhat satisfied, and only 2% were satisfied with the way cases of political violence were handled by the law enforcement agents.

### ***Measures to be implemented to improve law enforcement agents' service delivery***

The women in the survey were asked to indicate the *measures* that they thought *were necessary in order to improve the way the law enforcement agents handled gender based crimes*. The women were given a list of options to choose from, and the results showed that the four most important elements that were necessary for law enforcement agents handling of gender based crime were professional and unbiased policing, continuous human rights training, apolitical recruitment, and improvement of remuneration (see table 2 below).

<sup>28</sup> Crisis in Zimbabwe Coalition "Can Chihuri use force against himself?" (2008) p 1. [www.kubatana.net](http://www.kubatana.net) (Accessed 25 January 2011). See also Daily News, 2 June 2001.

<sup>29</sup> RAU (2010), *Preying on the "Weaker" Sex: Political Violence against Women in Zimbabwe*. Report produced by IDASA (An African Democracy Institute), the International Center for Transitional Justice [ICTJ] and the Research and Advocacy Unit [RAU]. November 2010. HARARE: RESEARCH & ADVOCACY UNIT p.11.

<sup>30</sup> RAU (2010), *No Hiding Place. Politically Motivated Rape of Women in Zimbabwe*. Report prepared by the Research and Advocacy Unit (RAU) and the Zimbabwe Association of Doctors for Human Rights (ZADHR). December 2010. HARARE: RESEARCH & ADVOCACY UNIT, p.13.

**Table 2**

<b>Apolitical recruitment</b>	<b>Professional and unbiased policing</b>	<b>Continuous human rights training</b>	<b>Improvement of remuneration</b>	<b>Other</b>	<b>Don't know</b>
40%	65%	52%	30%	3%	2%

***Accountability of law enforcement agents for political acts of violence***

The women were then asked to indicate in their opinion *what should happen to law enforcement agents who committed political acts of violence*. They were asked to indicate for each violation whether the law enforcement agents should be prosecuted, pay compensation, suspended from service, tell the truth, and/or be pardoned. The results show that the majority of women reported wanting prosecutions at high frequencies for law enforcement agents who committed these acts. For example, 71% of the women indicated that law enforcement agents that assaulted women during demonstrations and abducted women for political reasons should be prosecuted. In addition to prosecutions, the women indicated that law enforcement agents should also be suspended from service and pay some form of compensation to the victims respectively, see table 3 below.

**Table 3**

<b>Acts of violence</b>	<b>Prosecution</b>	<b>Pay compensation</b>	<b>Suspension from service</b>	<b>Tell the truth</b>	<b>Be pardoned</b>	<b>Don't know</b>
<b>Unlawfully detained women for political reasons</b>	67%	15%	42%	10%	3%	2%
<b>Assaulted women while dispersing demonstrations</b>	71%	17%	38%	8%	3%	1%
<b>Used excessive force against women political activists in executing arrests</b>	65%	18%	43%	9%	2%	1%
<b>Assaulted women political activists in detention</b>	70%	20%	41%	7%	2%	1%
<b>Tortured women political activists in custody</b>	69%	20%	43%	7%	2%	1%
<b>Abducted or kidnapped women for political reasons</b>	71%	16%	42%	8%	2%	1%
<b>Issued political threats</b>	62%	14%	38%	14%	4%	2%
<b>Refused to attend to reports of political violence</b>	52%	14%	54%	11%	4%	1%



On the other hand, as can be seen from Table3, women were not interested in truth telling and pardoning of the law enforcement agents for these violations. This seems in line with previous reports, both by RAU and other human rights organizations, and raises the need to challenge the long-standing Zimbabwean tradition to deal with gross human rights violations through impunity rather than justice. For example, the Bar Human Rights Committee mission from the United Kingdom recommended to the government of Zimbabwe that the culture of impunity in the police and state security forces should end forthwith.<sup>31</sup> This notion has been supported by international organisations such as Amnesty International, Redress, and the International Bar Association<sup>32</sup>.

**Acts of violence committed that amounted to cruel, inhuman and degrading treatment**

The women were further asked *what in their own opinion should happen to law enforcement officers who committed acts that amounted to cruel, inhuman and degrading treatment*. The cruel inhuman and degrading acts that were listed were denying women basic rights such as sanitation, food, medication, and water, and forcing women to remove their underwear in prison. Furthermore, they were asked to indicate whether guilty law enforcement agents should be prosecuted, pay compensation, suspended from service, tell the truth and or pardoned (see table 4 below). The majority of the women reported that such law enforcement agents should be prosecuted, suspended from service, and forced to pay compensation to the victims.

**Table 4**

<b>Cruel, inhuman and degrading act</b>	<b>Prosecution</b>	<b>Pay compensation</b>	<b>Suspension from service</b>	<b>Tell the truth</b>	<b>Be pardoned</b>	<b>Don't know</b>
<b>Denied women basic rights in prison such as sanitation, food, medication, water</b>	65%	19%	52%	9%	2%	1%
<b>Forced women to remove their underwear in prison</b>	66%	19%	52%	9%	2%	1%

**Conclusions**

The findings of this survey show that the women of Zimbabwe do not hold the police in high esteem. As reported by 54% of the women, the police are the responsible body for enforcing laws in Zimbabwe. However, 74% do not believe that there is respect for the rule of law and 77% were dissatisfied with the manner in which the police handled gender based crimes. A similar percentage [77%] stated that the police should apply the law fairly irrespective of a person's political affiliation. The clear impression is that women do not believe that the police are non-partisan and do not follow the obligations of their office to apply the law fairly. The police have much to do in order to restore the faith of the general public in them.

