
**A SOCIO-LEGAL ANALYSIS OF THE HARASSMENT OF WOMEN BY BUS OR
TAXI RANK MARSHALS ON THE BASIS OF THEIR DRESS IN HARARE,
ZIMBABWE**

By

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Abstract

In its General Recommendation Number 19, the CEDAW Committee stated that violence against women is a form of discrimination since it violates their right to equality. The Committee recommended states to take legislative and administrative measures to eliminate all forms of discrimination against women. The Protocol to African Charter on Human and Peoples' rights on the Rights of Women in Africa obliges states to punish the perpetrators of violence against women and implement programmes for the rehabilitation of victims. It is in light of the above human rights framework that this study sought to analyse the adequacy of the Zimbabwean laws to protect women from violence that takes place in the public sphere. The study particularly zeroes in on the harassment of women by bus or taxi rank marshals (including the drivers and conductors of privately owned commuter omnibuses or taxis) because of the way that they are dressed. The study found out that the harassment of women by bus rank marshals is all about their power and desire to control women's sexuality. Culture is simply used as a scapegoat to harass women. The grounded research showed that the harassment of women takes many forms which include indecent assault, verbal abuse, dousing them with urine and obstructing their movement. Despite the fact that the Zimbabwe's Criminal Code prohibits the above forms of violence, police officers do not arrest the perpetrators due to stereotypes and negative attitudes about women. It was one of the findings that non-governmental organisations that deal with women's rights have not adequately responded to the cases of harassment of women by rank marshals. The study concludes that the current legal framework is not adequate to protect women from gender based violence that takes place in the public sphere. The Criminal Code does not take into account the gendered nature of the offence. Current laws do not recognise that the harassment of women is a form of discrimination and, as such, the remedies provided are not tailor made to suit the victim's needs. The study recommends the criminalisation of all forms of harassment against women whether they take place in the public and private sphere. The current laws should be aligned with Section 52(a) of the Constitution which provides for the right to freedom from violence from both public and private sources. The Domestic Violence Act needs to be amended to widen its scope to cover acts of gender based violence that take place in the public sphere and among people who are not related. The study also recommends that a multi-sectoral approach should be taken to curb the harassment of women by rank marshals. The constant training of police officers to be gender sensitive is imperative so that the law is implemented.

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Declaration

I, Paidamwoyo Mukumbiri, certify that this dissertation is my original work; it is an honest and true effort of my personal research. I certify that the work has not been presented anywhere else before for any other thesis.

Signed.....

Date.....

This dissertation was submitted for examination with my approval as the University Supervisor

Signed.....

Date.....

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Date.....Signed.....

Dedication

This work is dedicated to my two children, Millicent Panashe Piki and Fanuel Tawananyasha Piki. I love you guys and you are my source of inspiration.

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List of acronyms and abbreviations

ACHPR	African Charter on Human and Peoples' Rights
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
Criminal Code	Criminal Law Codification and Reform Act
GBV	Gender based violence
ICCPR	International Covenant on Civil and Political Rights
Maputo Protocol	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
Ministry of Women's Affairs	Ministry of Women's Affairs, Gender and Community Development
NGO	Non-Governmental Organization
SRC	Student Representative Council
UDHR	Universal Declaration of Human Rights
UZ	University of Zimbabwe
VFU	Victim Friendly Unit
WAG	Women's Action Group
WASN	Women and AIDS Support Network
WHO	World Health Organisation
ZRP	Zimbabwe Republic Police

List of human rights instruments and legislation

African Charter on Human and Peoples' Rights

Convention on the Elimination of all forms of Discrimination Against Women

Declaration on the Elimination of Violence Against Women

International Covenant on Civil and Political Rights

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

General Comment Number 18 on Civil and Political Rights

General Comment Number 19, CEDAW on Violence against Women

Universal Declaration on Human Rights

List of local legislation

Constitution of Zimbabwe, 2013

Criminal Law Codification and Reform Act (Chapter 9:23)

Domestic Violence Act (Chapter 5:16)

List of other legislation

Tanzania

Sexual Offences Special Provisions Act

Uganda

Anti-Pornography Act of 2014

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Executive summary

In its General Recommendation Number 19, the CEDAW Committee stated that violence against women is a form of discrimination. The Committee recommended states to take legislative and administrative measures to eliminate all forms of discrimination against women. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa guarantees women's right to life, integrity and security of person. In order to fulfil this right, the Protocol imposes obligations on states to enact and enforce laws that prohibit all forms of violence against women whether the violence takes place in a private or public space. Under Article 2 of the Protocol, states also have an obligation to punish the perpetrators of violence against women and implement programmes for the rehabilitation of victims. It is in the light of the above human rights framework that this study sought to analyse the adequacy of the Zimbabwean laws to protect women from harassment that takes place in the public sphere. The study particularly zeroes in on the harassment of women by bus or taxi rank marshals (including the drivers and conductors of privately owned commuter omnibuses or taxis) on the basis of their dress.

The following research questions were the basis of the study:

- Is the harassment of women on the basis of their dress adequately addressed by the law?
- Does society presume that women dress for men and not for their own satisfaction?
- Is the resistance to women's choice of dress premised on cultural perceptions?
- Is the harassment of women on the basis of their dress premised on male dominance and control of women's sexuality?
- Is the response by women's organisations' to the harassment of women on the basis of their dress adequate to protect women's rights?

In seeking answers to these research questions different methodologies and methods were utilised. The grounded theory approach was used both as a methodology and an analytical tool. The grounded theory approach enabled me to keep an open mind and to be alive to emerging issues. The roles of different actors that have the mandate to promote women's

rights were analysed through the actors and structures approach. Through the use of sex and gender analysis, I was able to unearth the double standards that erupt in society when it comes to the condemnation of dress between men and women. An analysis of the position of women in law and their lived realities was done using the women's law approach. Provisions of the Criminal Code were analysed to determine whether they adequately protect women's rights. The human rights approach was also useful in analysing the extent of Zimbabwe's compliance with human rights instruments which impose obligations on states to eradicate all forms of violence against women. In terms of methods, interviews, group discussions, observation and desk research were utilised to obtain data.

The study found out that the harassment of women by rank marshals takes many forms which include indecent assault, verbal abuse, dousing victims with urine and obstructing their movement. Provisions of the Criminal Code can be utilised to arrest rank marshals who harass women but the police officers are not implementing these provisions due to their stereotypes and negative attitudes about women. It was one of the findings that non-governmental organisations that deal with women's rights have not adequately responded to the cases of harassment of women by rank marshals. The interviews conducted with representatives of these NGOs revealed that despite the fact that they have programmes that advocate women's equality, gender based violence issues and sexuality, these organisations have not dealt with cases of harassment at all. The NGOs have placed too much emphasis on domestic violence and rape cases while they have neglected other forms of violence against women.

The study also found that the harassment of women is all about power over and control of women's sexuality. The need to preserve culture is just used as a scapegoat by rank marshals who harass women because of their choice of dress. Intersections of issues such as race, sex, class and age were found to increase women's vulnerability to harassment by rank marshals.

The study concludes that the current legal framework is not adequate in promoting women's rights because it does not take into account the gendered aspect of harassment of women by rank marshals on the basis of their dress. Current laws do not recognise that the harassment of women is a form of discrimination and as such the remedies provided are not tailor made to suit the victim's needs.

The study recommends law reform criminalising all forms of harassment against women whether they take place in the public or private spaces. There is a need to amend the Domestic Violence Act so that the scope of the Act is expanded to cover gender based violence that takes place in the public sphere. The study also recommends that a multi-sectoral approach should be taken to curb the harassment of women by rank marshals. Women's NGOs, the police, the prosecuting authority, the judiciary and the Ministry of Women's Affairs should work together to ensure that perpetrators of harassment are arrested and punished. There is a need to conduct awareness campaigns on the causes and effects of gender based violence and also the legal procedures to be followed in cases of harassment by rank marshals. Such campaigns should be inclusive and target a wide audience including people in the streets and those in residential areas.

There is a need for the constant training of the members of the police force on how to handle cases of harassment of women in a gender sensitive way. Information about the functions of Victims Friendly Units should be disseminated since most women who are harassed are not aware of the existence of this department.

Women's organisation should take a radical approach to challenge the power dynamics in society because the harassment of women is all about male dominance. This approach should include strategic litigation, mini-skirt marches and persistent advocacy for the recognition of the full autonomy of women's lives.

CHAPTER 1

1.0 INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 Introduction

The harassment of women on the basis of their dress has been and still is a common feature of African countries like Uganda, Malawi, Tanzania, South Africa and Zimbabwe. In Tanzania women were harassed in the 1960s by Tanzanian Youth League for wearing mini-skirts, wigs, skin-lightening creams, tight pants, dresses or shorts (Ivaska, 2002). In Malawi the late President Kamuzu Banda referred to the wearing of mini-skirt as ‘diabolic fashion’ and this gave rise to the harassment of women (Wiper, 1972). In South Africa, attacks on women who put on mini-skirts are very common at taxi ranks (Vincent, 1998). A lot of women have been stripped naked, frog-marched and paraded around taxi ranks. Recently in Uganda, the passing of the Anti-Pornography Act of 2014 has seen several women being attacked and stripped naked for putting on mini-skirts (Daily Nation, February 2014).¹ The Anti-Pornography Act of 2014 bans the wearing of miniskirts (AWID, 2013).

What is common to all these countries is that harassment of women on the basis of their dress is done by men and, secondly, that such acts are purportedly done in the name of preserving African culture. The issue of dress is one area where law and culture clash in which women become the sacrificial lambs. Culture is used to justify the harassment of women who wear modern fashion. This study focused on the harassment of women on the basis of their dress by bus and taxi rank marshals² in Harare. The interest in this study was sparked by the numerous incidents of harassment of women that I have witnessed. I saw how these women were traumatised often in the presence police officers who simply and heartlessly turned a blind eye to these incidents.

1.2 Background to the study

In Zimbabwe, the harassment of women on the basis of their dress is a common feature in both the rural and urban parts of the country. In the rural parts of the Masvingo Province,

¹ Daily Monitor, 26 February 2014. Available online at: <http://mobile.nation.co.ke/news/Protest-Uganda-mini-skirt-law-Museveni/-/1950946/2222620/-/format/xhtml/-/w5mtel/-/index.html> (Accessed 2014-03-05).

² Rank marshals are men who control order at the bus terminuses. The term ‘rank marshal’ is inclusive of drivers and conductors of buses and taxis.

Chief Makore and Chief Nerupiri of Gutu district³ are well known for fining women who wear trousers, mini-skirts and short dresses. Women have been forced to pay cash, chickens, goats and five litres of traditional beer for wearing mini-skirts and trousers (Zimeye, November 2013).⁴ In this district, the chiefs' aides man the shopping centre and deter women who are wearing mini-skirts from approaching the shops. In the urban parts of Zimbabwe, Bulawayo rank marshals are notorious for stripping women naked who wear miniskirts.⁵ In 2013, the rank marshals forced one woman to walk naked after stripping off her clothes which they considered to be inappropriate.⁶ In Beitbridge, a rank marshal was slapped with a sentence of 40 days' imprisonment for indecently assaulting a woman in a mini-skirt.⁷ In Harare,⁸ women have been victims of harassment by rank marshals at the bus terminuses for quite some time now. They have been verbally and physically abused by rank marshals for wearing mini-skirts, tight trousers or any other form of dress which the rank marshals consider inappropriate. In the worst cases women have been stripped and forced to walk naked in the streets.

The behaviour of rank marshals is a violation of an array of rights which are provided for in the Constitution of Zimbabwe. These rights include the right to human dignity, equality, personal security, freedom of movement and freedom of expression. Despite such clear examples of the violation of these rights, the long arm of the law seems to be inadequate in protecting women from such harassment as the police officers are turning a blind eye to these cases. This form of violence has been normalised in society because of controversial views on culture and dress. The media both electronic and the print also ignore reporting such cases because they consider them not to be newsworthy as they occur every day. A search of media reports of women who have been harassed reveals that less than ten such cases have been reported in the electronic and print media. The few reported stories are from online papers which are not accessed by the majority of Zimbabwe's citizens. As a result, such issues are not brought to the forefront for discussion. They remain on the periphery. This study

³ Gutu district is under Masvingo Province in Zimbabwe.

⁴ Zimeye, 22 November 2013. Available online at <http://www.zimeye.org/women-fined-chickens-goats-for-wearing-miniskirts-and-trousers/> (Accessed 2014-01-13).

⁵ Bulawayo is the second largest city in Zimbabwe.

⁶ News Dzezimbabwe, 5 November 2012. Available online at <http://www.newsdezimbabwe.co.uk/2012/11/mini-skirt-wearing-woman-stripped-naked.html> (Accessed 2013-10-18).

⁷ Bulawayo News 24, 4 November 2013. Available online at <http://bulawayo24.com/index-id-news-sc-national-byo-38372.html> (Accessed 2013-12-05). Beitbridge is a town located near the Zimbabwe-South African border.

⁸ Harare is the capital city of Zimbabwe.

therefore seeks to analyse the reasons behind the harassment of women by rank marshals and bring to the fore that this is a human rights issue. The study also interrogates the adequacy of the current legal framework to protect women from harassment by rank marshals.

1.3 Statement of the problem

The Constitution of Zimbabwe provides for the right to human dignity. Section 52 of the Constitution stipulates that every person has the inherent dignity in their private and public life and this right has to be respected and protected. The Constitution also protects the right to bodily and psychological integrity. This right includes the right to freedom from all forms of violence from public and private sources. Violence that takes place in public spaces is criminalised by some provisions of the Criminal Law Codification and Reform Act (Chapter 9:07) (called ‘the Criminal Code’ or ‘the Code’). The Criminal Code prohibits physical attacks on anyone under the law of assault. Verbal assault is criminalised under Section 95 of the Code. Harassment of women that extends to indecent acts is criminalised by Section 67 of the Code under the offence of indecent assault. However these provisions of the Criminal Code are not specific to gender based violence that takes place in the public sphere. The only law that specifically criminalises gender based violence is the Domestic Violence Act (Chapter 5:16). This Act is however limited in scope as it only covers cases of violence that takes place between people who are related or reside at the same place.

