

Sexual Gender Based Violence of Employees at Work Places in Zimbabwe: Experiences from Survivors

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Abstract

Sexual gender based violence of employees in employment in the public and private sectors continues to rear its ugly head with disturbing frequency. The subordinate position of women in the social stratum and the stereotyping of males in society further exacerbate the continued domination of women by men in every walk of life. The reverse scenario notwithstanding has not been particularly outstanding although it cannot be overlooked. Despite its negative and nefarious effects sexual harassment of employees persists in Zimbabwe. The negative effects have been well articulated. This paper observes that the law on sexual gender based violence has not been fully developed and is little understood and the objective of this article is to contribute to the ongoing discourse on sexual harassment of female employees. Both the quantitative and qualitative methodologies are used to flesh out the lived realities of the people and the desktop research complements the research. It is acknowledged the world over that the law is not neutral. This paper largely found out that tragedy arises when the law fails to keep up with changing environments to accommodate victims of wrongs. The common law in Zimbabwe has not been fully developed to provide for sexual gender based violence or sexual harassment as a crime or a delict (tort). The objectification of female employees as sex objects remains a cause for concern. In conclusion it is proposed that Zimbabwe comprehensively address the phenomenon of sexual gender based violence and sexual harassment because it is a barrier to the right to access equal rights, the right to equal dignity, the right to equal opportunities and the right to non-discrimination.

Keywords: Domination; Sexual Gender Based Violence; Sexual Harassment; Stereotyping; Subordination

Introduction

Zimbabwe ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the African Charter the SADC protocol and is a full member of the United Nations. It however still has to legislate comprehensively against sexual gender based violence Sexual gender based violence of female employees at work places remains a major barrier to equality, equity and non- discrimination of female workers at work places. This negative global phenomenon perpetuates inequality between men and women. The patriarchal hegemony further perpetuates it. Research has shown that in Zimbabwe one in every four women has been subjected to sexual gender based violence at work. It negatively affects the attainment of SDGS 3 and 5. Yet the major drawback to eliminate it: is the society's tolerance and inaction, lack of a remedy, survivors suffer silently for fear of a backlash and the secrecy surrounding its occurrence. The lack of public consensus against it and appropriate legislation remain a barrier.

Definitions of Sexual Gender Based Violence

The United Nations (United Nations Training Manual on Sexual Gender Based Violence, 2005 p1) has taken the lead in identifying sexual gender based violence, as a human rights violation and in its training manual it defines it as:

‘Sexual and gender based violence refers to any act perpetrated against a person's will based on gender norms and unequal power relationships. It encompasses threats of violence and coercion. It inflicts harm on women, girls, men and boys (...)].’

‘A key message for trainers in the (United Nations Training Manual on Sexual Gender Based Violence, 2005 p 2) is: ‘Sexual and gender based violence, is a serious life threatening global problem affecting women, girls, men and boys’

Gender and gender norms can be learned and for that reason can be changed. Sexual gender based violence occurs because of unequal power relationships. United Nations Training Manual on Sexual Gender Based Violence alludes to the fact that the less powerful the person is, the less options they have in deciding on an issue. Gender therefore is the root cause of sexual gender based violence. Perpetrators of sexual gender based violence, often use threats

or coercion against the victims. Coercion and threats mean abuse of power. The law or the lack of it can facilitate sexual gender based violence.

The Convention on the Elimination All Forms of Violence Against Women (CEDAW) Committee recommendation No. 19 of 1992 article 17 and 18 defines

‘violence against females 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, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life ‘

Article 17 of the recommendation reiterates that the position of women in employment is drastically compromised when women are subjected to sexual harassment at work.

The International Labour Organisation (ILO) Convention 190, defines ‘violence and harassment’ as ‘behaviours, practices and threats that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm. Mackinnon Catherine A.(1979 p 4) graphically observed that “the vast force of pink collar jobs were ‘set up’ for sexual harassment. The author further expounded that:

‘In such jobs a woman is employed as a woman. She is also, apparently, treated like a woman, with one aspect of this being the explicitly sexual. Specifically, if part of the reason the woman is hired is to be pleasing to a male boss, whose notion of a qualified worker merges with a sexist notion of the proper role of women, it is hardly surprising that sexual intimacy, forced when necessary, would be considered part of her duties and his privileges (...)

Thus, MacKinnon Catherine A. (1979 p 1) stresses the susceptibility of women to harassment arises because of occupational segregation.

The EEOC guidelines further define sexual harassment as follows:

‘Unwelcome behaviour is the critical word. Unwelcome does not mean "involuntary."

A victim may consent or agree to certain conduct and actively participate in it even though it is offensive and objectionable. Therefore, sexual conduct is unwelcome

whenever the person subjected to it considers unwelcome. Whether the person in fact welcomed a request for a date, sex-oriented comment, or joke depends on all the circumstances (...)].

