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## ADVOCACY AND LOBBYING FOR POLICY CHANGE IN ZIMBABWE: WOMEN'S LOBBYING FOR A GENDER-SENSITIVE CONSTITUTION

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### SUMMARY

THIS ARTICLE DESCRIBES A LOBBYING CAMPAIGN BY WOMEN IN ZIMBABWE TO ensure gender sensitivity in a new constitution – a campaign being conducted in very difficult circumstances. The description of this campaign is a further illustration of how rights set out in international agreements can be applied in domestic public policy processes. While the ultimate goal of this campaign has not yet been achieved, the campaign itself has accomplished a great deal and holds lessons that are shared here.

The Women's Coalition of Zimbabwe (WCoZ), with a membership of 60 organizations and eight chapters around Zimbabwe, has facilitated lobbying and advocacy activities, coordinated, networked, brought women together to strategize, and mobilized for the active and effective participation of women in the constitution-making process. Its goal is the production of a constitution that has guarantees for the rights of women in line with the international and regional conventions and policies that Zimbabwe is a signatory to. Over the past two years, Zimbabwean women have been participating proactively in the constitution-making process. The process started with the formation of the Government of National Unity in February 2009. It has often been chaotic, highly politicized, and a test of the unity between partners in the Government of National Unity. At the beginning of the process, women conceded that the general socio-economic and political environment was not conducive for constitution making. The country had gone through a socio-economic and humanitarian crisis, and the population had suffered widespread intimidation and political violence. Zimbabweans had not gone through a process of peace building to address the abuses of the past, and women might therefore fail to contribute fully to the process.

Article 6 of the Global Political Agreement (GPA) sets out a process by which Zimbabweans will write a new constitution for themselves by themselves. A first step was setting up the Constitution Parliamentary Select Committee (COPAC). Women make up 30% of the members of the Select Committee, which consists of members of parliament and senate from different political parties, even though women account for only 16.5% of parliament and senate membership. The higher representation of women on the Select Committee can be attributed to the advocacy and lobby efforts of the WCoZ, which raised the awareness of the Women's Parliamentary Caucus about the constitutional process and women's role in constitution making. From that meeting, female policy makers became clear on how they could apply to be included in the Parliamentary Select Committee.

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Zimbabwe was ruled as a British colony from 1890 to 1980 and, therefore, operated with an imposed constitution and minority rule. In April 1980, Zimbabwe became an independent state, and the Lancaster House Constitution was introduced. This constitution was negotiated by an all-male delegation representing the former colonial power, United Kingdom, and leaders of the freedom movements, namely, the Zimbabwe African National Union Patriotic Front (ZANU PF), the Patriotic Front Zimbabwe African People's Union (PF ZAPU), and the United African National Congress (UANC). The Lancaster House Constitution was crafted by representatives of the British government and negotiated with the four parties. The constitution was, therefore, made in a highly undemocratic way and did not represent the interests of Zimbabweans, women included.

Zimbabwe has a controversial and long history in constitutional reform. In 1999, the government of Zimbabwe appointed a Constitutional Commission with a mandate to gather information from the public in consultations, draft a new constitution, and submit the final document to a referendum. The constitution-writing process was initiated due to pressure from civil society organizations, which mounted a huge campaign through the National Constitutional Assembly for a new 'people-driven' national constitution. The constitution-writing process was government driven and chose over 400 Constitutional Commissioners to work on the process. It was riddled with controversy and lack of trust between the government and citizens. Constitutional Commissioners resigned in protest when the Final Draft failed to reflect some of the submissions from the people who were consulted. The Draft Constitution was put to a referendum, and people rejected it by a slim (51%) No vote. Zimbabwe has continued to use the Lancaster House Constitution, which does not enshrine the basic human rights of citizens, especially those of women.

Zimbabwean women have lived with a constitution that does not fully secure their human rights as citizens. Section 23 of the current constitution allows discrimination of women in matters of culture. After careful assessment, Zimbabwean women realized that it was critical to participate actively and proactively in constitution making. They could not afford to ignore the constitution-making process, especially since they had a chance of participating at higher levels. History has taught them that the arena of politics, decision-making, and governance are defined as "public, and therefore male, space." Discussions and debates in this area have generally been gender blind and have ignored the women's perspective. A national constitution-making processes is essentially an issue of politics, governance, and decision and is deemed as masculine.

In Zimbabwe, the government and other institutions do not make special arrangements to draw women into such public and political processes. Women are pushed to the periphery and are only grudgingly included, mostly in symbolically small numbers, and their contributions do not receive the attention that they deserve. This trend has been common in women's participation in politics and decision-making, where women of Zimbabwe have never constituted more than 30% of national decision-making bodies such as cabinet and parliament.

