



FEMALE STUDENTS NETWORK TRUST

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Research on Female Students experiences in Zimbabwe/ Guidelines for sexual harassment policies’.

INTRODUCTION

The presentation seeks to cover the following areas;

- Key findings of the FSNT Baseline survey
- Challenges faced by female students in TEIs
- Documented cases of sexual harassment and abuse of female students in TEIs
- Objectives of the sexual harassment policy guide
- The definition of sexual harassment
- Effects of sexual harassment
- Sexual harassment and the law in Zimbabwe.

CNT'D

- Regional and international instruments covering sexual harassment. Obligations of the Zimbabwean Government with regards to those instruments
- Reporting mechanisms for sexual harassment cases
- FSNT recommendations

Key findings of the FSNT Baseline survey

The FSNT carried out a baseline survey in 2015 in the country's TEIs and the following are some of the findings;

- Only 4 TEIs had SH policies at the time of the baseline survey
- It was revealed that 98% of the female students encounter sexual harassment in one way or the other
- It was also discovered that male lecturers are the major perpetrators of SH in TEIs
- There is widespread underreporting of SH cases in TEIs in Zimbabwe

Challenges faced by female students in TEIs

- UNEQUAL REPRESENTATION OF FEMALE STUDENTS IN DECISION MAKING PROCESSES (SRC LEADERSHIP POSITIONS)*
- GENDER SENSITIVE POLICIES*
- ACCOMMODATION*
- HEALTH AND SERVICE DELIVERY*
- EXORBITANT TUITION / FEES*
- LACK OF ECONOMIC EMPOWERMENT SCHEMES*
- SEXUAL HARASSMENT(GBV) BEING THE MAJOR CHALLENGE NOTED*

Documented cases of sexual harassment and abuse of female students in TEs

- a. WUA - Female student who lost her life
- b. Catholic University - Female student who lost her ear in a domestic fight with her boyfriend
- c. NUST case
- d. Masvingo Cases
- e. Chiredzi Case
- f. CUT case

Objectives of the sexual harassment policy guide

- ⦿ The need for students and their trainers to be educated on what constitutes sexual harassment
- ⦿ To push for proper reporting procedures on sexual harassment in colleges which should be set up immediately. These should give students the assurance that there will be no victimization should they make reports about incidents that involve those in authority. At the moment there is under-reporting because of fear of the negative consequences of doing so.

CONT'D

- ◉ To lobby and advocate for legislation which protects female students from sexual harassment,
- ◉ To create an enabling platform to push for strong disciplinary measures, including dismissal, against perpetrators of sexual harassment in TEIs

The definition of sexual harassment

Sexual harassment is defined by law and includes requests for sexual favours, sexual advances or other sexual conduct when (1) submission is either explicitly or implicitly a condition affecting academic or employment decisions; (2) the behaviour is sufficiently severe or pervasive as to create an intimidating, hostile or repugnant environment; or (3) the behaviour persists despite objection by the person to whom the conduct is directed. The institutions should consider such behaviour, whether physical or verbal, to be a breach of its standards of conduct and will seek to prevent such incidents and take corrective action when sexual harassment occurs

- ◉ <https://sapac.umich.edu/article/63> (November 2016)

Effects of sexual harassment

- a) **Educational effects** (low concentration in school, loss of interest in studies, low self esteem, withdrawing etc)
- b) **Psychological effects** (stress, trauma, development of phobia for men etc)
- c) **Social effects** (It has been observed that in most cases, the victim of sexual harassment becomes the subject of gossip and derogatory information and speculations at the campus.)

CONT'D

d) Emotional effects (e.g recent studies have shown that female victims of sexual harassment become vulnerable and tend to experience intense anger towards their perpetrators or all males surrounding them.)

e) Sexually transmitted infections, physical injuries and unprepared motherhood

Sexual harassment and the law in Zimbabwe.

⦿ In Zimbabwe there is scant legislation that effectively addresses the problem of sexual harassment in TEs as well as at workplaces. The only existing legislative attempts at addressing the problem of sexual harassment are found in the realm of labour law. Some studies have indicated that criminalising sexual harassment can be a panacea to the problem.