Despite the fact that the Criminal Code can be utilised to protect harassed women, police officers have not been arresting rank marshals who harass women. Besides the issue of non-implementation, the provisions of the Criminal Code are not adequate in protecting women from harassment by rank marshals because they do not take into account the gendered aspect of the offence. The harassment of women is a gendered offence as women are the only ones who are harassed because of their choice of dress. The harassment of women is part of gender based violence and the current legal framework does not criminalise gender based violence that takes place in the public sphere. There is a gap between the current legislation and the Constitution which prohibits all forms of violence whether they take place in the public or private sphere. There is therefore a need to align existing laws with the new Constitution.

Zimbabwe is party to various international and regional human rights instruments which includes the Convention on the Elimination of all forms Discrimination against Women

(CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa ('the Maputo Protocol'). These human rights instruments impose an obligation on states to take legislative and administrative measures to eradicate all forms of violence against women. States are under an obligation to ensure that perpetrators of violence are punished and that victims of gender based violence are protected. It is against this background that the study seeks to analyse the adequacy of Zimbabwe's laws to protect women from harassment by rank marshals on the basis of their dress.

1.4 Significance of the study

In Zimbabwe, studies on gender based violence are in abundance. However, very few of these studies have looked at violence against women that takes place in the public sphere in particular harassment of women because of their choice of dress. The majority of these studies have looked at other forms of violence such as domestic violence and rape. This study therefore seeks to fill that lacuna by examining the factors behind the harassment of women who put on mini-skirts and other forms of clothing that is considered inappropriate by rank marshals in Harare.

1.5 Objectives of the research

The study has the following objectives:

- To analyse the adequacy of the current laws to protect women from harassment on the basis of their dress by rank marshals.
- To analyse the rationale behind rank marshals' resistance to women's choice of dress.
- To find out if society assumes that women dress for men and not their own satisfaction.
- To find out if the harassment of women on the basis of their dress is premised on male dominance and control of women's sexuality.
- To find out how women's organisations are responding to the constant abuse of women by rank marshals and analyse if such response is adequate.
- To find out if law reform is needed to protect women from sexual harassment.

1.6 Research assumptions

The following assumptions were the basis of the study:

1. Harassment of women on the basis of their dress is not adequately addressed by the law.
2. Society presumes that women dress for men and not for their own satisfaction.
3. The objection to women's choice of dress is premised on cultural perceptions.
4. The harassment of women on the basis of their dress is premised on male dominance and control of women's sexuality.
5. Women's organisations' response to violence perpetrated against women on the basis of their dress has not been adequate in protecting women's rights.
6. There is need for law reform to protect women from harassment by rank marshals.

1.7 Research questions

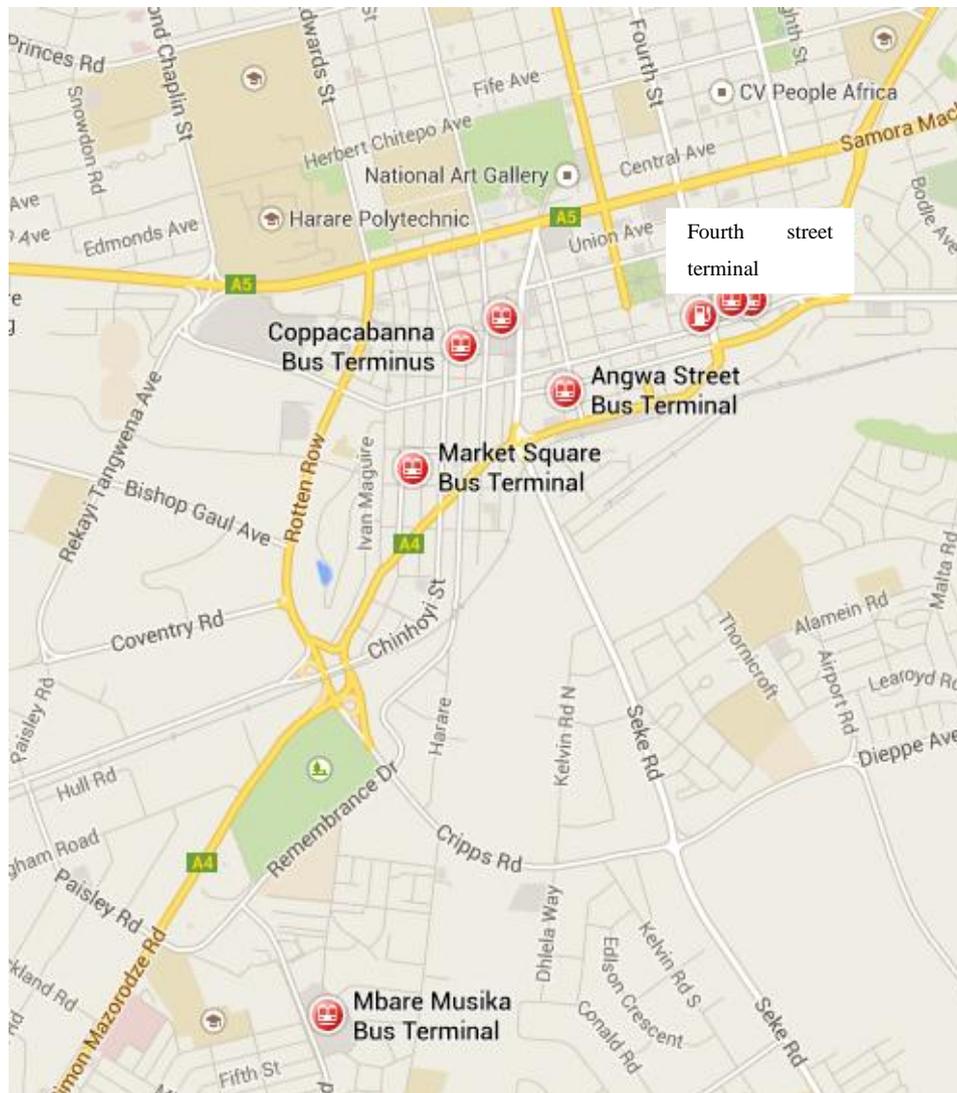
The research questions for this study were as follows:

1. Is harassment of women on the basis of their dress adequately addressed by the law?
2. Does society presume that women dress for men and not for their own satisfaction?
3. Is the objection to women's choice of dress premised on cultural perceptions?
4. Is the harassment of women on the basis of their dress premised on male dominance and control of women's sexuality?
5. Is the response by women's organisations' to the harassment of women on the basis of their dress adequate in protecting women's rights?
6. Is there a need for law reform to protect women from harassment?

1.8 Demarcation of the research

The study was carried out in Harare which is the capital city of Zimbabwe. The research sites were bus stations in Harare such as Coppa-Cabana, Fourth Street, Mbare, Belvedere, Market Square and Angwa Street bus terminal which is also known as the charge office bus terminus. Below is a map showing the location of the research sites.

Figure 1: Map showing research sites



1.9 Limitations of the study

The study is limited substantially and methodologically. Substantially, the study focused on the harassment of women by rank marshals on the basis of their dress only and not for any other reasons for harassment. In terms of methodology, the study was mainly qualitative.

1.10 Structure

The research consists of five chapters. The first chapter is the introductory part which comprises the background study to the problem, significance of the study, limitation and demarcation of the study. Chapter 2 is the conceptual framework. Chapter 3 is centred on the

methodological framework used in carrying out this research. Chapter 4 presents the findings from the field research. Chapter 5 states the conclusion and recommendations of the study.

1.11 Definition of terms

Rank marshal

The word ‘marshal’ is derived from the military which refers to a high ranking commander responsible for maintaining order. Rank marshals are men who maintain order at the bus terminuses. In practice, this term is used to refer to both commuter omnibus⁹ conductors and drivers.

Harassment

According to the Macmillan dictionary (2002), ‘harassment’ refers to annoying or unpleasant behaviour towards someone that takes place regularly. This behaviour is unwelcome or intimidates the victim. Harassing behaviour may include, but is not limited to, derogatory comments, assault, offensive touching and stripping.

⁹ In terms of section 2 of the Road Traffic Act Chapter 13:11, a commuter omnibus means a passenger public service vehicle.

CHAPTER 2

2.0 CONCEPTUAL FRAMEWORK

This chapter outlines the conceptual framework of this study. It looks at the concepts of equality and non-discrimination, male dominance, women's sexuality and freedom of expression. The human rights framework and national legislation regulating the above concepts will be discussed in this chapter.

2.1 Equality and non-discrimination

2.1.1 Introduction

The concept of equality and non-discrimination is now recognised as part of international customary law. Equality and non-discrimination are part of *jus cogens*. Various human rights instruments guarantee the right to equality and non-discrimination. These include the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the African Charter on Human and Peoples' Rights and the Protocol to the African Charter on the Rights of Women in Africa. These conventions impose numerous obligations on states in relation to the protection of the right to equality. Some of the obligations include modifying or abolishing existing laws, regulations, customs and practices which constitute discrimination against women.

2.1.2 Defining discrimination and equality

Discrimination means differential treatment (Stang Dahl, 1987) and equality means the absence of discrimination, and upholding the principle of non-discrimination (Weiwei, 2004). Equality and non-discrimination are positive and negative statements of the same principle (Bayefsky, 1990). Not all differential treatment is bad. Positive discrimination is desirable if its objectives of treating individuals differently result in substantive equality. An example of positive discrimination is the use of affirmative action measures to achieve *de facto* equality. Negative discrimination has the effect of placing groups or individuals at an advantageous position to the prejudice of others.

In General Comment Number 18, the Human Rights Committee defined discrimination as

‘any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.’

Article 1 of CEDAW defines discrimination against women as:

‘Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.’

2.1.3 Feminist theories on equality and non-discrimination

There are different feminist theories that advocate equality between men and women. The liberal feminists accept the values of individualism, freedom and equality and believe that these benefits should be extended to women in the same way as they are to men (Bonthuys and Albertyn, 2007). This type of feminism believes that law reform is the solution to achieve equality between men and women. This legal reform should result in gender neutral laws which apply to men and women in the same way (Bonthuys and Albertyn, 2007). For liberal feminists, equality is just the equal treatment of women and men in the same way without looking at the social and economic dynamics of the two sexes.

Radical feminists believe that real equality cannot be achieved unless the real lives of women are taken into consideration. Radical feminism views the patriarchal system at state and family level as the cause of women’s oppression. The radical feminists do not believe that law reform will achieve true equality between men and women. They believe that there is a need to challenge gender relations in society to achieve substantial equality. For radical feminists, differences based on sex should be taken into account to achieve equality. These feminist theories were useful in this study in analysing the power dynamics at play in cases of harassment of women by rank marshals. The theories were also found useful in determining whether law reform is the answer to protect women from harassment.

2.1.4 The human rights framework on the protection of the right to equality and non-discrimination

The Constitution of Zimbabwe in conformity with international standards prohibits discrimination against women. Section 56 provides that women and men have the right to equal treatment. Men and women are equal before the law and have the right to equal protection. Section 56 of the Constitution goes further to outlaw discrimination on the basis of sex and gender. Section 80 of the Constitution elaborates the right to equality between men and women. It provides that every woman has full and equal dignity of the person with men. Section 52 of the Constitution also guarantees the right to bodily and psychological integrity. This right includes the right to freedom from all forms of violence from private and public sources.

In General Comment Number 19, the CEDAW Committee stated that violence against women constitutes discrimination. This study also adopts the same approach and argues that harassment of women because of their choice of dress is a violation of the right to equality because such violence centres on viewing women as the inferior sex. It is only women who are attacked in public because of their choice of dress.

2.2 Sexuality

2.2.1 Defining sexuality

Defining sexuality is a challenge because the concept involves a wide range of issues including dress. Attempts to define sexuality are normally biased in some aspects of sexuality at the neglect of others, yet sexuality is an all-encompassing concept. Tambiah defined sexuality as ‘the wide range of erotic feelings and experiences, whether in a relationship with the self or in interaction with others, where such interaction may take place between persons of similar or different biological sexes’ (Tambiah, 1995: 371). Tambiah’s definition relies heavily on the issue of sexual relations only. According to Tamale:

‘Sexuality touches a wide range of issues including pleasure, the human body, dress, self-esteem, gender identity, power and violence. It is an all-encompassing phenomenon that involves the human psyche, emotions, physical sensations, communication, creativity and ethics’ (Tamale, 2011).

The World Health Organisation defined sexuality as:

‘A central aspect of being human throughout life and encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction. Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviours, practices, roles and relationships’ (WHO, 2006).

2.2.2 *Sexuality as a social construct*

Sexuality is shaped by social forces (Weeks, 1986). Dominant groups normally decide the socially acceptable ways of expressing one’s sexuality in society (McFadden, 1992). As pointed out by Weeks, ‘Sexuality is something which society produces in complex ways’ (Weeks, 1986). ‘It is a result of diverse social practices that give meaning to human activities of social definitions and self-definitions, of struggles between those who have power to define and regulate, and those who resist’ (Weeks, 1986). Sexuality is a product of negotiation, struggle and human agency. In Zimbabwe women’s sexuality has been a product of struggle with the state failing to give women autonomy over their sexuality, for example, in the denial of abortion rights. This struggle is also evident from men’s control of women’s sexuality by harassing women who exhibit autonomy in terms of their dress.