Source: Preventing Sexual Harassment (BNA Communications, Inc.) SDC IP .73
1992 manual

The Rights Based Approach: A Theoretical Perspective

A rights based approach to ending sexual gender based violence is one that regards individuals not as passive recipients but holders of rights. The rights based approach recognises that the primary duty-holder to protect and prevent sexual gender based violence is the State (United Nations Training Manual on Sexual Gender Based Violence (1992). Culture and religion cannot be used as justification for sexual gender based violence. Other agencies and organs such as the United Nations may compliment the role. Members of the community have responsibilities to protect one another against abuse of their rights including sexual harassment. Buttressing the rights based approach is also the feminist approach that spells out that violence against women is gender based and to understand that kind of violence, the women who are violated should be given space to speak for themselves. More so, violence against women is a human rights issue.

Discrimination Against Women

Discrimination against women is defined in the Protocol to the African Charter on Human and People's Rights on the Rights of Women (2005) (article 1 paragraph (f) to mean

‘any distinction or restriction or any differential treatment based on sex and whose objective or effects compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status of human rights and fundamental freedoms in all spheres of life.’

Harmful Practices

The definition of harmful practices is given in the same Protocol (article 1 paragraph (g) which provides as follows:

‘Means all behaviours, attitudes and/ or practices which negatively affect the fundamental rights of women and girls such as their right to life, health, dignity education and physical integrity.’

Violence against Women

The term violence against women is defined as follows in the Protocol (article 1 paragraph (i):

‘Violence against women means all acts perpetrated against women which cause or could cause them physical; sexual, psychological and economic harm including the threat to take such acts or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war.’

The term gender based violence encapsulates all forms of violence against women, including sexual harassment or sexual gender based violence.

Forms of Sexual Gender Based Violence

Dzech A.B, Wright B and Weiner L (2006), say three forms of sexual harassment are recognised. The three forms of sexual gender based violence are identified as, verbal, non-verbal and physical. Under the verbal sexual harassment fall instances of ‘sexual rumours, sexual humour, inappropriate name calling and homophobic slurs, judging or rating the other’s body parts, pressure for a sexual relationship and sexual harassment via the phone, persistently, requesting for dates which are denied amounts to sexual harassment. The EEOC guidelines itemizes, verbal sexual harassment to include the following:

- “Referring to an adult as a girl, hunk, doll, babe, or honey
- Whistling at one, cat calls
- Making sexual comments about a person's body
- Making sexual comments or innuendos
- Turning work discussions to sexual topics
- Telling sexual jokes or stories
- Asking about sexual fantasies, preferences, or history
- Asking personal questions about social or sexual life
- Making kissing sounds, howling, and smacking lips
- Making sexual comments about a person's clothing, anatomy, or looks
- Repeatedly asking out a person who is not interested

- Telling lies or spreading rumours about a person's personal sex life (....)]
(Source: Preventing Sexual Harassment (BNA Communications, Inc.) SDC
IP .73 1992 manual”

Non-verbal sexual harassment may include the following: ‘sharing of sexual pictures sexual facial expressions, or gestures, indecent exposure, unwanted texts or messages or other communication. The EEOC guidelines, tabulate non-verbal sexual harassment as including the following:

- “Looking a person up and down (Elevator eyes)
- Staring at someone
- Blocking a person’s path
- Following the person
- Giving personal gifts
- Displaying sexual suggestive visuals
- Making sexual gestures with hands or through body movements
- Making facial expressions such as winking throwing kisses or licking”

Physical sexual harassment may include the following: tugging someone in a sexual manner, pulling someone’s clothing in a sexual manner, unwanted sexual touching or forced kissing and touching and sexually brushing against someone (Dzech A.B, Wright B and Weiner L, 2006’). This could be achieved by one forcing a way where the space is restricted for instance in corridors or restricted office spaces and factories.

“PHYSICAL

- Giving a massage around the neck or shoulders
- Touching the person's clothing, hair, or body
- Hugging, kissing, patting, or stroking
- Touching or rubbing oneself sexually around another person
- Standing close or brushing up against another person.”

Taken individually these occurrences may ‘seem too subtle and too small to bother’ but taken as an aggregate amount to serious infringements of a woman’s fundamental rights to dignity equality and non-discrimination.’

The fourth form of sexual harassment; The Quid Pro Quo (or something for something)

Here the owner, employer, supervisor, or member of management, tries to influence the employment, promotion, increments, dismissal, training, discipline by making it a condition

that the employee accedes to sexual advances. Deborah Zalasene (2002 p 162). The impression created by the employer is that those who are forthcoming get rewarded in kind and in monetary terms. Deborah Zalesne (2002 p 163) alludes to sexual harassment that she refers to as 'sexual favouritism. '“This occurs where a person in authority rewards those who respond positively to one's advances, is favoured at the expense of other deserving employees who do not submit themselves to sexual advances and are denied promotions, merit rating or salary increases'.