The first line of advocacy and lobbying activities was with the Women's Parliamentary Caucus, the grouping of women from political parties in senate and parliament. WCoZ interfaced and worked closely with the Women's Parliamentary Caucus. The objective of the interaction was to mobilize women to participate effectively and in equal numbers in the leadership of the constitution-making process. The meetings created consensus on the need for women from all political parties to participate effectively. Policy makers committed to secure commitment from their political parties to enhance the inclusion of women in the process. They immediately contacted their chief whips and COPAC. The success of this initiative was evidenced by the ability of individual members of the Women's Parliamentary Caucus to confidently highlight women's issues in the different forums they addressed.

WCoZ raised awareness of women's constitutional issues as well as strategized on a way forward with the Women's Parliamentary Caucus. The interactions identified gaps in the current constitution and the effect that these have had on the rights of women in Zimbabwe. Policy makers and women's rights activists reiterated the need for urgent outreach to women around Zimbabwe so that they could be mobilized to participate effectively in the constitution-making process.

The relationship with policy makers proved instrumental when less than 20% of those nominated by COPAC to the constitutional outreach teams were women. Women from government, policy makers, and civil society organizations immediately produced a petition and protested the lack of equal representation. When COPAC did not take this seriously enough, WCoZ decided to embark on a multi-pronged approach. It mobilized its membership to engage in a "Text e'm campaign," which asked members to send one message each per day to the COPAC chairpersons protesting the exclusion of women from constitution making. The target was to send 1000 protest messages to each COPAC chairperson per day. The messages were unnerving for the chairpersons since women sent them even during the night. The chairpersons began to cooperate because they were being held accountable. WCoZ also co-authored letters to the three leaders of the political parties signatory to the GPA and their deputies, demanding equal (i.e., 50%) representation for women and asking to meet with the seven leaders. This campaign once again forced women's issues to centre stage in constitution-making process.

#### **LOBBYING AND ADVOCACY WITH THE CONSTITUTION SELECT COMMITTEE (COPAC)**

Since COPAC was the body leading constitution making, WCoZ engaged vigorously with it to raise awareness of the need for women to participate equally in all processes of constitution making. The meetings also raised awareness of the gaps in the current constitution as regards women's rights. The WCoZ management and board met as and when necessary with the chairpersons of COPAC to get updates on activities and clarification of processes. The chairpersons were invited to WCoZ national meetings to share information on the constitution-making process and to interact with women. COPAC became aware of the women's demands in the constitutional process as contained in the Women's Charter and proceeded to adopt the Women's Charter as an official resource document in constitution making.

WCoZ convened the constitutional review and strategic conference from October 28 to 29, 2009, in response to the unprecedented delays in the constitution-making process. The government had set itself a timeline in the GPA, and the process was several months behind. The main objectives of the conference were to evaluate progress made in constitution making, analyze the extent to which women were still stakeholders in the process, and re-strategize to maximize women's participation. The conference sought to understand the delays in the constitution-making process and the perceived political interference. Some 200 women attended the conference: WCoZ members, women policy makers, staff from relevant government ministries, as well as women from civil society organizations, political parties, the church, and rural communities, and other leaders.

The achievements of the conference included the development of a strategy for women's effective engagement in the constitution-making process. This included strategies for increased participation in the established structures, proactive lobbying and advocacy, negotiating with policy makers for the reduction of political interference with processes, and creation of a Women's Constitutional Rapid Response Committee. The meeting also increased appreciation of women's issues in the constitution by policy makers.

The meeting shared information on UN Security Council Resolution 1325, which mandates governments to include women in issues of peace and security at the rate of 50%. At the same meeting, organizations created synergies that could enrich constitution work between civil society organizations and other stakeholders, especially female policy makers.

The WCoZ organized provincial constitutional consultations for 70 women leaders in Masvingo, Mutare, Bulawayo, and Marondera. These meetings brought together a cross section of women leaders to raise their awareness on the process of constitution making, gaps in the current constitution, and how they could participate in the process. The workshops strategized about how women in every chapter could do outreach in their provinces in preparation for the consultations and the referendum.

One of the achievements of the provincial constitutional consultations was increased understanding of the GPA by women civil society leaders in these provinces. Women leaders increased their participation and engagement in the constitution-making process, following from the provisions of Article 6 of the GPA. WCoZ also consulted on the women's charter, resulting in a deeper understanding of it. Strategies were developed on how to use the women's charter during the outreach consultative meetings to be convened by the COPAC.

#### **INTENSIVE WARD-LEVEL OUTREACH WORK IN MIDLANDS AND HARARE**

WCoZ partnered with two of its member organizations, Musasa Project in Midlands and Zimbabwe Women Lawyers Association (ZWLA) in Harare, to run Train the Trainer sessions (TOTs) at provincial level and cascade the information and awareness raising through to the ward level. The main objective of this was to raise awareness on the creation of a gendered national constitution for Zimbabwe at the ward level. This was achieved through the sensitization of communities in the two provinces of Harare and Midlands to participate in the constitutional process, paying special attention to gender and women issues that need to be included in the constitution.