2.2.3 *The influence of colonisation on African sexuality*

According to Tamale colonisation brought with it the ‘highly conservative sexual norms of Europe’ (Tamale, 2011). ‘The sexualities of Africans, which were relatively unrestrained, posed huge challenges to the Victorian minds of the early explorers’ (Tamale, 2011). Victorian women’s sexuality was heavily controlled and upon colonisation the same controlling of women’s sexuality was brought into Africa. Victorian women’s ‘dress, behaviour and *mores* were geared to erasing any hint of sexuality and any other form of dress would result in one being labelled as a prostitute’ (Rees, 1977 as quoted in Tamale, 2011). In pre-colonial Zimbabwe women’s sexuality in relation to dress was not controlled. Women could wear *nhembe* (animal skins) which covered their front and rear leaving the upper part of their body exposed. This kind of dress was acceptable and the body was not eroticised at all.

In Zimbabwe, colonisation resulted in the controlling of women’s sexuality by the introduction of the pass system which made it very difficult for single women to go to urban areas. The 1936 Native Registration Act stipulated that all unmarried women needed to produce a pass in order to enter an urban area. Married women had to produce a marriage

certificate (Schmidt, 1990). This pass showed the purpose and duration of the visit. Failure to produce a pass resulted in the arrest of women. The consent of the male guardian or husband was a necessity for a woman to secure a pass to travel to a city or town. Those who came to town in defiance of male authority were arrested (Schmidt, 1990).

Women's access to urban areas was limited because it was believed that they would engage in prostitution once they reached a town. Colonial rule also saw the criminalisation of adultery and only women were arrested for this offence. Before that, if a woman committed adultery, her husband would be paid compensation by the other man. The colonial laws imposed on natives were now focused on punishing women rather than emphasising the offence against the husband (Channock, 1982). Instead of paying compensation to the husband, the colonial laws directed the arrest of women only for adultery. The other party to the adulterous affair was not arrested.

After Independence, the colonisers' traits of controlling women were inherited by Zimbabwean men. It is the same colonisers' mentality of controlling women's movements and their sexuality which result in the harassment of women by rank marshals on the basis of their dress. The rank marshals' behaviour is a failed attempt to make women stay in the private sphere looking after the family, since stepping out into public spaces and wearing any kind of dress that one is comfortable with is a symbol of independence which men vehemently resist.

2.2.4 *Feminist theories on sexuality*

Radical feminists believe that 'women will never be men's full political, economic and social equals until heterosexual relations are entirely egalitarian...' (MacKinnon, 1987). Thus, unlike the liberal feminist (who believes that given the correct legal and political institutions, heterosexual relations will be voluntary, egalitarian, and just) the radical feminist believes that women will always remain subordinate to men unless sexuality is reconceived and reconstructed (MacKinnon, 1987). Therefore, for radical feminists, women can only enjoy their full autonomy and equality when they are able to control their sexuality. For radical feminists, it is a question of distribution of power whereas for liberals, it is a question of autonomy over one's life. In this study, the radical feminist theory was more relevant in examining the interaction of power, culture and religion in maintaining women's subordinate position in society.

2.3 Male dominance

The concept of male dominance ‘centres on the most sex-differential abuses of women as a gender’ (MacKinnon, 1987). Male dominance thrives under the patriarchal system where men are privileged and women occupy the lesser role in society. As pointed out by McFadden:

‘Men from various statuses control women’s lives, fathers, who protect and defend the family honour through them; priests, who experience holiness and godliness through them; brothers, who learn through women and girls how to become authoritative and vigilant; husbands, who realise their masculinity through sexual occupancy and breeding; and strangers, who wreak misogynistic vengeance upon them for an entire range of grievances, imagined and otherwise’ (McFadden, 2003a).

The patriarchal system is characterised by ‘male privilege and dominance where women play the subordinate role in public as well as in private’ (Wagner, 1999). Under the patriarchal system, women are viewed as men’s property. They are viewed as the lesser being and men the superior. Existentialist feminist, Simone de Beauvoir, stated that the woman is viewed as ‘the other’. According to De Beauvoir:

‘humanity is male and man defines woman not in herself but as relative to him; she is not regarded as an autonomous being...and she is simply what a man decrees ; thus she is called “the sex”, by which is meant that she appears essentially to the male as being a sexual being. For him she is sex - absolute sex, no less. She is defined and differentiated with reference to man and not he with reference to her; she is the incidental, the inessential as opposed to the essential. He is the subject-she is the other’ (De Beauvoir, 1949).

Regardless of its forms, harassment of women flourishes under the patriarchal system where men believe that they own women. In this study, male dominance was evident at the bus terminuses where men just feel that they are entitled to chastise any woman in society. This study found out that all the men who engage in the practice of harassing women who dress in mini-skirts and short dresses justified their behaviour on the basis that they are teaching them to dress properly. The patriarchal system gives these men the power to control women who are complete strangers to them because of the belief that all women are subordinate to men.

The United Nations Declaration on the Elimination of Violence against Women notes that ‘violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men’. Therefore, under the human rights law framework, states have an obligation to eradicate all harmful practices that are based on stereotypes about women. They have an obligation to promote the right to equality between men and women so that women are not treated as men’s property.

Article 5 of CEDAW states that:

‘States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.’

At the regional level, the Protocol to the African Charter on the Rights of Women in Africa also imposes an obligation on the states ‘to modify the social and cultural patterns of conduct of women and men through public education, information, education and communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for women and men.’ The SADC Protocol on Gender and Development to which Zimbabwe is a party also imposes the same obligation on the country to eradicate all harmful practices that have the effect of impairing women’s rights whether they are taking place in the public or private sphere.

2.4 Freedom of expression

In Zimbabwe, the right to freedom of expression is protected under section 61 of the Constitution which protects the freedom to seek, receive and communicate ideas and information. The Constitution also protects the freedom of artistic expression. The right to

freedom of expression as protected by the Constitution includes both verbal and non-verbal forms of expression.

The right to freedom of expression recognises one's autonomy to freely express oneself in whatever form, be it through verbal or non-verbal means. The right to freedom of expression is recognised under Article 19 of the International Covenant on Civil and Political Rights which stipulate that:

‘Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.’

The Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights also protects the right to freedom of expression.

In its General Comment Number 14, the Human Rights Committee stated that:

‘The freedom of expression is one of the indispensable conditions for the full development of the person. The committee also stated that all forms of freedom of expression must be protected. These forms include spoken, written, and sign language and none such non-verbal expression as images and objects of art. Means of expression include books, newspapers, pamphlets, posters banners, dress and legal submissions.’

How one chooses to dress is an exercise of one's freedom of expression and women have the right to express their individuality through their dress. The right to freedom of expression is violated by rank marshals who harass them because of their choice of clothes.

CHAPTER 3

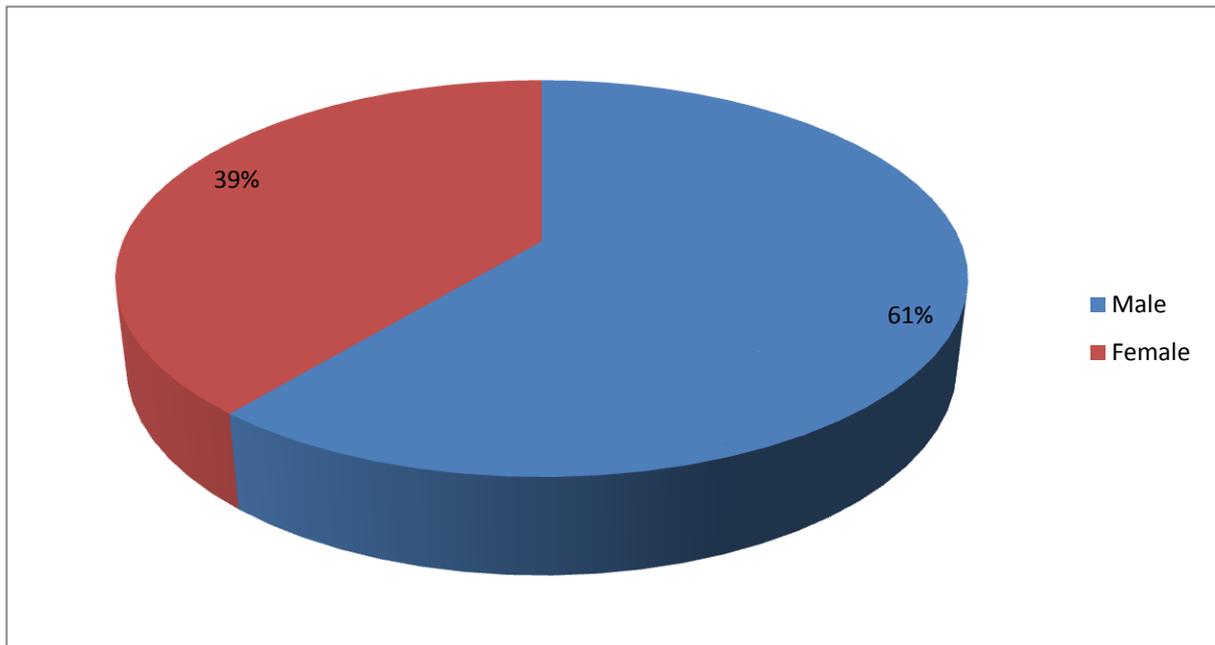
3.0 THE RESEARCH PROCESS

3.1 Introduction

The research process was characterised by the use of various methodologies and methods of data collection. Methods used include interviews, observation and desk research. The methodologies used are the women's law approach, grounded theory approach, human rights approach and the actors and structures approach. All in all, I talked to one hundred and twenty nine (129) people of which fifty (50) were females. More men were interviewed because they are the people who work at the bus terminuses as drivers and conductors. It would seem that there are no women who work as conductors and drivers of commuter omnibuses. Of the fifty (50) women interviewed sixteen (16) of them are victims of harassment on the basis of their dress.

The pie chart below presents the figures of the people interviewed.

Figure 2: Pie chart showing male/female percentages of people interviewed



3.2 Overcoming my fears

I had to find tactful ways of talking to the rank marshals since they are known for being outspoken and violent. I feared being harassed during the process of conducting the research. I then devised a strategy of wearing long dresses to avoid harassment. I wanted to create an environment which was conducive for interviews. At the rank, I randomly selected my respondents. I would look for rank marshals whose commuter omnibuses were not in the process of taking on passengers. Their vehicles were in a queue so I would go to the commuter omnibus right at the back of the queue and greet the conductors and drivers. I would introduce myself and state my business, i.e., my intention to conduct my research and its purpose. Then I would ask them if they were comfortable being interviewed by me. At first they suspected that I was a journalist and were afraid that I was secretly recording and taking videos of them to later play on air. I showed them the letter of introduction that was written by my supervisor and my student identity card. They were then able to open up and divulge how they harass women.

I used semi-structured questions in conducting the interview. This approach enabled me to be guided by the research questions but these were not strictly adhered to. They were sometimes abandoned to allow the respondents the freedom to tell their story. At the rank I would start

by asking them to describe how the harassment of women actually takes place. This question allowed them to explain how incidents of harassment actually take place without necessarily identifying themselves as perpetrators. As the interview progressed the respondents would start to give examples of how they have actually harassed women and I would then be able to enquire about their involvement. I deliberately used a non-judgmental approach so that they would be comfortable expressing themselves freely and giving their honest opinions. I tried to keep an open mind and gave them as much room as possible to explain why they harass women. I observed that that this approach of making every effort to understand rather than condemn them helped them to reveal their truth as they saw it. I noticed that they were happy that at last someone was empathising with rather than rejecting them and their opinions. One of the rank marshals actually said:

‘We are so delighted when you come to talk to us and hear our side of story because most people just assume the worst out of us. They do not want to hear our side of story yet we are still part of the community.’

In approaching the respondents I discovered that the manner in which I addressed the rank marshals was very crucial. In Zimbabwe normally older men who are assumed to be married are called *mukwasha* (which means son-in-law) and in response they would say *ambuya* (which means mother-in-law). On the first day of research, I addressed the male respondents as *mukwasha* as a sign of respect. This was because I was not sure whether I could call them conductor or driver. I realised that the manner in which I addressed them would determine the extent to which they would open up. They changed their street lingo and talked formally and decently to me yet I know what kind language they use when they are working. The next day when I went to the other bus terminuses, I changed my manner of address and I tried to adapt my language to suit their street lingo. That way, the rank marshals felt comfortable divulging how they harass women.

3.3 How the research process unfolded

I used the grounded theory approach in identifying what information to collect next as well as analysing it. According to Bentzon *et al.* (1998:18), grounded theory is an iterative process in which data and theory, lived reality and perceptions about norms are constantly engaged with each other to help the researcher decide what data to collect and how to interpret it (Bentzon *et al.*, 1998). Initially before embarking on the research I was afraid of how to go about

identifying the victims of harassment by rank marshals. I knew that cases of harassment of women take place on daily basis and I had also witnessed some of these incidents, but it was not possible for me to go to the bus terminuses or into the street and just ask women randomly if they had at one point experienced this type of violence.

I initially planned to go to Bulawayo to look for a female victim who was stripped at one of the bus terminuses. The story of this girl was reported in one of the online newspapers and I figured out that armed with the name of this girl and the name of the reporter, it would be very easy to track down this young lady and conduct an interview. During the course of the research, I conducted an interview at one of the NGOs. After talking to the programme director, I was referred to one of their interns who was harassed by rank marshals in town because of the way she was dressed. I conducted an interview with this lady. This interview opened up a gateway into this area for me as I was then able to get to other victims through referrals by this respondent. I was able to get other sources of information from this one respondent.

The field research commenced at the Belvedere rank which is located at the corner of Chinhoyi Street and Kwame Nkrumah Avenue, Harare. I chose to start at this bus terminus because on the previous day my maid had witnessed a girl who had been harassed by rank marshals at this rank for wearing a mini-skirt. Capitalising on that information, I decided to approach the rank marshals to get their comments about the incident while it was still fresh in their minds. I managed to talk to conductors and drivers at this rank who confirmed that indeed the incident had taken place. Vendors at this bus terminus were also interviewed and they corroborated what the rank marshals had said.