Forms of sexual harassment are not limited to the listed forms. Sexual gender based violence can take many dimensions.

Legal Developments in Zimbabwe

Whilst it is urgent for Zimbabwe to catch up with developments on laws and practices sight should not be lost of the fact that sexual harassment is intricate and invidious. In this country media reports have been awash with cases of sexual harassment by very senior citizens on employees. Reports that the executive, the judiciary and the legislature have had their fair share of harassment cannot be ignored. The Gender Commission has grappled with these matters to no end.

The United States of America was the first country in the world to legislate against sexual harassment and to coin the phrase “sexual harassment” in the 1970s and to recognize it as a form of discrimination (Deborah Zalesne 2002 p163).

Chibwe Florence Mulenga 2019 p 1) says in Zambia the extent of the incidents of sexual harassment is not known because many women do not wish to talk about it. In the article she graphically examines how two women in the employ of the Ministry of Local Government were victimized by the permanent secretary their boss who also happened to be a Bishop of a church. The two women said they were aware of his invitation for meetings with a certain woman which ultimately turned into dates. At the time of publication the matter was still under investigation

Distinction between Genuine Love and Sexual Gender Based Violence

It could be amiss to discuss sexual gender based violence without taking time to elaborate on persons who find themselves in love with a co-worker. A distinction has to be made between subordinates and superiors who whilst employed genuinely fall in love with each other

without any cohesion from any quarter. There is however a very thin line depending on the circumstances. It is preferable if domestic affairs are left to the domestic arena. What is objectionable is the use or misuse of power to coerce an employee into an intimate relationship at the risk of a penalty or threat of dismissal or loss of benefits or the promise of advantages upon agreeing to the sexual harassment.

These may involve employers and employees or subordinates and superiors, although it may occur between co-workers of the same level of superiority. That is not to say sexual gender-based violence only occurs in the employment field. Other fields are pregnant with aspects of sexual harassment. For now, these are outside the precincts of the current debate. The elements of coercion and inappropriateness define sexual harassment. It is 'commonly understood as the "imposition of a sexual requirement in the context of a relationship of unequal power"' (Mackinnon C, 1979 p 3). It is the sexual objectification or assumption that every woman is a sex object that defines and separates it from the normal conduct.

Negative effects of Sexual Gender Based Violence

Thomas C. et al (2015), postulates that sexual gender-based violence immensely negatively interferes with the health and wellbeing of the employees and these effects can be devastating. 'Sexual gender-based violence negatively affects the victim's physical and mental health'. It is her contention that 'typical effects involve stress related psychosomatic symptoms such as headache, nausea, shortness of breath, fatigue, gastro intestinal problems, sleeplessness, loss of appetite and weight-loss.' The author further observed that

'Sexual harassment related mental health problems include depression, anxiety, anger and irritability, uncontrolled crying and burn-out and symptoms such as emotional exhaustion and post traumatic disorder.'

Sexual gender based violence interferes with the victim's right to good health, right to employment, right to personal advancement, freedom to work and the right to life itself. Once the health is affected one may lose their life. National development goals and the national domestic production are further affected as half the population grapples with the negative effects at the expense contributing to the national fiscus.

Kapoor and Dhingra (2014), say

‘women who have suffered humiliation and harassment show certain peculiar characteristics in their behaviour such as being frightened, sense of guilt, powerlessness, anger, ashamedness, depression, numbness, and lack in self-confidence.’

The observation has a sobering thought.

The worst part, they say ‘is that it amounts not only to emotional and physical abuse, but “emotional torture which walks with them throughout their lives.”’

In the strategy to prevent and respond to gender-based violence globally USAID observed that:

‘Gender-based violence (GBV) violates human rights and presents a significant public health challenge with civic, social, political, and economic consequences for individuals, communities and whole societies. Different forms of GBV cause physical and mental harm, limit access to education, incur medical and legal costs, reduce productivity, and lower income. Gender-based violence undermines the safety, dignity, health, and human rights of the millions of individuals who experience it, and the public health, economic well-being, and security of nations.

Cheryl Thomas et al (2011) state that violence against women is “one of the most serious challenges of our time”. The authors further observe that; ‘not only does violence against women and girls violate their fundamental human rights; it prevents women around the world from achieving their full potential.’ Sexual gender-based violence has been ‘recognised globally as most intimidating, most violating forms of violence since long (Thomas, 2015)’.

