

PARLIAMENT OF ZIMBABWE

Thursday, 9th September, 2021

The National Assembly met at a Quarter-past Two O'clock p.m.

PRAYERS

(THE ACTING SPEAKER *in the Chair*)

HON. JOSIAH SITHOLE: Thank you Mr. Speaker Sir. I rise on an issue of national importance. Mr. Speaker Sir, I would like to congratulate Zimbabwe and the Ministry of Primary and Secondary Education in particular, for the launch of toll free line 317 that was launched on Monday, 6th September, 2021. The launch of the toll free line is going to enable the smooth flow of information from grassroots up to the Ministry itself. Parents can now interact with the Ministry even on issues that used to be hazy to them. Also our children are going to be speaking to the Ministry using toll free line 317. That also fulfills what they say ‘anything for us without us is not for us’. This time the Ministry will be interacting with our children. Teachers can also get information on issues that might have taken long time – you know the bureaucracy that usually goes with reporting systems from grassroots as you go up to the Ministry. Even

ourselves as Members of Parliament, some of the questions we would ask here in Parliament are going to be asked by the beneficiaries at grassroots. That is going to assist us in getting information faster to our beneficiaries.

Mr. Speaker Sir, I want to say this programme could not have succeeded without the assistance and funding from Higher Life Foundation. We would like to applaud that development partner for making it possible that the toll free line was made accessible to our beneficiaries. I also want to thank the Portfolio Committee on Primary and Secondary Education for the role they played in the advocacy process of ensuring that this programme would be a success. I want to mention in particular the Chairperson of the Committee, Hon. Misihairabwi-Mushonga for the role she played to ensure that the programme is a success. I want to say this now because I might not be able to thank her anymore as I have alluded to because she might not be going ahead making such successes with us. Thank you Mr. Speaker Sir.

THE ACTING SPEAKER (HON. M. KHUMALO): Thank you Hon. Sithole. Your point of privilege is noted.

***HON. KACHEPA:** Thank you Mr. Speaker Sir. My point of privilege is directed to His Excellency, the President of Zimbabwe Cde. Emerson Mnangagwa. The President has devised many channels to disburse funds for the development of different areas that include the Devolution Fund and Constituency Development Fund (CDF). There is money that is being allocated from RBZ as grants to different ministries so that they reach the grassroots. The Minister of State for Devolution can gather people around and see the developments achieved through the devolution funds but the process being used to disburse the money to different projects is long. For example, when it comes to tenders and everything, the process is tiresome. At Kotwa Hospital, we requested money on 30th of the month and on the 10th of the following month, the money was already allocated but the process of tendering and procurement has not been done, hence the money ended up going back to Treasury whilst the parents and residents will be saying the hospital is now under refurbishment. Therefore, we are appealing to His Excellency for those who are in procurement processes and tendering to be housed

under one roof so that the process takes fewer days compared to what is taking place currently. I thank you Mr. Speaker Sir.

***HON. KARIKOGA:** Thank you Mr. Speaker Sir. As you can see, we are all dressed in cotton and not animal skins, therefore my point of privilege concerns cotton farmers. Cotton farmers have not been paid for more than a year now. I will take you back for a bit. The process of cotton farming is very painful, it takes the whole year to work on the production and we expect to be paid once off per year but this has not happened. This year, our cotton merchants came up with a new plan where they say they will pay farmers in small installments. Looking at someone who has not been paid their money for the cotton they sold last year and the money is then paid in small installments - it is not viable for us as cotton farmers.

Since last year, our country has been placed under COVID-19 lockdown and it is not feasible for a cotton farmer to be under such conditions without money. Most of us are married to women of the *Shumba and Mhofu* totems, life is unbearable at home without money – [*Laughter.*] – We are asking that if it is possible, the Minister of Lands, Agriculture, Fisheries, Water, Climate and Rural Resettlement

comes to Parliament to present a Ministerial Statement regarding payment of cotton farmers and tell us when these payments are going to be made. Before I take my seat, schools opened last week, the farmers I am talking about expect to pay school fees for their children using proceeds from the cotton sold but this is not happening. This non-payment of cotton farmers has also reduced the economic activity in our constituencies. Through your wisdom Mr. Speaker Sir, can you allow the Minister of Lands, Agriculture, Fisheries, Water, Climate and Rural Resettlement to give us a Ministerial Statement concerning cotton farmers' payments. I thank you.