Being alive to the need to triangulate data, after my first interview at the Belvedere rank, I proceeded to conduct interviews at other bus terminuses. I wanted to verify my data by comparing different sources. I conducted interviews at Charge Office, Copa Cabana, Market Square, Fourth Street and Mbare Musika bus terminuses. I interviewed bus conductors, bus drivers, vendors, taxi drivers, and money changers so as to get different views on the issue under study. Analysing the collected data enabled me to identify the gaps in the research. I had gathered information on how rank marshals harass women, the reasons for their conduct and the position of the law in relation to such cases. Analysing collected data made me realise the gaps in relation to the rank marshals' source of power to harass women. The gathered

data had pointed out that harassment of women on the basis of their dress is a product of power relations but then I was not sure about the source of that power. I went back to bus terminuses and asked the rank marshals about their source of power to harass women.

The rank marshals stated that they get the power to harass women from the fact that police officers do not arrest them and that they make rules at the rank which must be obeyed by all commuters. To probe further on the issue of rule-making, I interviewed an official from the Traffic Enforcement Department at the city of Harare and municipal police officers. I wanted to know the role of the City Council in regulating operations at the rank. I also had informal interviews with police officers enquiring why they do not arrest the rank marshals since the police's lack of action had given the rank marshals the power to harass women at will.

My interviewees also referred me to other sources of information. For instance, the programmes co-ordinator of Zimbabwe Women Lawyers Association informed me of another organisation called Zimbabwe Young Women's Network for Peace Building which was very relevant to my study. At this organisation, I was informed about the proposed mini-skirt march by the student representatives at the University of Zimbabwe. I followed up on this information and talked to two UZ students who were planning the march. As I probed why women's organisations are not responding to the harassment of women by rank marshals, I discovered that there are no statistics on the number of women who have been harassed because the issue is not covered in the media and that victims do not report such matters. I then had to talk to journalists of different newspapers to enquire why their newspapers do not cover such stories. I also talked to the victims of harassment in a bid to understand their reasons for not reporting cases of harassment to the police.

The grounded theory approach postulates that a researcher should maintain an open mind and keep her biases in check. Maintaining an open mind enabled me to identify the emerging issues in the field. Before embarking on the research process, I never anticipated that women can be active participants in the harassment of other women. This finding was one of the emerging issues that came out during the field research. Some of the emerging issues that I was able to identify relates to the causes of harassment. It was found that women are not only harassed for wearing mini-skirts, but also for other reasons such as having a big body, using skin lighteners, wearing very high heel shoes and clothes that do not match.

During the course of my research, I looked at women's lived realities and analysed their position in law and in society. I interviewed women who have been victims of harassment by rank marshals. I wanted to know how the incidents occurred and what type of outfits they were wearing when they were harassed. I also probed the action that they took after being harassed and I received different responses. Some blamed themselves, others tried to report the matter to the police and others did not do anything because they had a limited knowledge of the law. I also interviewed the police officers about how they deal with cases of harassment of women on the basis of their dress in the event that such cases are reported. Prosecutors and magistrates were interviewed in an effort to understand the charges that are preferred against those who harass women on the basis of their dress. As for magistrates, I wanted to know the sentences that are likely to be meted out to men who engage in this practice.

Understanding the position of women in society required me to talk to the custodians of culture and religion such as chiefs and pastors. The interviews with the chiefs brought out how women are viewed by our society. It brought out the interaction between law and the lived realities of women. The tension between culture, religion and human rights became evident as the chiefs and pastors indicated that the issue of human rights had resulted in loss of morality in society. They stated that human rights have caused women to be independent and uncontrollable yet, in terms of the African culture, women are supposed to be submissive to men.

In assessing the adequacy of the law in protecting women from harassment on the basis of their dress, I probed the response of the Zimbabwe Republic Police to cases of harassment. I asked the victims about the assistance they got from the police after harassment and it emerged that no arrests were affected at all. The rank marshals were just allowed to remain at large. To verify this information, I asked the rank marshals who were the perpetrators of harassment and they confirmed that the police do not arrest them for harassing women. Interviews with money changers, vendors and taxi drivers also yielded the same response. Key informant interviews with lawyers in private practice and NGO representatives were conducted to assess if the current legal framework is adequate to protect women from harassment.

Women and men are treated differently in society. Women are looked down upon. They are treated as an inferior sex and their sexuality is closely monitored by society. Men are at liberty to control their sexuality. They determine the number of partners to have and their form of dress. I used the sex and gender analysis to probe how rank marshals respond to men who drop their trousers and expose their underwear in public. Sex refers to the biological differences between men and women. Gender refers to the social construction of relations and roles between men and women in society. Society exhibits gender stereotypes about women's choice of dress. Assumptions 2 and 3 arose from such gender stereotypes. The sex and gender analysis looks at the roles played by men and women in society and these roles contribute to the harassment of women by rank marshals. In this study these gender stereotypes were found to be a contributory factor in the harassment of women. Through interviews, I was able to unearth the double standards that prevail in our society when it comes to the social regulation of dress. Women's dress is always under surveillance and men who dress improperly are not harassed at all. By analysing the differential treatment between men and men, I was able to understand why the gender neutral provisions of the Criminal Code are not implemented.

Zimbabwe is a party to various international human rights conventions that impose obligations on states to protect women from all forms of violence. During the research it was imperative to carry out an investigation on whether the Government of Zimbabwe is fulfilling its obligations under human rights law. Using the human rights approach, this research looked at how harassment of women on the basis of their dress is a violation of their rights, such as the right to dignity, right to protection of the law, freedom of expression and right to equality and freedom of movement. Officials from the Ministry of Women's Affairs, the City Council department, the police, prosecutors, magistrates and the Law Development Commission were interviewed to determine the extent of Zimbabwe's compliance with its obligations to protect women from gender based violence.

Amartya Sen said:

'We live and operate in a world of many institutions. Our opportunities and prospects depend crucially on what institutions exist, how they function, and how inclusionary they are. Not only do institutions contribute to our freedoms, their roles can be sensibly evaluated in the light of their contributions to our freedoms' (Sen, 1999).

It was very crucial for me to look at the different actors and structures that interact with women in protecting their rights. I conducted interviews with the women's organizations, the police, prosecutors, magistrates, the City Council officials, the Law Development Commission and the Ministry of Women's Affairs, Gender and Community Development. At the Ministry of Women's Affairs I talked to the Director of the Department of Gender and a gender officer. I wanted to understand what the Ministry is doing to curb violence against women that is perpetrated by rank marshals. The role of the police was analysed and informal interviews were conducted with the police officers. I sought to understand how they handle cases of harassment of women by rank marshals. I wanted to know how many cases have been reported by women and whether the police arrest the perpetrators. Since my request to conduct interviews with the police was denied, I could not get the official position of the Zimbabwe Republic Police in relation to such cases. I therefore could not get the statistics of the reported cases of harassment of women by rank marshals. Prosecutors and magistrates were interviewed so as to assess the manner in which they handle cases of harassment of women by rank marshals. Officials from the City Council and Municipal Police were interviewed to assess their role in protecting women who use public transport.

3.4 Research methods

Different methods were used to collect data. These include various sampling methods, group discussions, desk research and observation.

3.4.1 Sampling methods

3.4.1.1 Targeted sampling

In conducting the interviews, targeted sampling was done in selecting some of the respondents. Targeted sampling was used to select respondents such as NGOS, prosecutors, magistrates and City Council officials.

3.4.1.2 Random sampling

In a bid to get different views on the reasons why rank marshals harass women, random sampling was utilised. Individuals were chosen randomly at the bus terminuses. This was done to avoid getting premeditated answers. At the rank I would just identify vendors who appeared less busy and I would talk to them. As for the rank marshals, I would randomly

select the rank marshals with buses that were not loading. This method was very useful in getting diverse opinions.

3.4.1.3 Snowballing sampling

My first interview with a victim of harassment led me to other respondents who have been victimised by rank marshals because of the way they dress. My respondent at Katswe Sistahood referred me to two respondents who have been harassed by rank marshals for wearing mini-skirts. One of these two ladies also informed me about her schoolmate who was harassed by rank marshals for wearing a pair of shorts at the bus terminus. I followed up on this lead and talked to this young woman who is a student at Arundel Senior School. I interviewed a young lady from Young Women's Network for Peace Building. This lady informed me about the proposed mini-skirt march by students at UZ. I made a follow up on this lead and interviewed representatives of the Student Representative Council (SRC) who informed me that they were planning a mini-skirt march. Snowball sampling made my research a whole lot easier in terms of finding victims of harassment. Without this chain of referrals identifying victims of harassment was going to be a mammoth task.

3.4.2 Interviews

Different types of interviews were employed in collecting data. These include in-depth interviews, key informant interviews and collective interviews.

3.4.2.1 Collective interviews

I had eighteen collective interviews at the bus terminuses. The collective interviews were mainly done at the rank because of the crowded nature of the place, it was difficult to have one-on-one interviews because other conductors and drivers would join in at will. Unstructured questions were used to guide these interviews. Although this method of using collective interviews was quite useful, it had some challenges. At the bus terminuses some rank marshals would just join the conversation and leave before the end. I found this to be very disruptive as I could not ask follow up questions.

3.4.2.2 In-depth interviews

One-on-one in-depth interviews were conducted with victims of harassment. In total sixteen interviews were conducted. I used unstructured questions as a guide. In-depth interviews allowed the respondents to tell their stories in a way that they are comfortable with. Some of

the interviews became very emotional as one respondent broke down while narrating the story of how rank marshals indecently assaulted her. In-depth interviews proved to be very effective in understanding what victims of harassment go through. However some of the interviews consumed a lot of time as, in some circumstances, the interview lasted for more than an hour. Due to the fact that these ladies were sharing their own experiences which were very sensitive and so personal to them, I did not want to rush the interviews. I did not want them to feel like objects of research that are quickly rushed through an interview. I took my time empathising with them at the same time being alive to the need to be objective.

Table 1: One-on-one interviews

Interviewee	Female	Male	Total
Victims	16	0	16
Rank marshals	0	12	12
Taxi drivers	0	3	3
Money changers	0	3	3
Lawyers in private practice	2	0	2
Vendors	7	4	11
Journalists	0	5	5
Pastors	0	1	1
Chiefs	0	2	2
Total number of respondents			55

3.4.2.3 Key informant interviews

Having talked to victims and the alleged aggressors it was important for me to get the official position of those that have a mandate to protect women's rights. It was important to get the official response from the women's organisations that deal with sexual and reproductive health issues. Key informant interviews were conducted with the officials from the Ministry of Women's Affairs, the Law Development Commission, different women's organisations, prosecutors, magistrates, the City Council's legal manager, City Council officials from the Traffic Enforcement Department and members of the Zimbabwe Republic Police. From the Ministry of Women's Affairs, I wanted to know how the Ministry, as the guardian of women's rights, views the issue of violence perpetrated against women by rank marshals at bus terminuses. At the Law Development Commission an interview was conducted for the purpose of understanding the process of law reform and also the Commission's view on the

effectiveness of the current legal framework to protect women from harassment by rank marshals.

During the research process, the majority of the respondents indicated that police officers do not intervene in cases of harassment of women. I then had a key informant interview with two members of the police force. I enquired how the ZRP handles such cases and the likely charge that they would prefer against the accused person in the event that an arrest is effected. At the City Council offices, I wanted to know how the City Council regulates the operations of buses at the bus terminuses in town. The magistrates and prosecutors were interviewed to analyse their treatment of cases of harassment of women by rank marshals.

Programme officers and directors of different non-governmental organisations were interviewed so as to enable me to assess the adequacy of their response to cases of harassment of women by rank marshals. Chiefs and pastors as custodians of culture and religion were interviewed to get an understanding of the influence of culture and religion to cases of harassment of women by rank marshals. In all the key informant interviews, unstructured questions were used and this gave freedom to the officials to provide further information. Key informant interviews helped me to get the official position of different office bearers in relation to the manner in which cases of harassment of women by rank marshals are treated. Below is a table of key informants interviews conducted.

Table 2: Key informant interviews

Interviewees	Female	Male	Total
Ministry of Women's Affairs	1	1	2
Harare City Council	1	1	2
Law Development Commission	0	1	1
Katswe Sista Hood	2	0	2
Zimbabwe Women Lawyers Association	1	0	1
Women and AIDS Support Network	3	0	3
Zimbabwe Young Women's Network for Peace Building	1	0	1
Zimbabwe Republic Police	0	2	2
Magistrates	2	0	2
Prosecutors	3	1	4
Women's Action Group	2	0	2
Chiefs	0	2	2
Urban Commuter Omnibus Association of Zimbabwe	0	1	1
Total number of respondents			25

3.4.3 Group discussion

One group discussion was conducted at Musasa offices. Musasa is a non-governmental organisation that deals with gender based violence. When I arrived at Musasa, I wanted to have an interview with the lawyers at Musasa to discuss the adequacy of the law in protecting women from harassment. I also wanted to know how Musasa as a women's organisation handles issues of harassment of women who are alleged to be improperly dressed. My key informant stated that instead of talking to her alone, she was going to gather all the staff members present at Musasa so that I could get different views on the subject of my study. I had a group discussion with staff from the legal and counselling departments. This discussion was very rich as I got both the legal and social sides of the issue. The discussion went very smoothly as the staff opened up and shared some of their experiences at the hands of the rank marshals.

3.4.4 Observation

Observation was a critical method that proved to be very useful in gathering data. Due to the nature of my topic, it was imperative that I observe the conduct of rank marshals at the rank. I had to observe their gestures, the way they dressed and their language. This was very important in my analysis of how they harass women. I had to travel using commuter omnibuses for a week just to observe how rank marshals behave. On 9 October, I witnessed an incident of a young lady who was harassed at the Fourth Street bus terminuses. I had an opportunity to observe what actually takes place when they harass women because of their choice of dress. The woman who was harassed on this day was not even wearing a mini-skirt. She was dressed in a black skirt, white top and green socks. Apparently the rank marshals were laughing at her socks. They said, 'It is a mismatch.'