The negative effects of sexual harassment have been recorded by many researchers within and outside the country. According to F.L Fitzgerald 1993 48 (10) research has established that sexual gender-based violence negatively affects not only the fundamental rights of women, but it is also a barrier to accessing economic emancipation. To complicate matters survivors of sexual gender-based violence often suffer silently. Rarely do they seek recourse from anyone or anywhere. This is for a plethora of reasons; chief among them is the omnipresent fear of retaliation. The lack of any known remedy or support systems for survivors, society’s ignorance and general lack of knowledge are at play. Education and training could play a pivotal role in this regard. The lack of comprehensive legislation or judicial precedent enunciating sexual gender-based violence as a crime or delict leaves survivors with no option but to assume that it is not proscribed. According to Deborah

Zalasne (2002 p 149) it has been espoused very convincingly that the law can be applied as a means of social engineering and social change in behaviours. Legislation by its nature is often well received by the populace generally as the means of setting moral and legal standards. Many countries in the world are yet to legislate against sexual gender based violence (Deborah Zalasne 2002 p 149). Non legislation and inaction against sexual harassment in the work place has been regarded as tacit tolerance of the practice. Conversely the absence of legislation and judicial precedent, custom or authoritative text books to many people translates to an absence of transgression when in fact these occur frequently. Accessibility of the law to the generality of the populace should manifest in the recognised sources of law.

Sexual harassment has been classified as gender-based violence by the United Nations Committee. The gendered nature of society and the laws in place negatively affect the advancement of women in all walks of life. The effects of sexual gender-based violence are devastating on the victims' health, physical and psychological, general life and social and professional advancement. Sexual gender-based violence is a phenomenon that is known to affect all nationalities, Zimbabwe is not an exception. Deborah Zalesne (2002 p 144) cites Mackinnon (1979 p 1) who espouses that 'Sexual harassment commonly understood as "unwanted imposition of sexual requirements in the context of unequal power"' is common in the work places." The problem is that there is no such thing as love or affection towards the survivors. Mackinnon (1979 p 1) espouses that a perpetrator takes advantage of one's superior position at the workplace to impose oneself on the victim and establish one's authority over the employee. It has nothing to do with sexual attraction, love or sexual arousal. It has everything to do with the urge to dominate and subordinate women and stereotyping. The motivation is not love or anything of that nature. The harasser desires to dominate, subjugate, subordinate, and control the victims. It is more of a show of power or force and is likened to rape (Mackinnon, 1979). The arbitrary urges to enforce superiority, power and punish the victim are the major underlying reasons for sexual gender-based violence. Miller and Biele (1993) Sexual harassment perpetrators designedly aim to perpetuate the gendered roles of women as domesticated mothers of children and wives. It is a crime of passion. Sexual gender based violence has been recognised as a form of discrimination against women and its nefarious effects as inhibiting the advancement of women (Miller and Biele, 1993 p 53). SGBV has been denoted as a global pandemic affecting men, boys, girls and women indiscriminately. It is undeniable that sexual gender based violence affects girls and women more than boys and men (USAID). Research has it that

more than thirty five per cent of women have suffered from sexual gender based violence at work places in their working lives. No nation is free from it and its nefarious consequences. Some countries are grappling with the scourge through various interventions. Be that as it may some nations have grappled with the advent of the SGBV by legislating and taking other appropriate measures to rid society of the scourge. Zimbabwe just like many other countries has a history of tolerating sexual harassment in the work place and elsewhere (Earlie and Madek, 1993 43, 46). The same report underlines that:

‘Gender-based violence undermines the safety, dignity, health, and human rights of the millions of individuals who experience it, and the public health, economic well-being, and security of nations.’

In essence sexual gender based violence has ripple negative effects on the individual victims’ health and wellbeing. It thus affects the health delivery system through symptoms and conditions that can be avoided. The economic wellbeing of the nation is affected through absenteeism from work, loss of concentration and ultimately resignations.

A Historical Survey of Sexual Gender Based Violence Laws and Practices in other countries is worthwhile. Zimbabwe could take a leaf from the historical incidents in other countries concerning the scourge of sexual harassment. The world over researchers: human rights activists, parliaments, trade unions and others continue to grapple with sexual harassment. The first country in the world to acknowledge and proscribe sexual harassment was the United States of America in the 1970s the authors were explaining then that less than twenty years ago from 1993 ‘no court had found any person guilty of sexual harassment the world over’ (Earlie and Madek 1993). Sexual harassment was not then considered actionable or a violation of the human rights of the victims. In Thailand the issue of sexual gender based violence had not received public attention or debate (UN, 1999). Asian countries, such as India, Nepal, and Pakistan do not have specific legislation prohibiting sexual harassment, see, Janet Sigal and Heidi Jacobsen 1999 p760,770 ‘ Public debate and public attention are vital because this is where public consensus is managed and built. Without the express or tacit approval of the citizens any law would be rendered a *brutum fulman*.