By being partisan, the police are defying the Police Act, the Constitution, and regional and international instruments, and are therefore contravening both law and good practice. There should

<sup>31</sup> Bar Human Rights Committee UK, "A place in the Sun Zimbabwe- A report on the state of the rule of law in Zimbabwe after the Global Political Agreement in September 2008" (2010) p 39.

<sup>32</sup>Amnesty International, "Zimbabwe a time for accountability" (2008). [www.amnestyinternational.com](http://www.amnestyinternational.com). See also The Redress Trust, 'Zimbabwe: from impunity to accountability, are reparations possible for victims of gross and systematic human rights violations?' March 2004, [www.redress.org](http://www.redress.org); International Bar Association, 'Partisan policing: an obstacle to human rights and democracy in Zimbabwe'. October 2007.

be consequences, but, since they are protected by informal impunity, without political will they will not be called to account.

Openness and accountability are essential aspects of the role of the police in a democratic society. The police must be prepared to respond to public concerns if they want to retain the confidence of the citizens. It is suggested that public confidence and trust in the police will increase with a police service that immediately investigates all unlawful activities and brings the perpetrators to justice, as soon as possible.<sup>33</sup> Police are at the frontline of the criminal justice system, they are often called upon to intervene when an act of violence is in progress or shortly after it has occurred. Their attitude and response to all involved can have a significant impact on ensuing developments, including the prevention of future violent acts and the protection of victims. For example, in situations of recurring acts of domestic violence, the police response can help victims leave a violent relationship or, conversely, the victim, believing that nothing and no one can assist them, may remain in an abusive, violent setting.<sup>34</sup>

The police should deal with all cases seriously despite how they feel about them personally, and the public should be able to trust the police with any issue; Article 8 of SARPCCO provides that the police must:

*'...behave in a trustworthy manner and avoid any conduct that might compromise integrity and thus undercut public confidence in a police force/service'.*

When the law enforcer becomes the lawbreaker, the result is an assault on human dignity, on the law itself, and on all institutions of public authority. Therefore it is important for the police to be honorable and to operate completely within the law of the country. The results of the survey on the law and order section of the questionnaire point out a number of important issues that need to be seriously considered in order for full confidence in the police to be restored, particularly regarding their handling of gender-based political violence cases. The upholding of the rule of law by all arms of government and the various departments responsible for enforcing the law of Zimbabwe is the first step that must be embarked on. Secondly, investigations by the Zimbabwe Republic Police together with the parent, Ministry of Home Affairs and the Ministry of Justice must be conducted across all law enforcement agencies in the country in order for reforms within this sector to begin. A message must be sent out to the police force, ordinary citizens and organised youths from political parties who have been implicated in politically motivated violence during elections that no one is above the laws of the country.

## **Recommendations**

- *Law enforcement agents should handle cases of gender based crime in a professional and unbiased manner;*
- *There should be continuous human rights training for all law enforcement agencies;*
- *A policy of apolitical recruitment should be adopted to ensure that crimes are investigated regardless of the political affiliation of the victims and or perpetrators;*
- *Improvement of remuneration in order to minimize bribery and corruption within the agencies.*

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<sup>33</sup> *Police and human rights manual for police training in Macedonia*, p 13 available on <http://www.humanrights.dk/files/pdf/Engelsk/International/macedonia.pdf> Accessed 9 Feb 2011

<sup>34</sup> UNODC, *Handbook on effective police responses to violence against women*. Criminal Justice Handbook Series, United Nations Office on Drugs and Crime, p41-59. Available on [www.unodc.org](http://www.unodc.org). Accessed 2 Feb 2011.

## Appendix 1

### Questionnaire – Law and Order

#### 5. Law and Order

5.1.1 In your own opinion is there respect for the law in Zimbabwe?

Definitely	Maybe	No	Don't know

5.1.2 Who do you think should be responsible for enforcing the laws of Zimbabwe?

Police	Army	Government	Parliament	Judiciary	Other	Don't know

5.1.3 Do you agree or disagree with the following statement: Law enforcement agents should apply the law fairly and use the law to protect every citizen despite their political affiliation?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

5.1.4 Are you satisfied with the way law enforcement agents handled cases of political violence in the past?

Highly satisfied	Somewhat satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Highly dissatisfied	Don't know

5.1.5 What do you think needs to be done to improve the way law enforcement agents handle cases of gender based crimes?

Apolitical recruitment	Professional and unbiased policing	Continuous human rights training	Improvement of remuneration	Other	Don't know

5.1.6 What should happen to law enforcement agents who committed the following political acts of violence?

Act of violence	Prosecution	Pay compensation	Suspension from service	Tell the truth	Be pardoned	Don't know
Unlawfully detained women for political reasons						
Assaulted women while dispersing demonstrations						
Used excessive force against						

women political activists in executing arrests						
Assaulted women political activists in detention						
Tortured women political activists in custody						
Abducted or kidnapped women for political reasons						
Issued political threats						
Refused to attend to reports of political violence						

5.1.7 What should happen to law enforcement agents who committed the following acts which amounted to cruel inhuman and degrading treatment on the victims?

<b>Cruel, inhuman and degrading act</b>	<b>Prosecution</b>	<b>Pay compensation</b>	<b>Suspension from service</b>	<b>Tell the truth</b>	<b>Be pardoned</b>	<b>Don't know</b>
Denied women basic rights in prison such as sanitation, food, medication, water						
Forced women to remove their underwear in prison						

## Appendix 2

### Other areas covered in the survey

- Basic demographic details;
- Women and politics [Violations & Witnessing of violations];
- Consultation about the Organ on National Healing and Reconciliation;
- Special Processes and Commissions;
- Truth Telling;
- Accountability;
- Compensation;
- Rehabilitation and Reintegration;
- Inclusive Government;
- Livelihood (within Zimbabwe and out of Zimbabwe);
- Political Party Affiliation.



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