3.4.5 Desk research

I used this method to do research on the laws, policies and all the general information on the issue of harassment of women. Library books, journals and articles were used to make an analysis on the subject under research. The literature on sexuality gave me an entry point into the research. Desk research also enabled me to make a comparison between theory and practice.

3.4.6 Data recording and analysis

Data recording and analysis was an on-going process throughout the whole period of the research. In the field, I would note down what the respondents say in my notebook. However, on some occasions, I would simply listen to them as recording would disturb the flow of the conversations. I would record the data in my small note book immediately after the interview before forgetting valuable information. After every field trip, I would record information in the field diary. Through this process, I was able to analyse my data and identify the gaps and the next information to collect. The diary also helped in triangulating data as I would compare what respondents said. This method was also used to check if assumptions were holding up and it also helped me to identify the emerging issues.

3.5 Methodological challenges

My request to conduct interviews with the members of the Zimbabwe Republic Police was denied despite going through a rigorous process of vetting. When I left my application for

permission to carry out interviews, I was told to do a full research proposal which I complied with. As part of the vetting process, some police officers were sent to my place of residence to gather information about my personality and the nature of my studies. They asked my friends and neighbours about my general lifestyle. Despite going through this process, permission to conduct interviews was denied and no reasons were furnished. As a result, I had to conduct informal interviews with members of the police force whom I knew and unfortunately I could not get statistics on the number of harassment cases reported and the official position of the ZRP in relation to these cases.

I faced a similar obstacle with the Judicial Service Commission (JSC) where my application to conduct interviews was denied. The Secretary of the JSC stated that my research topic had nothing to do with the mandate of the JSC. I wrote another letter explaining how my research topic was linked to JSC's mandate. I even attached a sample of questions for the magistrates but still my application was denied. As a result, I had to conduct informal interviews with some magistrates. Being a former magistrate, I then had to interview former colleagues who were very willing to assist. The denial to conduct interviews with the magistrates is a reflection of the lack of understanding of the office bearers of their mandate to protect women's rights. Harassment of women by rank marshals is a human rights issue. Crimes are committed when women are harassed and the JSC as the law enforcement body is responsible for dispensing justice. The deliberate failure by the JSC to see the connection between the harassment of women and their mandate speaks volume about their capacity to dispense justice. It is also a reflection of how violence against women has been normalised and trivialized in our society.

Some collective interviews at the public transport ranks were chaotic. Rank marshals sometimes intervened in the middle of conversations and then left before the end. Some just enquired what was going on and then shouted whatever they wanted thus disturbing the flow of the interview. However, this did not affect the quality of the data collected as data was triangulated with other sources.

Being accommodated in the busy schedule of the respondents was a challenge as I was tossed around and interviews were postponed on numerous occasions. I had to go to one of the NGOs more than ten times to secure an interview. I only managed to interview staff from the

programmes department on the eleventh occasion and it only lasted a few minutes as respondents were very busy.

3.6 Conclusion

Overall, the research methodologies and data collection methods used were very useful in terms of gathering data despite the fact that I met some challenges with some respondents such as the Zimbabwe Republic Police and the Judicial Service Commission. Despite being denied permission to conduct interviews, innovative ways were developed to get information from these departments.

CHAPTER 4

4.0 RESEARCH FINDINGS

4.1 Introduction

This chapter presents the findings of the research. The chapter analyses and discusses the role of the police in protecting women from harassment. The causes of the harassment of women by rank marshals will be examined. An analysis of the work of NGOs and their response to cases of harassment of women on the basis of their dress by rank marshals will be done. Lastly, the chapter will discuss the adequacy of the current legal framework to protect women from harassment.

4.2 Women's experiences at the hands of the rank marshals

'Harassment by rank marshals is the most traumatic experience. I do not want any woman to go through it.'

These are the words of Alice, a 24 year old woman who is a victim of harassment by rank marshals. She was harassed for wearing a short summer dress which sat just above the knee. She stated that on the day in question, as she was passing through Fourth Street, she just heard whistling. She thought the rank marshals were just conducting their business. Little did she know that the whistling and hooting of cars was meant for her! One rank marshal actually blocked her way. Others came and joined in. They trapped her between several commuter omnibuses that were waiting to load passengers. They hurled obscenities at her. One man who was visibly drunk grabbed her by the waist and tried to tear her dress. At this point, Alice stated that she was now screaming for help from onlookers. One of the rank marshals took a 2 litre container of urine and poured it on her. Others poured soft drinks on her. A police officer came to her rescue. He managed to disperse the crowd. Alice stated that the police officer only helped her to get away from the scene. The perpetrators were not arrested.

The story of Alice is very familiar among women who use public transport. In Harare, hardly a day passes without a woman being harassed by rank marshals because of her choice of clothing.¹⁰

4.2.1 Type of dress that is condemned

Assumptions about the forceful nature of the male sex drive have been used to legitimize male domination over women (Weeks, 1986: 47). The fact that men and women's sex drive is different was used by rank marshals as a justification for harassing women who dress in mini-skirts. They stated that women should cover their bodies to avoid tempting men because men are sexually aroused when they see naked women. The pastor whom I interviewed stated that women psychologically rape men because of the way they dress. Therefore, it is very important that their bodies are covered. My inquiry into the types of clothes that are condemned revealed that women are harassed for wearing any one of the following types of clothes:

- A mini-skirt
- A bum short
- A see-through dress or skirt
- A tight pair of trousers.

The rank marshals' category of acceptable forms of dress is problematic. They stated that the above type of dress is not acceptable because it is too extreme and yet what is extreme is subjective. One cannot help but pose questions about how extreme is 'extreme' dress. To whom is it extreme? Who defines the acceptable lengths of dresses, shorts or skirts that women should wear? What standard is used given the fact that Zimbabwe does not have a law regulating dress? All these questions were posed to the male respondents who justified the rank marshal's behaviour of harassing women. No satisfactory answer came out as most of the respondents used culture and religion as sources for regulating dress. Some of the female respondents stated that as long as one is comfortable in whatever she is wearing, the rank marshals have no right to judge and condemn them.

¹⁰ It was discovered during the field research that at bus terminuses, such as the large one at Fourth Street in the centre of Harare, women are harassed by rank marshals every day.

4.2.2 *Forms of harassment*

This research found that harassment against victims takes many forms and the most common or popular ones include, hurling insults, assaulting, blocking movement, dousing in urine, fondling breasts and buttocks and sometimes prohibiting the victim from boarding the buses. The rank marshals at Fourth Street stated that they do not have a systematic way of harassing women. They informed me that it just depends on their mood that day. If they in a good mood and just want to have ‘a little bit of fun’ while waiting for the buses to load, they just follow the woman blocking her movement until she passes the terminus or is rescued. The rank marshals stated that if they are in bad mood they can even strip the lady.

4.2.2.1 Stripping

During the whole period of research I did not meet any woman who was stripped naked but rank marshals confirmed that they sometimes strip women naked. This was confirmed by both female and male vendors at Fourth Street bus terminus. They stated that they have witnessed incidents of women who have been stripped in the past. These respondents stated that when incidents of stripping take place, rank marshals normally take the stripped woman’s clothes and wave them in the air while singing popular songs. One of the respondents stated that when she was harassed, one of the rank marshals tried to tear her dress without success because the material of the dress was very strong. The interviews with rank marshals and vendors revealed that incidents of stripping women occur at Fourth Street more than at any other bus terminus. I probed why this was the case. The reasons which the respondents gave were that most buses at Fourth Street go to the high density areas where the rank marshals. The rank marshals said that the women from these areas are ‘backward’ and are not exposed to modern forms of dress. The other reason given was that this terminus is on the outskirts of town. As a result, if any chaos breaks out it does not seriously disrupt the business in town.

4.2.2.2 Dousing victims with urine

Dousing victims with urine is one of the punishments inflicted upon women who are alleged to be improperly dressed. Since toilets at the bus terminuses are often out of order, rank marshals relieve themselves into empty containers. It is this urine that rank marshals use to douse women who are found wearing mini-skirts at the rank. One of my respondents stated that when she was harassed by rank marshals they poured some liquid on her and since it was

very chaotic, she did not discover that it was urine at the scene. After she had been rescued, she then discovered that urine had been poured on her.

Figure 3: Photograph of a 2 litre bottle of urine at Harare's Fourth Street bus terminus which has been prepared to douse a woman who is considered to be 'improperly dressed'



Figure 4: Photograph of a 500ml Coca Cola bottle containing urine which has been prepared to douse a woman who is considered to be 'improperly dressed'



4.2.2.3 Verbal abuse

‘Prostitute!’ and ‘Witch!’ are some of the insults that are hurled at women who are dressed in mini-skirts at ranks. Shouting insulting language at women is one way of harassing women by rank marshals. A 21 year old student at the University of Zimbabwe stated that when she was harassed, rank marshals verbally abused her by calling her a witch who goes around naked. This young woman was really hurt by the witch insult. She stated that comparing a woman dressed in a mini skirt to a witch is unwarranted because all she did was wear clothes that are currently in fashion.

4.2.2.4 Assault and threats to commit assault

Some women have been assaulted by rank marshals for wearing mini-skirts. One of my respondents shared her gruesome experience at the hands of a rank marshal at one of the bus terminuses where she had boarded a commuter omnibus. This woman has been a victim of harassment by rank marshals on two different occasions. On one of these occasions the incident turned violent. She stated that in the first incident, she was boarding a bus at one of the terminuses when a rank marshal started swearing at her for not dressing properly. She ignored the man and proceeded to board the bus. The man started hitting her with a piece of sugar cane. Then he went away and came back with a piece of hose pipe and continued hitting her with it. She stated that what pained her most was the fact that people at the bus terminus never intervened to assist her at all. Some even insulted her by calling her a prostitute.

In the second incident she was walking in town at the charge office bus terminus when she heard rank marshals whistling. At first she thought they were whistling at something else. When she realised that the whistling was directed at her she quickly got into a commuter omnibus which was nearby. The rank marshals started shaking the bus and baying for her blood. The driver of the bus that she had boarded sped from the scene. Another 23 year old lady informed me that she was slapped on the face by a bus conductor because she was wearing a pair of shorts. Four other women whom I interviewed stated that the rank marshals threatened to assault them because of the way they were dressed.

4.2.2.5 Indecent assault

Victims of harassment have been indecently assaulted by rank marshals at some point. Five (5) respondents stated that during the chaotic situation that erupts when rank marshals start whistling and jeering at women dressed in mini-skirts, some rank marshals take advantage of the chaos to fondle breasts and buttocks. One of my respondents, who is always being harassed because of her large, curvaceous body, stated that once when she was being harassed the rank marshals fondled her buttocks and hips saying that they wanted to feel if her hips were real.

4.3 Law versus reality: Analysing the role of the police in protecting women from harassment

Police officers are law enforcement agents. They are supposed to protect women from harassment by rank marshals. They are supposed to arrest perpetrators of violence without looking at the reason why their victims are being harassed because their duty is to maintain order and peace in society. The following provisions of the Criminal Law Codification and Reform Act (called the Criminal Code) can be utilised to arrest rank marshals who harass women because of their choice of dress.

Section 89 of the Criminal Code stipulates that:

- ‘(1) Any person who
- (a) commits an assault upon another person intending to cause that other person bodily harm or realising that there is a real risk or possibility that bodily harm may result; or
 - (b) threatens, whether by words or gestures, to assault another person, intending to inspire, or realising that there is a real risk or possibility of inspiring, in the mind of the person threatened a reasonable fear or belief that force will immediately be used against him or her;
- shall be guilty of assault and liable to a fine up to or exceeding level fourteen or imprisonment for a period not exceeding ten years or both.’

The Criminal Code also criminalises acts of indecent assault. Section 67 of the Criminal Code criminalises any act committed on a female person involving physical contact that would be regarded by a reasonable person to be an indecent act, other than sexual intercourse or anal sexual intercourse.

Swearing at someone and taunting them is criminalised under section 95 of the Criminal Code under the offence of ‘criminal insult’. The Criminal Code stipulates that:

- ‘(1) any person who, by words or conduct-
- (a) Seriously impairs the dignity of another person; or
 - (b) Seriously invades the privacy of another person;

shall be guilty of criminal insult if he or she intended his or her words or conduct to have an effect referred to in paragraph (a) or (b) or if he or she realised that there was a real risk or possibility that his or her words or conduct might have such an effect, and shall be liable to a fine not exceeding level six or imprisonment for a period not exceeding one year or both.’

Just the act of whistling, hooting and making noise in public is a criminal offence on its own under the laws of criminal nuisance. Section 46 of the Criminal Code stipulates that:

‘Any person who does any of the acts specified in the Third Schedule shall be guilty of criminal nuisance and liable to a fine not exceeding level five or imprisonment for a period not exceeding six months or both.’

In terms of section 2 of the Third Schedule of the Criminal Code, making noise in a public place, blocking movement, obstructing free passage along any street, road, thoroughfare, sidewalk or pavement amounts to criminal nuisance. In terms of section 2(v) of the Third Schedule any person who:

‘employs any means whatsoever which are likely materially to interfere with the ordinary comfort, convenience, peace or quiet of the public or any section of the public, or does any act which is likely to create a nuisance or obstruction; shall be guilty of criminal nuisance.’

Section (2)(v) basically covers all the shenanigans of the rank marshals.

Despite the clear provisions of the Criminal Code that can be utilised to arrest rank marshals who harass women on the basis of their dress, victims of harassment have not been able to get justice. From the interviews conducted with the rank marshals at all the bus terminuses that I went to, it emerged that police officers do not arrest them at all. The rank marshals stated that if police officers decide to intervene, they only do so to disperse the crowd and just assist the

victim to escape from the scene. As I was conducting an interview one day at Fourth Street bus terminus, I witnessed an incident of a young girl who was harassed by rank marshals. There was chaos at the bus terminus as the rank marshal sang and taunted this woman. The police officers were present at the scene but instead of coming to her rescue, they were busy playing hide and seek with drivers of illegal taxi operators. I observed that police officers were more concerned with traffic issues than the general maintenance of public order and peace at the bus terminuses. What I also discovered was that police officers from certain departments do not interfere at all in matters which do not directly concern their departments. Even if police officers from the Traffic Department come across a case of a woman being harassed they simply ignore it.