According to a UN study of 1992 It has been established that only six countries the world over had prohibited sexual gender-based violence through direct legislation by the year 1992. The citizens: the Government; the employers, the employees and trade unions should as a collective take the matter seriously (Jeneno et al 2000). At least it is known that the world over sexual gender-based violence has ravaged all nations without exception. Zimbabwe is

not the only country where the nation and its citizens remain without a response to it. Only six countries the world over had legislated against sexual harassment in the whole world. Societal accepted norms are a barrier to the elimination of sexual harassment. It was noted that in Bulgaria the lack of social condemnation of sexual harassment was a major impediment to the elimination of the practice (Minn, 1999). Society itself has the power to condemn certain conduct. No doubt for this to happen multi-pronged approaches must be applied to educate and train individuals and disabuse tradition or a culture of machoism. Society needs to take a paradigm shift in relation to conduct that is unacceptable. Old habits of cheering the culturally wrong conduct can be changed by opting for the common good. The imposition of a sexual harassment law will not necessarily bring an end to the practice. Jeneno et al (2000) espouses that public tolerance of a system may militate the bringing to an end of the practice. It goes without saying that community and societal buy-in, in regard to any law is pivotal to the success in its implementation. Public engagement plays an important role in changing long standing negative practices. The problem is that old habits do not change overnight. Multi-pronged approaches can be a decisive driving force in changing attitudes.

Survivors fail or neglect to take action because the prohibited instances are not fully elaborated. The constant fear of raising alarm bells on what other members of society consider as inoffensive or likable haunts them. The fact that there have not been many if any successful cases of damages holds sway the courage to be the guinea pig in litigation. The cultural training and tradition of secrecy on intimate affairs is a major stumbling block to women to make any reports except if they have been raped (Minn, 1999). There is a saying that goes as in Shona language “ *mukadzi inhumbu haitauri chayadya*” Roughly translated it means (whatever happens to a woman is a deep secret and is not to be divulged to anyone in the same way that the stomach or tummy does not reveal what it has consumed). Women are famed for keeping secrets, which in itself is a negative trait in some instances as in sexual harassment matters.

The Current Legal Position in Zimbabwe

The Labour Act [Chapter 28: 01] makes provision for sexual harassment in section 8. The Labour Act does not provide for a definition of the sexual harassment. Sexual harassment is only defined as an unfair labour practice.

The Act in section 8 (g) provides:

‘An employer commits an act of unfair labour practice if by act or omission: demand from an employee or prospective employee, any sexual favour as a condition of

- (i) The recruitment for employment: or
- (ii) The creation, classification or abolition of jobs or posts,
- (iii) The improvement of the remuneration of other conditions of employment of the employee; or
- (iv) The choice of persons for jobs or posts, training or advancement, apprenticeships, transfer, promotion or advancement; or,
- (v) The provision of facilities related to or connected with employment; or,
- (vi) Any other matter related to employment;

Any employer or for the purpose of paragraphs (g) and (h) an employee, or any other person, commits an act of unfair labour practice if, by act or omission, he-

(h) engages in unwelcome sexually determined behaviour towards an employee, whether verbal or otherwise such as making physical contact or advances, sexually coloured remarks or displaying pornographic materials in the work place.’

The Labour Act in its definition section does not define sexual harassment. It then provides for penalties or remedies for sexual harassment which are

- (a) Cessation of the unfair labour practice
- (b) Compensation
- (c) Criminal sanction

The remedies available are not supported by the present law. The provision does not elaborate on how sexual harassment may be stopped by the authorities. As far as compensation is concerned the biggest problem is that our civil law as it stands does not provide for compensation for victims of sexual harassment. Current local; judicial precedent, authoritative textbooks, customs and legislations do not even mention sexual harassment as a civil wrong. Injured parties and victims have to grapple with these wrongs without recourse to the law. While the Labour Act provides for criminal sanctions it appears from the [Criminal Law (Codification and Reform Act) [Chapter 9:23] that sexual harassment itself has not been criminalized although aspects of it are adequately covered. The Criminal Law (Codification and Reform Act) specifically identifies: rape, aggravated indecent assault, indecent assault, complicity in sexual crimes and public indecency among others. When the statute was

promulgated it appears sexual gender based violence was not focused on as a criminal offence in itself. Problems arise then on how the State may craft the specific charge of sexual gender based violence without violating constitutional provisions of individuals of being charged of a crime that has been codified as a crime at the time of the commission of the crime. Beale S. S. (2000 p. 264) espouses that there is an argument that the promulgation of a law 'signals a national consensus'. It then creates a general agreement among citizens that the conduct so highlighted is prohibited. Chimombe M. (2012.) espouses the need to criminalise sexual harassment. He cites Ostrich (1985) who argues that soliciting subordinate employees to submit to sexual intercourse amounts to sexual extortion. He further says 'we should prohibit extortion to secure sex in the same way we prohibit extortion to secure money'

Employees of the State are regulated by the Public Service Act [Chapter 16:04]. They are not better protected. It is noted that the Public Service Act is yet to be aligned to the Constitution and for now it has no provision for sexual harassment. The Public Service Regulations (2000) in the First Schedule, section 4, does identify sexual harassment as an act of misconduct and reads

'Improper, threatening, insubordinate or discourteous behaviour, including sexual harassment during the course of duty towards any member of the public Service or any member of the public'.