Regional and international instruments covering sexual harassment.

◉ Zimbabwe, as a member of the community of nations called the United Nations, has ratified a number of international covenants and treaties to date. However, unlike in other jurisdictions where such treaties and conventions find direct application or automatically become part of municipal law, the Zimbabwean jurisdiction has barred this through section 327 (2)(a) and (b) of the Constitution which states as follows:

◉ *An international treaty which has been concluded or executed by the President or under the President's authority;- (a) does not bind Zimbabwe until it has been approved by Parliament and (b) does not form part of the law of Zimbabwe unless it has been incorporated into the law through an Act of Parliament.*

CONT'D

- ◉ By comparison, the Kenyan Constitution of 2010 states explicitly through section 2(6) that any treaty or convention ratified by Kenya shall form part of the laws of Kenya. In this way it means that issues of sexual harassment can be dealt with using the international human rights framework. In most cases one will find that municipal laws of a country do not adequately cover the issue of sexual harassment or at most it is trivialised and Zimbabwe is a shining example. If the Zimbabwean Constitution had a clause similar to section 2(6) of the Kenyan Constitution of 2010 it was going to effectively apply its own section 327(6) which states that;

- ◉ *When interpreting legislation, every court and tribunal must adopt any reasonable interpretation of the legislation that is consistent with any international convention, treaty or agreement which is binding on Zimbabwe, in preference to an alternative interpretation inconsistent with that convention, treaty or agreement.*

Reporting mechanisms for sexual harassment cases

I. Formal complaints mechanism

The formal complaints procedure should be displayed prominently on campuses in TElS each and every year and this should be done by the Students Affairs Department. The formal complaints procedure should have the following information;

- a) Behaviour and acts that constitutes sexual harassment
- b) In the case of an act of sexual harassment where does one report to and what are the other requirements i.e. should there be a written report or a verbal one, what happens when the person you are supposed to report to is the person who has harassed you?
- c) How false complaints will be handled by the formal complaints mechanism
- d) After making the report what should be done by the victim of sexual harassment

CONT'D

- a) How the report of sexual harassment will be handled by the responsible authorities and the time that will be taken to conclude the case.
- b) Appeal mechanisms available to the victim in the event that the case has not been handled to the satisfaction of the victim
- c) Other facilities available to the victim of sexual harassment for example counselling services and how they can be accessed.
- d) How the formal complaints process will guard against further victimization of the reporter?

FSNT recommendations

The Government of Zimbabwe, policy makers, TEIs and organisations representing female students and women in general should come together and produce a framework that will address the following issues;

- ⦿ A concise road map depicting how the issue of sexual harassment will be addressed and a baseline report on how far the government has gone in implementing action points on sexual harassment as agreed to in the regional and international conventions accessed to and ratified by the Government of Zimbabwe.
- ⦿ Researched data from the civil society organisations representing female students and women in general complete with updated figures and statistics depicting the extent of the problem of sexual harassment in TEIs in the country.
- ⦿ An acknowledgement by the government that not much has been done to address the problem of sexual harassment in the TEIs and the setting up of a framework to address the problem.
- ⦿ A call by the government through the relevant ministry compelling all TEIs in the country to come up with sexual harassment policies within a stipulated time frame. This call should be accompanied by a strong statement of what the government will do to enforce the call.

CONT'D

- ◉ A call by organisations representing female students and women in general to the government of Zimbabwe to domesticate all regional and international treaties and conventions on the rights of women in light of section 327 (2)(a) and (b) of the Constitution of Zimbabwe. The government should provide clear timeframes within which this will be achieved for purposes of monitoring and evaluation by the civil society.
- ◉ The road map mentioned under (a) should also have a detailed plan on the need to criminalize sexual harassment in light of the numerous advantages associated with that.
- ◉ Sexual harassment is a field that has been under-researched and underreported in the country and worldwide.
- ◉ The process of making the international treaties and conventions enforceable under Zimbabwean law. At the present moment section 327 of the Constitution bars automatic application and enforcement of the international treaties until they are enacted into our law through acts of parliament.

**THANK
YOU**