One of my respondents who was harassed at Fourth Street bus terminus stated that a certain police officer came to her rescue and simply helped her to escape the scene. She found this to be a miscarriage of justice as she could identify the perpetrators. The police's lack of attention to cases of harassment is fuelling the abuse of women by rank marshals because they know that they will not be arrested.

I had two informal interviews with members of the Zimbabwe Republic Police who stated that police officers are trained to be gender sensitive. They are trained to assist all members of the public equally. They informed me that there is a Victim Friendly Unit (VFU) desk at Harare Central Police Station which is manned by officers who are trained to be gender sensitive. Cases of harassment of women are supposed to be handled at this desk. The police officers that I interviewed stated that despite training, it is very possible that police officers still maintain their own stereotypes and prejudices about women, hence, there are very few cases of rank marshals being arrested for harassing women dressed in mini-skirts. They stated that normally police officers just intervene to stop the harassment. These police officers also blamed women for not reporting such cases.

What I also found out was that socialisation plays a big role in people's behaviour. The law might provide what should be done but, due to the way they have been socialised, some police officers exhibit their own prejudices which are detrimental to women's rights. One of the respondents who is a second year medicine student at UZ stated that when she was harassed by rank marshals for putting on a ripped and frayed pair of jeans, she went to Harare Central Police Station to make a report about what had transpired. My respondent stated that

when she arrived at the Enquiries Desk and gave her story, the police officer who attended to her asked why she was dressed in that way. This young lady was very angry and demanded to see a senior officer. The senior officer apologised and asked the junior officer who had attended to her to do the same. Nothing was done about her case of harassment. The police officers did not record her statement. Neither did they accompany her to the bus terminuses to arrest the culprits. This interviewee stated that even if she is harassed again, she will not report it to the police because of the way she was treated when she did try to seek the help.

The Maputo Protocol, to which Zimbabwe is a party, stipulates that ‘women and men are equal before the law and shall have the right to equal protection and benefit of the law.’ Under this Protocol, states are obliged to take all appropriate measures to ensure effective access by women to judicial and legal services. Article 15 of CEDAW places an obligation on state parties to accord to women equality with men before the law. The Zimbabwean Constitution also guarantees the right to protection of the law in Section 56. The police’s attitude is a clear violation of women’s right to protection of the law which is guaranteed in various human rights instruments and in the Constitution. Harassment of women on the basis of their dress violates a myriad of rights which includes the right to dignity, freedom of expression, the right to personal security and right to equality. It is the duty of police officers to protect women from harassment by arresting its perpetrators.

4.4 Why are women not reporting harassment to the police?

It was found out that cases of harassment of women by rank marshals on the basis of their dress are hardly reported. My interview with prosecutors of Mbare and Harare Magistrates Court revealed that only one woman had the courage to pursue her complaint at Harare Magistrates Court. In that case, the complainant was dressed in a short dress and one of the rank marshals assaulted her for that reason. The complainant managed to identify the perpetrator who was a well know marshal at the rank. He was arrested and the matter was brought to court but the complainant later withdrew the matter.

The Mbare prosecutors stated that instead of arresting the perpetrators, the police officers actually join the rank marshals and shout at the women for dressing that way as well! They warn the women to dress ‘properly’ when they are going out. This fact was confirmed by six of my interviewees who are victims of harassment. They stated that police officers had

counselling sessions with them during which they were warned to dress decently in town. These women stated that after rescuing them from the grips of the rank marshals even female police officers cautioned them to dress properly. All sixteen victims of harassment that I interviewed stated that they do not report such matters to the police for fear of being judged.

One of my respondents, who is a 23 year old woman, proffered three reasons why she did not report the two incidents of harassment that she went through to the police. Firstly, she stated that she did not file a report because she was not sure about the position of the law as regards the behaviour of the rank marshals. She did not know whether there was a specific piece of legislation that deals with them, although she did know that assaulting someone is a crime. Secondly, she stated that it was difficult for her to identify the perpetrator since a lot of people participated in harassing her on the one occasion that she had been harassed. Thirdly, with regard to the incident where she had managed to identify the perpetrator, she did not report the matter because she did not believe that the police could do anything to assist her. This lady stated that she had witnessed an incident where the police did not arrest the perpetrators but just helped a girl who had been harassed to leave the rank. She has, therefore, lost all the confidence in the police.

Two of my respondents stated that reporting a criminal matter is a cumbersome process and the environment at police stations is intimidating. They stated that when you go to report a matter to the police you end up feeling like an accused person. These women complained about the non-availability of social psycho support. They stated that the experience of harassment by rank marshals is very traumatic and that going to the police would mean reliving the experience. In other words they did not want to through a process which at the end of the day does not help them.

Four women stated that they have internalised the blame. They did not report their cases of harassment to the police because they felt that they were partly to blame for the incidents. They stated that after their experiences they just devised a strategy to protect themselves from the harassment. They now wear long dresses as they reach town or avoid passing through the bus terminuses whenever they are wearing anything short.

Generally, the majority of the respondents stated that their failure to identify the perpetrators and their fear of the police's attitude were major obstacles to making reports of harassment.

4.5 Possibilities of instituting a civil claim

Having identified the weakness of the criminal justice system in prosecuting the rank marshals because of evidentiary rules, I probed further to see whether commuter omnibus owners could be liable for the actions of their staff. I researched the possibilities of pursuing a civil remedy to make a delictual claim against the owners of taxis on the basis of vicarious liability (i.e., liability based on the conduct of their taxi drivers, etc.) for the impairment of a woman's dignity. None of the victims that I talked with about the possibility of pursuing civil law remedies were conversant with the legal processes. I also discovered that it is very difficult to trace the owners of these commuter omnibuses as their operations are not regulated by an association which lays down any ethical guidelines. The City Council simply issues route permits which are not subject to any conditions relating to the manner in which the public should be served. Therefore when one gets a permit, the City Council only regulates traffic-related issues. Municipal officers just monitor the bus operators to ensure that they adhere to the permit's route specifications and that the vehicle is licensed.

I discovered that there is an organisation called the Urban Commuter Association of Zimbabwe (UCOZ), which regulates the operations of commuter omnibuses registered under it. This organisation has a Constitution and a Code of Conduct concerned with how rank marshals are supposed to treat the public. My interview with one of the members of the Disciplinary Committee of this Association revealed that the Association ensures that all passengers who use buses that are registered with the Association are treated in a dignified manner. All the buses affiliated to the Association have a triangle sticker saying that they are registered with it. This sticker is placed at the front of the bus so that passengers can easily identify vehicles that are so registered. The Association does not allow touts to operate the buses. It also has rules about how conductors and drivers are supposed to behave. According to this respondent, conductors and drivers are not allowed to shout at customers, make a noise at the rank, play loud music or dress improperly.

If any of the conductors and drivers breach the Association's rules they are summoned to a hearing. The gravity of the offence determines the punishment if they are found to have breached the rules. In serious cases, the driver is ordered not to operate from the rank manned by the Association. In some cases he is suspended for some days or weeks. And in a case of a

minor breach of the rules, the rank marshals go for training sessions that are provided by the Association. They are taught how to serve customers. This respondent stated that drivers and conductors that are registered under UCOZ are not allowed to harass women because of what they are wearing because that is a serious offence which results in the loss of employment.

While this Association seems to offer solutions to the problem of the harassment of women on the basis of their dress, the major problem is that it is not compulsory for commuter omnibus owners to register with the Association. The transport industry is a chaotic sector and some bus owners want to maintain the *status quo*. Therefore, only commuter omnibuses that are registered with the Association can be traced and civil claims can be made against the owners of the vehicles.

4.6 Interrogating the causes

Three of my assumptions touched on an interrogation of the factors that cause the harassment of women. I assumed that women who dress in miniskirts, shorts, low cut trousers and strapless tops are harassed because of society's presumption that women dress for men and not for their own satisfaction. It was also my assumption that resistance to women's choice of dress is premised on cultural perceptions. I also assumed that male dominance and the desire to control women's sexuality is the driving factor behind the harassment of women.

4.6.1 *Is it a question of power?*

As I carried out this study, I interrogated the extent to which power contributes to this type of violence against women. Lukes provides a framework for interrogating power (Lukes, 2005). According to Lukes, there are three dimensions to power. These are the visible, invisible and the hidden power (Lukes, 2005). Visible power is transparent. It is normally exercised in 'situations of transparent exchange and interaction, inclusive of legal and legitimate process of decision-making' (Andreassen and Crawford, 2013). Visible power is exercised by political as well as by economic and social agents.

Hidden power 'entails pulling of strings behind the scenes and the execution of power to determine which issues are included in public discourse and in policy-making and which are excluded' (Andreassen and Crawford, 2013). Hidden power can take the form of 'local protectionism' where local power agents protect their principals (Andreassen and Crawford,

2013). Invisible power manifests itself in attitudes, life views and behavioural norms that are embedded in societal traditions and customs.

This research found out that there is a ‘nesting of power’ as all forms of power were evident in the field. In this study hidden power manifested itself in the police’s failure to implement the law. The behaviour of the police reflects elements of indirectly sanctioning the abuse of women by fellow men. It reflects the hidden power that seeks to maintain women’s subordination and the need to domesticate women. Women are harassed on a daily basis in Harare and yet the perpetrators are not arrested. Police officers are supposed to be gender neutral yet the evidence on the ground suggests that they are biased towards men. Instead of intervening to arrest the men who harass women, police officers are well known at the bus terminuses for ignoring these incidents. If they intervene, they just disperse the crowd and allow the victim to proceed with her journey. In some cases police officers have warned the victim to dress ‘decently’. Rank marshals interviewed actually bragged about the fact that police officers do not arrest them.

Visible power from the state was less dominant in the study as there is no state-sanctioned law in Zimbabwe that regulates dress. However, visible power was evident in the rank marshals’ emphasis of the fact that they control what happens at the rank. They stated that their rank is their territory so they make rules on how users of public transport are supposed to dress. Invisible power, as defined by Lukes, relates to issues of societal norms and attitudes. This invisible power was evident throughout the research. The rank marshals, the chiefs, pastors, women and men on the street concurred that the need to preserve culture is one of the reasons why women are harassed. They stated that some women’s choice of dress is destroying Zimbabwean culture.

4.6.2 *Whose honour?*

Whose honour do the rank marshals want to protect? This question boggled my mind as the research progressed. What came out of the research was that harassing women had nothing to do with preserving their honour. As stated by McFadden, ‘a fundamental premise of patriarchal power and impunity is the denial and suppression of women’s naming and controlling their bodies for their own joy and nurturing’ (McFadden, 2003a). Female sexuality is always under surveillance. Hence, Rosalind Coward said ‘to be a woman is to be constantly addressed, to be constantly scrutinised...’ (Coward, 1983; 13). Women’s dress is

closely monitored by men. This study found that there are double standards in society's condemnation of modern dress or what is termed 'inappropriate dress'. It is women's choice of dress that is under constant attack. In as much as society condemns some men's choice of dress, the methods used to denounce such dress is totally different. For women it becomes violent whereas for men it is matter of 'brotherly talk'. Based on the research, I came to the conclusion that it is not about maintaining morality in society or preserving culture but the issue is about male dominance and their desire to control women's sexuality. Rank marshals' morals are also questionable. They shout obscenities at people and they are always drunk. The justification that harassing women is a way of teaching them morals is illogical and hypocritical given the fact that rank marshals themselves do not have morals.

Some of the rank marshals admitted that humiliating women is a sign of jealousy and inferiority complex because they know that such type of ladies do not fall in their league. Women have been harassed for putting on heels, applying skin lighteners and make up which simply reflect the general thirstiness for controlling women. Working class women have been humiliated by rank marshals as a way of exhibiting their power. Some women stated that they have been harassed for not answering back when rank marshals greet them. Rank marshals taunted them and called them prostitutes.

Women are not expected to subvert the *status quo* by breaching the public/private dichotomy. Therefore, 'those who are perceived as resisting the traditional gender roles and challenging the *status quo* are considered as deserving public embarrassment' (Mashiri, 2000). Dress symbolises autonomy and rank marshals are aware of the fact that women who dress in mini-skirts are independent and as such they want to control them. The control of women's dress reflects a patriarchal ideology which 'assumes women's inferiority, lack of agency and control of women's sexuality' (Vincent, 1998). Vincent states that the 'figure of a miniskirt-wearing woman disrupts the comfortable binaries of work/pleasure, masculine/ feminine, and public/ private.' As a result, women are perceived as upsetting the *status quo* when they gain entry into the public sphere and exercise autonomy.

Women are not perceived as independent human beings. Whatever form of dress they choose wear is perceived as a choice they have made to please men. Hence, women who dress in mini-skirts are called prostitutes. Some rank marshals stated that 'it takes the whole village to raise a child'. Hence, they felt the need to show solidarity by condemning what they

perceived to be bad. Women are perceived as minors who need guidance on how to dress as though they do not know the difference between right and wrong. This research found that harassing women has nothing to do with the issue of honour.

4.6.3 Whose culture?

An-Na'im noted that 'dominant groups or classes within a society normally maintain perceptions and interpretations of cultural values and norms that are supportive of their own interests, proclaiming them to be the only valid view of that culture' (An-Na'im, 1992: 20). Men, being the dominant group in this patriarchal society, use culture as a justification for condemning women's choice of dress. Culture is used as a scapegoat by rank marshals who harass women despite the fact that culture is dynamic and not static. Zimbabwe is a multi-cultural society and Harare, the capital city, is composed of people from different cultures. Rank marshals' need for preserving culture therefore falls away. Their behaviour amounts to forcing their culture on everyone else which is a violation of the right to participate in one's culture of choice which is protected by Section 63 of the Constitution. One of the respondents stated that she was raised in Bulawayo and her culture allows her to dress in whatever is comfortable for her and, therefore, it is not proper for rank marshals to judge her on the basis of her clothing. I interviewed a family in Greystone Park who strongly believe in the liberalisation of dress. This family expressed utter shock at the fact that their daughter was harassed in town for wearing a pair of shorts since they accept her wearing the same clothing at home. This family stated that rank marshals should not impose their culture on anyone else.