It can be argued that Zimbabwe could do more to meaningfully grapple and address the phenomenon of sexual gender based violence in all its forms and ensure the achievement of the sustainable development goals 3 and 5.

Main Draw Back on Preventing Sexual Gender Based Violence

The major drawback to ending sexual harassment is more often than not as most crimes it occurs in private and in the absence of witnesses. The occurrences are shrouded in secrecy. The unavailability of witnesses affords perpetrators the courage to commit these acts without the fear of reprisals'. It gives the perpetrator an equal opportunity to deny allegations as against any credible witness. Failure by victims to share their experiences is a major drawback because many victims suffer silently. They have no outlet to vent out their experiences. Moreover, the single acts may be so subtle and so trifling that taken as a single act it may be difficult to configure them as acts of sexual gender based violence (Benocraitis, 1997). According to Benocraitis, (1997), on the other hand when taken together these individual acts

constitute serious incursions on the rights of the victims the effects of which can be devastating. Sexual gender based violence has been identified as a hindrance to the accessing of full human rights of the victims. Socialisation and stereotyping is a serious barrier to the elimination of sexual harassment. In an open discussion chaired by the joint committee of Higher and Tertiary Education and Gender at Great Zimbabwe University, a discussant commented that 'Now the hunter is the hunted'. Some Zimbabwean men consider themselves as hunters whose objective is to fulfill the masculinity role of bedding women whenever and wherever they are found. Some men from their upbringing, culture and tradition believe that having multiple sexual partners is 'being a man'. In an impromptu discussion with a senior male member of the teaching staff a question was raised why the Committee was even worried about the female students being bedded by male lecturers because of the way the students dressed. The implication was that because of the short dresses worn by the women they tacitly invited males to propose sex. It could be a long way before there is a general consensus condemning sexual harassment. Perceptions by men that women as sex objects are still deeply rooted as demonstrated in the discussion. The dressing of students especially was raised as not only an attraction but an invitation to sex. Some of these beliefs and perceptions persist. Some women on their part sympathise with the perpetrators who they see as victims of the young women especially. Tacit approval of sexual gender based violence has been recorded by some authors as a major barrier to the elimination of gender based violence. The current law does not acknowledge it as a crime or delict or tort. Ignorance and lack of knowledge inhibit the proscribing of the conduct. For the men asking for sexual favours from subordinates may be regarded as the normal interaction between men and women.

Zimbabwe Might Be Equal to the Task

Whilst Zimbabwe has in the past reacted sluggishly to the advent of sexual harassment, signs are in the air that something great is coming up. Institutions of higher learning and others are making calls for articles such as this call. Contributions from researchers and human rights and women's rights experts will immensely contribute to the debate. Perhaps in the long run an informed debate will culminate in a consensus to condemn the practice of sexual gender based violence in all its forms wherever it occurs and ultimately legislation to eradicate it, Zimbabwe could be a rising giant. The Legislature through the joint committees on Higher and Tertiary Education, Innovation, science and Technology Development and Women

Affairs, Community and SMEs Developments is currently on a nationwide fact finding mission to Universities Colleges and other institutions of higher learning. The purpose of the engagement is to gather information on inter alia incidents of sexual gender based violence from staff and students. On the 3rd of November 2021 they held an open discussion with staff at Great Zimbabwe University. The staff and students were entertained separately to avoid conflict of interest and intimidation. To facilitate open dialogue and avoidance of the muzzling of the student voice by their lecturers two separate meetings were held. The joint committee has been to other institutions of higher learning and will hopefully meet other institutions before rounding up their mission. According to the joint committee they responded to complaints from students about the occurrences of sexual harassment at institutions of higher learning. An advantage of being among the last is that one learns from the mistakes of others and improve the identified shortcomings to confront the advent of sexual harassment through comprehensive legislation prohibiting its occurrence in work places and elsewhere.

Spotlight Initiative

Spotlight initiative was launched in Zimbabwe on 26th June 2019. It is a United Nations joint programme sponsored by the European Union (UN, 2019).

‘The initiative will be supported by six United Nations Agencies: ILO, UNDP, UNESCO, UNIFPA, UNICEF and UNWOMEN is aimed at ending gender based violence by figuratively shining the light on the problem.’