HON. MUDARIKWA: Point of order Mr. Speaker Sir. A month ago, I requested a Ministerial Statement on the payment of cotton farmers but the Minister has not come up with that. Can the Clerk of Parliament take note that this is the second request for a Ministerial Statement on that payment? Thank you Mr. Speaker Sir.

THE ACTING SPEAKER: Thank you Hon. Members. I think your concerns are noted. We will inform the Minister to respond.

HON. T. MLISWA: Mr. Speaker Sir, my point of national interest is on unreliable statistics that we get from ministries. Mr.

Speaker Sir, the Zimbabwe Vulnerable Assessment Committee (ZimVAC) statistics on the provision of food to the insecure households: in 2019, it was 30%, in 2020 it has gone up to 43%. From 30% to 43%; this exposes that the so called economy which is said to be blossoming is not as a result of these statistics. Why are we being given statistics which are not a true record of what is happening on the ground?

This is a programme which the World Food Programme (WFP) does, working with other donor organisations like the Cooperative for Assistance and Relief Everywhere (CARE) and they are looking at distributing food to the insecure households. Mr. Speaker Sir, I am bringing this up because the issue of Ministers not bringing correct information is really treacherous because we are said to have a surplus yet the domestic is blossoming, so is the external debt. I say so because the issue of the parallel market exchange rate right now is at 1:150 and the RBZ auction rate is 1:80.

The truth of the matter is that it is the US Dollar that dictates the market. So, whilst you are paid in RTGS and the so called 80 plus does not apply, what is applicable is the \$150. How then can we say

people are doing well when the auction rate on the parallel market is as good as 100% in terms of the difference? So it is important to get the Minister to come with true statistics on the situation on the ground. Members of Parliament here will agree with me that what we are told here and what is on the ground are two different things.

THE ACTING SPEAKER: Hon. Mliswa, you are now debating.

HON. T. MLISWA: Mr. Speaker Sir, may I implore the Minister of Finance to come with true statistics on the recovery of the economy. We appreciate the roads and the airports being built but the people in the rural areas, who are the majority, do not fly and it is insignificant to them. Bread and butter issues are important to build the economy at the end of the day. While I appreciate the infrastructure, it means nothing when the people on the ground are suffering and cannot afford school fees and a proper meal. It is important that true records and statistics are brought into this House on what is on the ground but not what is in Harare and what you discuss at Cabinet and so on. We become helpless as an institution on our role of oversight. Thank you Mr. Speaker Sir.

MINISTERIAL STATEMENT

PROVISION OF ONLINE CLASSES TO LEARNERS DURING COVID-19 PANDEMIC PERIOD

**THE DEPUTY MINISTER OF INFORMATION,
COMMUNICATION TECHNOLOGY, POSTAL AND
COURIER SERVICES (HON. PHUTI):** Thank you Mr. Speaker

Sir. I would like to give a response to the first Report of the joint Portfolio Committee on Information Communication Technology, Postal and Courier Services and Primary and Secondary Education.

First of all, I would like to apologise that this report was supposed to be presented earlier than this time but because of a few other hiccups, it had to come this late. Nevertheless Mr. Speaker Sir, thank you for this opportunity.

I would like to thank the Hon. Members of the joint Portfolio Committee on Information Communication Technology, Postal and Courier Services and Primary and Secondary Education for a comprehensive report on the state of the programme to provide online classes to learners during this COVID-19 pandemic period. I also want to thank the House for its constructive contributions to this

debate, it shows how much we are all concerned about our children's learning and the development during this pandemic era.

Mr. Speaker Sir, it is very true that our children learning in rural areas are the most affected as there is little or no e-learning that is taking place in those areas. There are rural schools that are connected but does not serve any purpose if the learners are not connected at their homes or if they do not have the necessary gadgets. What we are therefore doing as a Ministry and the entire ICT sector, is to ensure that our rural schools are connected to the internet and that they are equipped with ICT gadgets. This of course will not be something that can be done overnight but the will is there.

Mr. Speaker Sir, the report referred to the National E-Learning Strategy. I am happy to say that the Cabinet has since approved this strategy. The objective of the strategy is to produce and distribute ICT gadgets as well as to provide internet connectivity to schools throughout the country. The roll-out of this initiative will thus complement what we are already doing in collaboration with other development partners.