The activities included massive production of information material and the holding of two provincial TOTs. Each participant then ran up to a maximum of three ward workshops, ensuring that a workshop was held in each ward to sensitize the public about the process, content, and women's issues in the constitutional process. The ward-level workshops were open to everyone in the community, but the aim was to have a gender balance in the meetings. The result of these workshops was the massive sensitization of women and their communities on the constitutional issues of women. Such communities were also prepared to interface effectively with the outreach consultation teams.

#### **MEDIA CAMPAIGN**

WCoZ ran an extensive media campaign to disseminate information on women and constitution making. To achieve this, the Women's Constitutional Taskforce developed statements and advertisements, which were placed in newspapers every month from June to December 2009. The advertisements were placed in both the private and public media for wider outreach. WCoZ used the talk show platform Mai Chisamba television show, which airs in vernacular, to raise awareness on women and the constitution. Five radio programs on women and the constitution were aired to educate society on the need for women's contribution to the constitutional debate. The resource persons for the programs were the WCoZ board, membership, and secretariat. The media campaign popularized and marketed issues relating to women and constitution making. These included the need for women to participate effectively and for women's minimum demands. The successes of the campaign are evidenced by increased knowledge on the constitution review process, especially by women throughout the country and particularly in rural areas. In a nutshell, the information dissemination and publicity initiatives have increased visibility of the women's movement and women's role in the development discourse of the country.

#### **COLLECTIVE STATEMENTS ON THE CONSTITUTION-MAKING PROCESS**

The WCoZ collaborated with membership and the Women's Constitutional Taskforce to issue several statements on constitution making. The first statement welcomed the constitution-making process while pointing out that the prevailing socio-economic and political environment was not conducive to democratic processes. The statement encouraged political leaders to make sure that there was openness and transparency in all processes so that the process had legitimacy and integrity, and that it had a gender-representative leadership. Women also called for accessibility of information and venues, and for contributions from all citizens to be received continuously. COPAC was encouraged to continuously publicize the process to create and maintain momentum as well as being open to diversity. The statement encouraged the participation of all citizens without fear or intimidation.

The second statement bemoaned the unnecessary delays in constitution making and demanded the inclusion of women at the rate of 50% in the leadership and other processes of constitution making. Such collective voices gave more credibility to the issues raised and strengthened the lobby and advocacy initiatives under way. A critical mass was created with respect to demands for an engendered constitution.

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## THE CURRENT SITUATION AND PROGNOSIS

The outreach process began on June 26, 2010, and went on until October 2010. Over the five months, Zimbabwe went through a massive constitutional outreach process to get peoples' views on the content of the new constitution. COPAC worked hard to reach as many people as possible with outreach teams. Zimbabwe is divided into ten provinces, and each province is divided into seven districts. The districts are further subdivided into wards, which vary in number from 15 to 50 per district. The wards are small enough so that people can travel on foot. The teams visited each rural ward twice to collect information. They used 17 talking points to extract information from the people, and there was a specific question on women rights.

WCoZ coordinated a national monitoring exercise of the outreach process to give feedback to COPAC and pick up issues of concern regarding women's participation. All of WCoZ's eight chapters and 15 of its member organizations took part in the exercise. WCoZ was glad to notice that women were attending the outreach meeting in almost equal numbers with men. In an estimated 30% of the areas, women participated actively; in the other 70%, their participation was poor. Women would ululate and clap for speakers rather than participate themselves. There was generally low participation among people with disabilities, especially women. Information management by COPAC was extremely poor; in many cases it sent out wrong dates and times for the outreach meetings. This prevented women from participating as they had no time to make prior arrangements before leaving home for the meeting.

The meetings also started with a prayer, and this was, in many cases, cleverly abused to threaten participants in the meeting who held contrary views. This increased tension and prevented active participation by citizens. The initial outreach meetings in Harare were marred by violence since political parties bussed in people from outside the province to take part. These meetings had to be redone, and the second round was more successful. In rural areas, there were serious allegations of coaching of participants. This was evident since only a few people would speak in meetings of over 100 people. There would be about 10 spokespersons, and every one else refused to speak except to agree strongly with the previous speakers. The outreach teams were made up of participants from various political parties, and sometimes their facilitation was poor or one-sided, or they would argue among themselves. It was noted that the time spent in the discussion of women's issues was little, and it was felt that there was a need to continue lobbying and advocacy activities for a gender-sensitive constitution.

Zimbabwe has announced that the next elections will be in June 2011, and the next stages in constitution making are critical for Zimbabwe women. The Constitution is an important pre-condition for free and fair elections and women's participation. The next stage in the process will be the collation of all the findings from the outreach process by thematic sub-committees, constituted on the basis of the 26 talking points, followed by drafting of the document. This process is critical to ensure women's rights issues are clearly articulated in the draft document. The second stakeholders' conference will be another opportunity for women to give their input on the Constitutional process to date as well as to review the draft document. There will be a need for a concerted effort to ensure women's participation in the referendum so that women to be able to exercise

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their democratic rights to secure their own future. The referendum will most likely be held in 2011, although there are threats that elections will go on with or without a new Constitution.