The study found out that there are double standards when it comes to culture and dress. At traditional events, some people are semi-naked but no offence is taken. One man at a rank offered the lame excuse that at such events people do not take offence against women wearing revealing clothing because of culture's respect for ancestors. His view was that it does not cross a person's mind to sexualise a person's body because of the sacredness of the environment. Another respondent stated that at traditional events, the mind is psychologically prepared to accept that scanty form of dress, hence, no offence is taken against women who expose their bodies in this way.

What I also found out is that there is a lot of substance abuse at the rank. The rank marshals who harass women are drunk most of the time. Idleness is another reason that causes rank

marshals to harass women. The commuter omnibuses take time to fill up and during this period rank marshals find entertainment in harassing women. Rank marshals also take advantage of the chaotic environment. They know that it is very difficult for the complainant to identify the perpetrators due to the chaos that normally prevails when a woman is harassed. Thus the need to preserve culture has no bearing whatsoever to the harassment of women.

4.7 Where are women's organisations in all this?

I found myself wondering if there is a women's movement in Zimbabwe. I wondered what has been the response of women's organisations to cases of harassment of women on the basis of their dress. Their voices are not heard, yet women are harassed on a daily basis in town. In a bid to answer the research question about whether the response by women's organisations has been adequate in protecting women from harassment, I conducted interviews and a group discussion with programme officers and representatives of women's organisations in Harare.

My first interview with women's organisations was at Zimbabwe Women Lawyers Association (ZWLA) where I talked to the programme co-ordinator. I was informed that ZWLA has never looked at the issue of harassment of women in its programmes. Rather, such issues fall within the broader gender based violence programme. According to the ZWALA programme co-ordinator, the organisation has not received any case in relation to the harassment of women by rank marshals. The co-ordinator stated that she is not sure of the reasons why women have not come to their organisation with reports of harassment by rank marshals.

I had a group discussion at Musasa. Musasa is a non-governmental organisation that deals with gender based violence with domestic violence and sexual violence being their main niche. This group discussion was composed of legal officers and counsellors. I found out that in all its programmes on gender based violence, Musasa has never dealt with the issue of women who have been harassed by rank marshals. They have not taken the initiative to do any awareness campaigns on the issue. During the group discussion, Musasa staff admitted that as a women's rights organisation, they have not made much noise about the issue despite the rampant nature of this practice at bus terminuses. The staff stated that the organisation has

placed too much emphasis on domestic violence and sexual violence at the expense of other forms of violence that women are facing in the public sphere.

At the Zimbabwe Young Women's Network For Peace Building (ZYWNP), I found out that the organisation's mandate is empowering young women to participate in peace building processes. The organisation works with marginalised communities. The activities of this organisation are mainly centred on encouraging young women to participate in political procedures. As an organisation whose objective is to see women taking initiative in issues of peace and development, it has never looked at the issue of harassment of women, yet harassment disturbs a peaceful environment which the organisation is championing. Violence against women regardless of its form affects women's personal development and violates their right to peace which is guaranteed by the Maputo Protocol. The organisation should help young women demand a peaceful environment which is free from harassment by rank marshals.

The other three organisations that I interviewed deal with sexual and reproductive health issues. These organisations are Katswe Sistahood, Women's Action Group (WAG) and Women and AIDS Support Network (WASN). Despite the fact that these organisations' programmes centre on sexual and reproductive rights, they have never dealt with the issue of harassment of women on the basis of their dress. Harassment of women on the basis of their dress is a sexuality issue which these organisations are championing, yet their voices are not heard condemning such practices. The director of WASN stated that in the early 1990, her organisation participated in a mini-skirt march which was organised by WAG. She stated that after the march, violence against women on the basis of their dress stopped because the police was very supportive. She indicated that being women's rights organisations, they should issue constant reminders to the state of its obligation to protect women's rights. She stated that women's organisations should not slumber. Rather, they should be in constant touch with women and their lived realities.

Katswe Sistahood has a programme which protects the rights of sex workers. Under this programme, the issue of women's autonomy over their choice of dress is addressed because women have been arrested by the police on the suspicion that they are sex workers because of the way they are dressed. In as much as Katswe Sistahood's programmes for sex workers are

concerned with the issue of dress, they do not cover the harassment of women by rank marshals.

Women's Action Group (WAG) focuses more on sexual violence and maternal mortality in its current programmes. The programme officers whom I interviewed actually wondered if such cases of harassment are still taking place. I drew the conclusion that the reason why they have not spoken on the issue as an organisation dealing with sexual and reproductive rights is that they are not aware of what is taking place in their environment. The Chairperson of the Women's Coalition stated that the women's movement is under-resourced and therefore has not been able to respond to all the issues affecting women in Zimbabwe.

4.7.1 Operating within safe zones

Discourses on sexuality in most activist arenas remain largely tied to reproduction and barely interrogate or deconstruct notions of rights (McFadden, 2003a). An analysis of the mandates of the organisations interviewed will leave one thinking that women's organisations, save for Katswe Sistahood, deliberately avoid controversial issues. All the organisations interviewed deal with the issue of gender based violence, one example of which is harassment of women by rank marshals, yet they have been silent in condemning this harmful practice. NGOs are supposed to be society's watch dog. They should be at the forefront of condemning all forms of violence against women. Instead, they deliberately and tactfully select less controversial issues. As observed by McFadden:

‘with the exception of small pockets of radical feminists dotted sparsely around the political landscape of the African women's movement, many activists display a deep fear of anything that relates to sexuality and pleasure’ (McFadden, 2003a).

She adds:

‘Many conversations continue to revolve largely around what is culturally sanctioned and permissible, and most debates and policy recommendations are situated within safe zones’ (McFadden, 2003a).

These observations by McFadden aptly describe the women's movement in Zimbabwe. Women's NGOs are fighting for women's rights that are provided for in the law. They do not address controversial issues like the right to abortion, freedom to practice commercial sex

work and the freedom of choice of dress. Advocacy for women's total autonomy over their bodies is lacking. All the NGOs interviewed are working within the permissible or safe areas. Katswe Sistahood is one organisation which is trying to move from the issue of safe zones but again, their voices have not been loud enough in their demands for women's complete autonomy over their bodies. So, for example, in their sex work programme, they are fighting against the police's practice of arresting women who are suspected of loitering for purposes of prostitution, but they are not actively supporting the much wider, important right of women to practice sex work in a safe environment.

Unless women's organisations are prepared to challenge head-on the patriarchal state and its glaring control of women's sexuality, they will not make any meaningful gains in protecting women's rights. All their efforts will go towards improving women's plight and not permanently solving it. What is needed is a permanent solution, simply skirting around a problem and alleviating its effects will not solve it.

4.7.2 Pursuing donor-driven agendas

This research found out that NGOs are in the habit of pursuing donor-driven agendas. The funds that they receive from donors are specifically directed towards certain projects. As a result, it becomes impossible for those funds to be utilised for other emerging issues that affect women's lives. Pursuing donor-driven agendas without taking into account their local contexts will end up costing the women. NGOs' programmes should be determined by the needs of the people they are intended to benefit. In as much as working on global issues is necessary and inevitable in the NGO world, there is still a need for international NGOs to actively search out and seek to meet the pressing needs of women which are unique and specific to the countries in which they operate.

4.7.3 Class stratification

The issue of class stratification is one of the factors that cause women's NGOs not to take the cases of harassment of women seriously. There is a huge class difference between the NGO staff and the people whom they represent. I observed that most NGOs are located in town or in the low density areas. Those located in town are very far away from the bus terminuses. The directors of the NGOs who determine which programmes to pursue do not use public transport. As a result they do not experience the violence that poor women face on a daily basis. To them it is a non-issue. At one of the organisations, one of the programme officers

asked me if women are still harassed on the basis of their dress. She actually thought I was exaggerating the issue. I actually challenged her to spend a day at the Fourth Street bus terminus and observe how women suffer at the hands of rank marshals. Interventions in cases of harassment become difficult because of class differences. Women's organisations do not appreciate the level of violence that women from the high density areas face.

The organisations also attributed their lack of response to the issue of harassment of women to the fact that there are no statistics on the number of victims. They stated that women are not reporting the matter to the police or to them. What the NGOs are failing to realise is that women are not reporting the matter to the police because they are not empowered. They have a limited knowledge of what to do in the event that they are harassed. The NGOs are located outside town and it can be very difficult for a harassed woman to find these NGOs and report their case to them after going through such a traumatic experience.

The NGOs also blamed the media for not highlighting these issues. When I conducted interviews with the media personnel from different newspapers, they stated that women's organisations should take the initiative and find ways to work with the media to highlight the gravity of this issue. An example of taking the initiative would be to sponsor a competition of journalists who have covered stories of harassment of women by rank marshals.

4.8 Intersectionalities

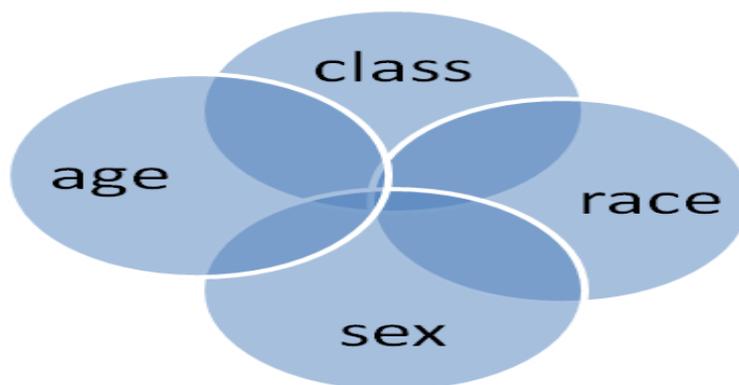


Figure 5: Diagram showing the theory of intersectionality or women's vulnerability to discrimination based on interlocking oppressions

The theory of intersectionality was propounded by third wave feminists who felt that their concerns as women of colour were not adequately addressed by the liberal and radical

feminists. Third wave feminists claimed that women are not a homogenous group. They argued that women of colour suffered multiple exclusions as compared to their white counterparts. This theory of intersectionality was popularised by Kimberlie Crenshaw who gave the metaphor of traffic to illustrate how interlocking oppressions increase women's vulnerability to discrimination. Crenshaw states that:

'Discrimination, like traffic through an intersection, may flow in one direction, and it may flow in another. If an accident happens in an intersection, it can be caused by cars travelling from a number of directions and, sometimes, from all of them. Similarly, if a Black woman is harmed because she is in the intersection, her injury could result from sex discrimination or race discrimination' (Crenshaw, 1989: 149).

This study found out that intersectionality of issues such as race, class, age and sex increase women's vulnerability to harassment by rank marshals on the basis of their dress. As stated by Crenshaw:

'...it is true that violence affects women in all segments of society, it affects them differently, with poor women and women of colour often being at the greatest risk of violence and having the fewest resources available to deal with it' (Crenshaw, 1991).

Women of low income, residing in high density areas are at the risk of being harassed by rank marshals. In other words, the women that are harassed are those who use public transport and who also wear clothes similar to those worn by women in low density areas. Students at the University of Zimbabwe stated that when they are at campus which is located in an affluent suburb they do not face violence because people who stay in low density areas are more civilised. The moment one uses public transport that goes to the high density areas, the chances of being harassed on the basis of one's dress increase very high.

Women are harassed because of their sex. Men who wear similarly provocative clothing do not face any violence at all. Age is a factor that increases vulnerability. It was a finding that young women are more vulnerable to cases of indecent assault by rank marshals because of their choice of dress. One rank marshal stated that all they can do to older women dressed in miniskirts is just jeer at them. They do not assault or fondle them because of their age difference.

Being a black woman increases vulnerability to harassment. The rank marshals stated that they do not harass white women because they are not sexually attractive. They said a black woman's body should always be covered because her stature is different from that of a Chinese or white woman. Despite the fact that black woman can wear the same type of clothing as white people, they are the ones who are at risk of facing violence on the basis of their choice of dress because of their skin colour. Indeed 'power operates subtly through these interlocking practices' and increases the vulnerability of women to abuse.

4.9 A case of shattered lives

Violence against women has the effect of impairing one's personal development in life. It reduces one's self esteem and confidence in the public space. All the victims of harassment that I interviewed found their experience to be quite traumatic. Their lives have changed in so many ways. They are now afraid of going into town or even passing a bus terminus. A committee member of the SRC department informed me that due to her experience whenever she is in a commuter omnibus approaching town, her heart pounds and she becomes restless. This young woman stated that sometimes she asks to be dropped off at some point where she feels safe in order to avoid passing through the bus terminuses.

One woman who is always harassed because of her 'big body' stated that she no longer uses public transport because of her experience at the hands of the rank marshals. She has now resorted to using private vehicles which are not safe at all. She stated that she feels that her life has been severely disrupted by the rank marshals as she no longer lives a normal life. She no longer passes through taxi ranks and whenever she is moving around she believes that people are commenting on her body. Her experience has affected her social life as she no longer enjoys going out. She is just afraid of being judged because of her body.

The young woman who works at Katswe as an intern stated that because of her experience with the rank marshals her freedom of movement has been greatly curtailed. She has now made it a point to work out carefully how she travels to and moves about in town. She makes sure that whatever route she decides to take does not pass through the bus terminuses. She stated she feels that her personal security is at risk. Whenever she hears whistling in town she quickly looks for somewhere to hide and then only moves on after ascertaining that the whistling is not directed at her.

The Constitution of Zimbabwe guarantees the right to move freely within Zimbabwe. The behaviour of rank marshals has resulted in a serious curtailment of this right for some women.