The holistic approach adopted by the initiative is commendable because it aims to leave no one behind. The Spotlight Initiative’s major aims and objectives will once follow through result in a paradigm shift on the way people perceive sexual gender based violence and contribute towards a national consensus on the eradication of sexual harassment in all its forms in Zimbabwe. Perceptions, traditions and belief systems can be changed only by taking a holistic approach as envisaged by the initiative. Dialogue is a good starting point Tacit approval, once denied to transgressors leaves perpetrators exposed and sustainable to the realities and consequences of the law. It is in a way removing the safety nets from the aggressors and appropriately providing it to the rightful persons the survivors. The report goes on to state the methodology to be applied as follows:

‘The initiative is a four year programme (2019- 2022 aimed at changing the way of doing business and transform the situations and vulnerabilities of women and girls in Zimbabwe. It has six inter-connected mutually re-enforcing pillars aimed at holistically addressing violence against women and girls on laws and policies, institution strengthening prevention and social norms, services, data and women’s rights movement.’

Deborah Zalanse (2002 p 149) postulates that the adoption of laws and policies that address the spectre of sexual gender based violence will lead to a national consensus that the State has outlawed the conduct by making it punishable. Apart from the laws national and other policies one adequately enunciated to influence organisations and people. As noted elsewhere sexual gender based violence is a widespread phenomenon that can only be tackled by engaging multi-sectorial approaches. The strengthening of institutions is one of these. Without limiting the expression institutions that are essential include the judiciary, the prosecuting authority, the police, social welfare department and other survivor safety nets. An appreciation of the inappropriateness of sexual harassment is crucial for the attainment of a gender violence free society. Legitimacy of any law comes from the general approval of the law by the community as a whole (Deborah Zalanse 2002 p 149). Thus the law gives moral authority for enforcement of a breach of the promulgated law. thus the need to address and educate everyone. The ratification of the International The initiative targets eight countries in Africa of which Zimbabwe is one of them. Chief among the objectives of the initiative are: ‘prevention, protection of survivors, participation of the communities and provision of services to the survivors as well as increased reporting of cases of violence against women and girls.’ The President of Zimbabwe expressed gratitude to the good gesture as an excellent expression of political will that resembles the adoption of the sustainable development goals. The Zimbabwean government expressed its commitment to the elimination of gender based violence as demonstrated in its promulgation of the Domestic Violence Act. [Chapter 5:16] The United Nations High Commissioner expressed the need to understand and eliminate the harmful social practices that are a barrier to the elimination of gender based violence. On its part the Spotlight Initiative is to support the development of national strategies that support the elimination of sexual harassment among other things and will assist in the development of supporting structures for survivors and reporting mechanisms.

Spotlight initiative works with a broad spectrum of partners in order to inform and embellish its work. It has identified: ‘Civil Society, Government, the private sector, women’s movements, men, boys and girls as champions and agents of change.’ It includes researchers, academics and other movements such as the labour movement in its ambit. The intervention of spotlight Initiative takes a holistic approach to the focus area by programming the work into the following categories; legislation, institutions, prevention, services, women’s movements and civil society, the co-creation approach inter alia.

On its part the International Labour Organisation (ILO) is working as the global partner to address sexual gender based violence in the workplace. In its work it ‘develops workplace codes of conduct, knowledge sharing and the promotion of economic development of all citizens.’ Harassment and gender based violence are recognised as ‘contravening fundamental human rights resulting in threats to equality of persons and unacceptable and incompatible with decent work’ International Labour Organisation (ILO) Convention 190, defines ‘violence and harassment’ as ‘behaviours, practices and threats that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm’ Member states are reminded of the responsibility to promote zero tolerance of the practice. ILO as a champion of the workers’ rights worldwide fits well into the whole matrix. Spotlight Initiative is well aware of the possibility of the employers being the subject Convention on Violence and Sexual Harassment No. 190 is key to the process of confronting sexual gender based violence. One of the main objectives of the projects relates to the ratification of the International Convention 190 by Zimbabwe. Sexual gender based violence and sexual harassment are identified to constitute a breach of the victims’ rights and a barrier women’s emancipation and economic development (International Labour Convention 190).

The Labour Act recognises sexual harassment as a form of unfair labour practice. The (SADC Protocol, 1997 article 1 (a)) mandates and obligates State parties to harmonise legislation and other procedures to be in line with regional and international Conventions. Zimbabwe assented to the protocol as did the rest of the SADC member states. The SADC Protocol, 1997 article 4 (1) further encourages States parties to enshrine gender equality and equity in their Constitutions and eliminate all discrimination. Zimbabwe has complied with the commands of this article. The Constitution, 2013, section 56 provides for equality of all

persons, equity and non-discrimination. The obligation to implement legislative measures to eliminate all forms of discrimination as mandated in the Protocol is yet to be achieved. State parties are to review, amend or repeal all laws that discriminate against women. The enactment and enforcement of laws that uplift the status of women is further encouraged and especially ushers equal access to justice and laws that discriminate against women. By enacting the Legal Age of Majority Act No. 6 of 1982, Zimbabwe eliminated the legal and perceived minority status of women. The elimination of all practices that are detrimental to the achievement of equality and equity for women and the elimination of gender based violence are regarded as a cornerstone for the achievement of parity for women and girls in society. The attachment of penalties and damages for conduct that breaches the provisions is recognised as a suitable response to these practices (SADC protocol 1997 article 6 (2) (c)).