Mr. Speaker Sir, concerns have been raised that the teachers in the rural schools are not computer literate as compared to teachers in urban areas. This makes it difficult to rural teachers to effectively carry out e-Learning. To alleviate this, the Ministry has been running an ICT capacity building programme for the past seven to eight years. The Ministry for instance, has a state of the art training room housed at its Mukwati building offices. These training facilities have since been decentralised and spread to all the other provinces. Furthermore, the Ministry periodically dispatches officers to train people all over Zimbabwe on ICT usage. We are certainly going to arrange with my counterpart, the Ministry of Primary and Secondary Education to ensure that teachers are trained and capacitated with basic computer skills.

The COVID-19 pandemic caused the nation to go into lockdown and this resulted in a shift in telecommunication traffic patterns as more people had no option but to work from home. This shift resulted in congestion in some base stations. The Ministry, POTRAZ and Mobile Network Operators (MNOs) embarked on a Capacity Enhancement Project aimed at decongesting the networks and

ensuring continuation of quality of service in this COVID-19 era. This resulted in the upgrading of most base stations. NetOne for example, upgraded a total of 75 base stations to 3G from 2G and a further 60 base stations were upgraded to 4G from 3G. This upgrading of base stations is continuing and construction of new network towers, especially in rural areas is being speeded up. We have also started receiving equipment for the National Broadband (NBB) Phase 3 Project and our major target is the rural areas. This will enhance network coverage and ensure that more learners can access e-Learning. To emphasise on this NBB Phase 3 project, I must say with confidence that the President is going to be commissioning some equipment to the roll-out of this programme which will ensure a total of more than 260 base stations spread across the country.

Mr. Speaker Sir, we have Community Information Centres (CICs) that are spread throughout the country. These CICs are meant to be one stop ICT access points, achieving quality of access to information especially for the marginalised areas. It is also our hope that since these CICs have internet access and are also fitted with computers, our children can use them for e-Learning purposes as well

as for training. We will however, continue to construct these CICs, especially in our peripheral areas so that school going children can benefit.

As Hon. Members have highlighted in various contributions made, the prices of ICT gadgets are too high, which makes it difficult for ordinary people to buy them. I am happy to say that the country's first ICT Assembly Plant is now operating in Msasa. It will come in handy to breach this problem. Very soon we should all be able to purchase ICT gadgets at favourable prices.

The issue of data bundles will remain a challenge and it is this issue that is affecting e-Learning for most of our rural children. The problem is MNOs are in business for profit and they cannot always fully support Government and humanitarian efforts for fear of making losses. We will however, continue to play the humanitarian side through the regulator POTRAZ, and I must say that it should be of note that ZARNET has also been given support by Government to roll-out support to the e-Learning Strategy. That will see us achieving better pace than has been of late. I thank you.

MOTION

BUSINESS OF THE HOUSE

HON. MUTAMBISI: Thank you Mr. Speaker Sir. I move that Orders of the Day, Numbers 1 to 15 be stood over until Order of the Day, Number 16 has been disposed of.

HON. TEKESHE: I second.

Motion put and agreed to.

HON. T. MLISWA: On a point of order Mr. Speaker Sir. My point of order Hon. Minister, the truth of the matter, all these programmes which you talk about on ICT, in my constituency I do not know them, may be others do. It will be good for you to tell us exactly which constituencies and how many have been done because it is all talk show, to be honest with you. You are a Member of Parliament, I do not know if it has been done in your constituency but in Norton where I represent, I know of no ICT programme whatsoever. I thank you.

HON. PHUTI: Thank you Mr. Speaker Sir. I would like to give a response to Hon. Mliswa's very noble concern, that of non-visibility of ICT programmes and projects in his constituency. I want to promise the Hon. Member that we are willing to look at all grey areas where there is need for focus on ICT deployments. Having mentioned Norton in this august House, it gives us the shift of focus to look at how much there has been - I know that we have done a lot in Mashonaland West Province but I cannot confidently say we have done as much in Norton Constituency in particular. I promise that forthwith we are going to shift our focus and find what we can do. Thank you Mr. Speaker Sir.