4.10 Analysing the adequacy of the current legal framework to protect women from harassment

4.10.1 The current legal framework

The Bill of Rights contained in the Constitution of Zimbabwe guarantees the right to dignity, the right to personal security and freedom from cruel, inhuman or degrading punishment or treatment. These Constitutional provisions are progressive in protecting women from all forms of violence that take place in the private and public sphere. However, the current criminal law framework still needs to be aligned with the new Constitution to protect women from gender based violence that takes place in the public sphere. Currently, Zimbabwe does not have a law that criminalises gender based violence that takes place in the public sphere. The Domestic Violence Act which criminalises all forms of gender based violence is only applicable to people who reside at the same place of residence or are related. If a woman is harassed in public, the provisions of the Criminal Code can be utilised to protect her. The form of harassment determines the charge that the perpetrator will face. If the woman is assaulted, the preferred charge is assault in terms of section 89 of the Criminal Code. If she is fondled, the appropriate charge is indecent assault. Swearing, jeering and taunting amount to criminal insult in terms of Section 95 of the Criminal Code. Obstructing movement and making a noise in the public sphere is a criminal nuisance.

Despite the fact that these provisions of the Code could be enforced to protect women from harassment by rank marshals, police officers are not relying on them to arrest the perpetrators. Harassment of women by rank marshals is trivialised and women are short changed by those within the legal system. In addition to the fact that they are not implemented, these provisions do not recognise the gendered aspects of harassment of women. This recognition is necessary in order to ensure that remedies for harassment are specific to the needs of victims.

4.10.2 State obligations to protect women from harassment

Harassment of women is part of gender based violence and the international human rights framework has placed obligations on states to eradicate all forms of violence against women. In General Comment Number 19, the CEDAW Committee stated that violence against women constitutes discrimination against women. The CEDAW Committee recommended states to ‘take appropriate and effective measures to overcome all forms of gender based violence whether by a public or private act.’ These measures include ensuring that laws on gender based violence give adequate protection to all women and respect their integrity and dignity.

Article 4 of the Maputo Protocol obliges states to protect the right to life, integrity and security of the person. Under article 4(2 a) of the Protocol, states are under an obligation to enact and enforce laws to prohibit all forms of violence against women that take place in both the private and public sphere. States are also under an obligation to take legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violence against women.

The SADC Protocol on Gender and Development elaborates the obligations of the state in terms of how gender based violence cases are supposed to be handled. Article 20 of the Protocol obliges states to:

- ‘(a) Enact and enforce legislation prohibiting all forms of gender based violence.
- (b) Ensure that perpetrators of gender based violence are tried by competent courts.
- (c) Reform and review criminal laws to eliminate gender bias and ensure justice and fairness to survivors of gender based violence.
- (d) Establish special counselling and legal services.
- (e) Ensure that police units provide dedicated and sensitive services to survivors and that cases of gender based violence are conducted in a gender sensitive environment.’

In Zimbabwe, the general criminal laws on assault, criminal insult, indecent assault and criminal nuisance fall short of the required international standards for protection of women from all forms of gender based violence that takes place in the public sphere. This legal framework does not provide adequate protection to victims of harassment of women as the gender neutral provisions do not recognise the gendered nature of harassment of women by

rank marshals. The remedies provided by the current legal framework do not take into account the specific needs of victims. Victims go through traumatic experiences and as such they need counselling, yet the criminal laws only provide for the arrest of the perpetrator.

Further, the current legal framework fails to take into account the fact that harassment of women is a form of discrimination. The official from the Ministry of Women's Affairs stated that there is *lacuna* in our law because gender based violence that takes place in the public sphere is not covered by the current legal framework. She stated that law reform is needed to align laws with section 52(a) of the Constitution which provides for the right to personal security. This right includes the right to freedom from all forms of violence from public or private sources.

Criminalising the harassment of women, whether it is sexual harassment or any other form of harassment, will ensure adequate protection for women. There is a need to recognise the harassment of women as a form of discrimination against them. This will ensure that the remedies are tailor made to protect victim's needs. Lumping gender based violence that takes place in the public sphere under the general criminal laws dilutes the fact that the harassment of women is an offence perpetrated on the basis of gender.

Tanzania's law on Sexual Offences Special Provisions Act is a model which the government of Zimbabwe can follow. The Sexual Offences Special Provisions Act criminalises all forms of harassment against women. In Tanzania even winking at a woman is criminalised.

In the light of the state's obligations under international human rights law, the state should take legislative and other measures to protect women from all forms of violence. This study recommends criminalising all forms of harassment whether they take place in public or private spaces.

4.11 Conclusion

This chapter presented the women's experiences at the hands of rank marshals. It analysed the causes that are proffered by rank marshals for harassing women. What can be deduced from the reasons given is that men generally want to control women's sexuality. Men want to domesticate women. Hence women who appear to be independent are humiliated in order to teach them to maintain their subordinate status in society. Taking into account all the reasons

given for harassing women, it can be deduced that women suffer from multiple oppression by virtue of their age, sex, race and class. What is disheartening is the fact that women's NGOs have not taken the lead in condemning the harassment of women on the basis of their dress. Those who are supposed to be the voice of the voiceless have fallen silent. The law enforcers just turn a blind eye to the harassment of women. At the end of the day women are left out in the cold. Finally, the chapter also analysed the provisions of the Criminal Code and concluded that they are not adequate to protect women from harassment by rank marshals.

CHAPTER 5

5.0 CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter presents the conclusion and the recommendations of the study which were informed by the findings of the research.

5.2 Conclusion

This study concludes that the harassment of women by rank marshals is a reflection of how our society is structured. Our society is patriarchal in nature and is characterized by male dominance. Men dominate women in the domestic sphere and that domination spills into public spaces where men feel entitled to control any woman. From this study, it was evident that harassment of women on the basis of their dress is all about exercising power and control over women's sexuality.

The study concludes that the Government of Zimbabwe has failed to curb violence against women. Women face violence from all spheres on a daily basis. The police officers who are supposed to enforce the law are turning a blind eye to the situation. There is a general lack of concern about the violence that is taking place at taxi ranks. It was discovered during the research process most of the time police officers do not patrol bus terminuses. The Municipal Police who are always to be found at these places lack the power to arrest. Even if police officers are seen at bus terminuses, they do not arrest the rank marshals. All they do is disperse the crowds that always gather at the scene of an attack and assist the harassed woman to leave it. The Government of Zimbabwe is not fulfilling its obligations under Article 4(e) of the Maputo Protocol which obliges it to take appropriate and effective measures to punish the perpetrators of violence against women.

Despite the vibrancy of our civil society, the voices of women's organisations are not heard in condemning the harassment of women on the basis of their dress. Women's organisations have placed their focus on working in areas that are less controversial in society. In relation to sexuality they have focused on information dissemination and protection of sexual and reproductive health rights, within the acceptable bounds of the society. The focus has been on

issues of rape, domestic violence and maternal mortality. They have not fought for women's full autonomy to control their sexuality.

5.3 Interventions

Having talked to women who have been victims of harassment and the rank marshals who are the perpetrators of this type of violence, I make the following recommendations based on the findings of this study. The chapter proposes various measures such as awareness raising, law reform, continuous training of police officers to be gender sensitive, community dialogue facilitated by women's organisations and strategic litigation.

5.3.1 *Government of Zimbabwe*

5.3.1.1 Amendment to the Domestic Violence Act

The Constitution of Zimbabwe provides for the right to bodily and psychological integrity. This right includes the right to freedom from all forms of violence from public or private sources. There is a need to reform laws so that they are in alignment with the provisions of the new Constitution. The Domestic Violence Act needs to be amended so that it widens its scope to include gender based violence that takes place in the public sphere. It is proposed that the Domestic Violence Act should be renamed as the Anti-Violence Act.

A survivor-centred approach is needed. One way of ensuring a survivor-centred approach is the provision of one-stop centres at places that are located in the central business district which makes it accessible by women who are harassed at bus terminuses. Currently, the only one-stop centre in town is run by an NGO called Musasa and is very far away from most bus terminuses. Victims need to access legal and medical services at one place immediately after the occurrence of any harassment. It is the duty of the state to provide such one-stop centres.

5.3.1.2 Ministry of Women's Affairs

The Ministry of Women's Affairs' awareness campaigns on gender based violence should target people in the city centre. Currently, the Ministry disseminates information on gender based violence at ward, district and provincial level but bus terminuses which are in town are excluded. The information targets people in residential areas. A lot of people who work in town miss out on the valuable information on gender based violence. As such, the Ministry

should design information dissemination programmes that are specifically directed at bus terminuses and the entire city centre.

5.3.1.3 Ministry of Home Affairs

The Ministry of Home Affairs which has jurisdiction over the police force falls should ensure that police officers participate in disseminating information on gender based violence. They should use loud speakers and microphones to address people at bus terminuses. Information on the existence of the VFU needs to be disseminated since most women do not know about this department.

The Zimbabwe Republic Police officers should be continuously trained in how to handle gender based violence matters in a sensitive way. This training is necessary so that they do not invoke their own prejudices and stereotypes when they are handling cases of women who are victims of harassment on the basis of their dress.

There is a need for the deployment of police officers from the law and order section at the rank. It was confirmed by respondents that most of the time police officers do not patrol the bus terminuses. When incidents of harassment occur there is no one to arrest the perpetrators. Municipal police officers who are always at the ranks do not have arresting powers. Therefore, police officers should be on duty at all bus terminuses all the time.

5.3.2 Non-governmental organisations

‘Without a discourse that enables women to step beyond the bounded, limited notions of sexuality as being either tied to reproduction or to the avoidance of disease or violation, we cannot begin to imagine ourselves in new and profoundly life-transforming ways. We have to see the cage for what it is – a set of carefully-placed bars that keeps us locked into suffocating spaces efficiently reproduced by an uncompromising patriarchal system, and often closely patrolled by women from a cross-section of classes and social standing.’

(McFadden, 2003a)

The above statement by McFadden is illustrative of what women’s organisations should do. They have to move from the safe zones of taking programmes that earn them respect and acceptance by society at large and the state at the expense of women. They have to confront the fact that the harassment of women is about male power and control of women’s sexuality.

Women's organisations need to speak with one voice and condemn all forms of violence against women. They need to adopt a human rights based approach which emphasises the protection and promotion of women's rights. As long as women's organisations are not fighting for the full autonomy of women and equality at all levels, violence against women will be a permanent feature of women's lives. What women's organisations are currently working on are ameliorating measures, yet what is needed is a permanent solution. That permanent solution will only be possible if the women's movement challenges the power structures in society. This can be done through advocating women's equality, conducting mini-skirt marches and naming and shaming public officials who neglect their duties.

5.3.3 Collaborative efforts between GOs, NGOs and civil society

Women's organizations in collaboration with the government should conduct awareness raising campaigns on the harmful effects of harassment of women on the basis of their dress. They need to educate the general populace about the criminality of harassing women because of their choice of clothing. Women from all walks of life need legal education on their rights. Some of the women who were harassed by rank marshals did not report the cases to the police because they were not aware of the procedures to follow in such cases.

A multi-sectoral approach is needed to combat harassment of women by rank marshals. There is a need for collaboration between NGOS, media, police, courts, city council and urban transport associations to protect women from harassment. Women's NGOs should take initiatives to ensure that the media covers stories of harassment of women. This initiative includes sponsoring competitions for journalists who cover stories on harassment of women by rank marshals on the basis of their dress.

There is also a need to pursue public interest litigation in terms of Section 85 of the Constitution. Section 85 stipulates that any person acting in their own interest, on behalf of other persons or in the interest of the public can approach the court alleging breach or impending breach of the rights enshrined in the Constitution. Under Section 85 a court can award compensation for the infringement of rights. Women's NGOs should institute public interest litigation for the infringement of the right to the protection of the law by virtue of the police officers' non-implementation of it. By failing to arrest the perpetrators of harassment against women, the state is violating the right to protection of the law, the right to equality and the right to freedom from all forms of violence. Public interest litigation will be a useful

strategy to force the state to fulfil its obligations to protect women's rights under the Constitution of Zimbabwe.

Community dialogue facilitated by women's organization and the Ministry of Women's Affairs and the Chiefs' Council are necessary. It was discovered that the harassment of women because of their choice of dress is justified by rank marshals on the basis that our culture requires a person to cover their body. It is necessary to have a dialogue on the impact of culture on issues of dress. This dialogue can be conducted through the intra-dialogue and cross-cultural dialogue framework proposed by An-Na'im (An-Na'im, 1992). An-Na'im proposes what he calls internal and cross-cultural dialogue when it comes to conflicts over culture and human rights. The objective of the internal dialogue 'is to agree on a body of beliefs to guide action in support of human rights in spite of disagreement on the justification of those beliefs' (An-Na'im, 1992). In terms of the internal dialogue, what is required is an agreement on the least common denominator of observance of human rights. The cross-cultural dialogue should focus on learning from other cultures and borrowing any of their good aspects that promote human rights. It is important to note that all cultures have positive values like human dignity. These aspects need to be identified and utilised to protect human rights. Every culture values dignity and, as such, the custodians of culture should encourage an observance of those positive values because at the end of the day one does not lose her humanity just because she decides to wear a mini-skirt. Every human being needs to be treated with human dignity.

Dialogue helps to clarify some of the misconceptions about Zimbabwe's dynamic culture. It also helps to clarify the conflating of culture and religion. Our Zimbabwean culture does not prescribe how one should dress but Christianity does. Rank marshals are suffering from this confusion. As a result, they impose their religious beliefs on everyone. In this case dialoguing within culture would be the best approach to take. Popular television shows can be utilized as platforms for dialogue.

5.3.4 Women in general: *Be thy sister's keeper*

In conclusion, women in general should be each other's keeper. They need to support one another despite their differences in religion and beliefs. Women need to recognize that harassment of women by rank marshals is about male domination. They need to recognize that violence against women is a tool to keep women in their subordinate position. As such

women should unite and fight for the right to equality so that they retain the freedom to discover and achieve their dreams.

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