Comprehensive Legislation as a Tool

Some countries have adopted comprehensive legislation to combat sexual harassment at workplaces. In so doing the perpetrator may be issued with a protection order in order that one desists from the prohibited conduct. One may be liable in damages for the injuries sustained by the employee or criminal penalties. Deborah Zalanse 2002 p. 149) says that In addition to encouraging company self-regulation the employer may be vicariously liable for the misdeeds of its employees. This encourages companies to be proactive. Legal reform would encompass detailed definitions of what conduct is proscribed. Formal procedures to address the concerns will alleviate the predicament of employees who find themselves with no options of recourse.

By coming up with appropriate legislation that prohibit sexual gender based violence and introducing penalties and other tangible consequences such as compensation for damages incurred by victims the state complies with the tenets of the protocol. State parties were mandated to come up with legislation and other strategies and responses to eradicate sexual harassment in all its forms by the year 2015 (SADC Protocol article 4 (2)). Accordingly the legislation was to comprehensively define sexual harassment and prohibit it in all spheres of life Deterrent penalties for perpetrators of sexual harassment were essential ingredients of the legislation. Deborah Zalanse 2002 p 149) indicates that the legitimacy of the legislation is predicated on society's tacit or express approval.

Deborah Zalanne 2002 p 159 while acknowledging that the law has an important role to play in engineering social change on sexual harassment, denounces litigation as the sole or even the best response to end sexual violence. The author suggests that in order to achieve fairness and justice in sexual harassment cases parties are to ensure that the adjudicating bodies are equally represented by both men and women. Parties are to provide accessible information on services available to survivors of sexual gender based violence, notably on rehabilitation. After the event or events and a hearing the survivors need care and assistance to navigate from the traumatic experience. It is not enough to end at the hearing because rehabilitation is essential for the survivors.

A clear and deep understanding of the issues involved by the service providers' safeguards against injustices. Dedicated training in the causes and effects of sexual gender based violence is critical for effective and efficient service delivery because without it any legislation would not result in the desired effect. Effective, responsive and accessible services ensure buy-in from all sectors and the requisite cooperation. The endeavour is a multi-sectorial one to eliminate sexual harassment in all its forms the SADC protocol article 7.

Specialised legal services and free legal aid are to be provided by the State Parties to the survivors of gender based violence (SADC protocol article 7 (g)). Provision of specialised facilities and support services for the rehabilitation of the survivors to facilitate full recovery of survivors are a necessary peg.

Rehabilitation and re-integration of perpetrators of gender based violence is essential for the avoidance of recidivism.

Conclusion

Service providers who are adequately trained in gender education and mainstreaming who appreciate the issues are pivotal to the agenda. In light of this it is encouraged to educate members of the judiciary, the prosecution, the police service, health service and social services (SADC protocol article 7e). This should go hand in hand with the training and sensitisation programmes for communities and survivors to enable them to find the necessary assistance on the availability of resources to assist survivors. The service providers are to be trained in order to enable them to offer the requisite services to all who need it especially

those with special needs. An integrated approach is best in that it does not leave anyone behind. Encapsulating all members of society leads to cohesion of efforts and skills. The state parties are to take appropriate measures to appraise the media against the promotion of pornography and violence against women “It is time for all of us to assume our responsibilities to go beyond condemning this behavior, to taking concrete steps to end it, to make it sociably unacceptable, to recognize it is not cultural, and it is criminal.”

Recommendations

The Holistic Approach to Ending Sexual Gender Based Violence

Sexual and gender based violence is a deep-rooted violation against women, girls, men and boys. Research has however shown decisively that women and girls are the most affected by its negative consequences. Tacit tolerance and passive approval of the practice maintains it. Everyone has a role to play to eradicate it. Some appreciation of the negative effects on the victims is crucial for all people to appreciate that it is a serious breach of one’s human rights. Consensus building could be one way of conscientising citizens about it. Gender norms is a trait that is learnt by individuals and can therefore be unlearned provided there is the necessary will power. Deborah Zalesne p 164 highlights that Public attention and scrutiny are critical to ending sexual harassment. Support mechanisms are necessary to effectively prevent sexual gender based violence. The lack of viable options to survivors and the danger of losing a livelihood maintain a hold on the survivors’ options. The perpetrators as a class are to be trained counseled and rehabilitated. The abuse of power can be turned around through adequate training

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International Labour Organisation (ILO) Convention 190

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2. Protocol to the African Charter on Human and People's Rights on The Rights of Women adopted at Maputo Mozambique on 11 July 2003 and entered into force on 25 November 2005
3. Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa Resolution AHG/Res 240 (XXXI)
4. SADC Protocol, on Gender and Development signed in Johannesburg on (17 August 2008)

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4. The Labour Act [Chapter 28:01]
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