MOTION

REPORT OF THE PORTFOLIO COMMITTEE ON PUBLIC SERVICE, LABOUR AND SOCIAL WELFARE AND WOMEN AFFAIRS, COMMUNITY, SMALL AND MEDIUM ENTERPRISES DEVELOPMENT ON THE PETITION FROM EMTHONJENI WOMEN'S FORUM ON SEXUAL HARASSMENT IN THE WORK PLACE

HON. E. NCUBE: I move the motion standing in my name;

That this House takes note of the report of the Portfolio Committee on Public Service, Labour and Social Welfare and Women Affairs, Community, Small and Medium Enterprises and Development on the petition received from Emthonjeni Women's Forum on sexual harassment in the work place.

HON. TSUURA: I second.

HON. E. NCUBE: Thank you Mr. Speaker Sir. I rise to give a report of the Portfolio Committees on Public Service, Labour and Social Welfare and Women Affairs, Community, Small and Medium Enterprise Development on the petition received from Emthonjeni Women's Forum on sexual harassment in the work place.

1.0 Introduction

Sexual harassment has become a major issue of concern affecting the work place, public, private and other spaces. Pursuant to Section 149 of the Constitution, the Portfolio Committees on Public Service, Labour and Social Welfare and Women Affairs Community, Small and Medium Enterprises Development received a petition from Emthonjeni Women's Forum imploring Parliament to comprehensively address the issue of sexual harassment in the work

place. In particular, the petitioners beseeched Parliament to review the Labour Act [Chapter 28:01] in order to strengthen provisions to curb violence and sexual harassment in the work place. The petitioners noted that Section 8 of the Labour Act defines sexual harassment through inference, categorising it as an unfair labour practice which is inappropriate, considering its adverse and usually life altering impacts on victims psychologically, socially and economically. Additionally, the petitioners highlighted that the Act lacks provisions for compensation of victims in relation to the harm suffered and remedies which address the psychological effects through recourse to rehabilitative services. The petitioners also called for the ratification of the International Labour Organisation Convention No. 190 on the Elimination of Violence and Harassment in the World of Work.

2.0 Objectives

The objectives of the inquiry were to:

- ascertain the prevalence of sexual harassment in the country and its impact on victims;
- assess the available framework and processes of securing redress;
- solicit stakeholder views on whether the Labour Act and other laws adequately address issues of sexual harassment in the work place and other spaces; and
- come up with recommendations which address the relief sought by the petitioners.

3.0 Methodology

The Committees undertook the following activities as part of the inquiry:

3.1 They attended a capacity building workshop organised by Parliament in collaboration with the Southern African Parliamentary Support Trust to unpack the concept of sexual harassment and the petition received from Emthonjeni Women's Forum. Apart from members of the two Portfolio Committees, the workshop was attended by Emthonjeni Women's Forum and the Female Students Network.

3.2 They received oral evidence from the Minister of Public Service, Labour and Social Welfare.

3.3 They conducted public hearings from 31 May to 4 June 2021 as follows:

31 May 2021, Mashonaland West, Rimuka Community Hall, Kadoma and Hurungwe Rural District Council Guest House;

1 June 2021, Masvingo, Rutenga-Mwenezi Rural District Council Offices, Mucheke Community Hall, Masvingo and Midlands Gokwe-Nembudziya;

2 June 2021, Masvingo, Nyika Growth Point – Training Centre and Selbourne Hotel, Bulawayo;

3 June 2021, Manicaland Moffat Hall, Mutare Diamond FM Radio Station and Matabeleland South Dingumuzi Hall, Plumtree;

4 June 2021, Mashonaland East, Mbuya Nehanda Hall, Marondera, Harare, National FM Radio Station and Matabeleland North Agape Mission, Nkayi.

The public hearings attracted high attendance by a cross-section of members of the society including; church leaders, village heads,

workers unions, university students, civil society organisations, ordinary men and women, amongst other groups.

3.4 The Committees analysed written submissions received from stakeholders including the Women's Coalition of Zimbabwe, Zimbabwe Congress of Trade Unions, Women's Academy for Leadership and individual persons.

4.0 Background

The International Labour Organisation (ILO) defines sexual harassment as “a sex-based behaviour that is unwelcome and offensive to its recipient.” Sexual harassment usually takes two forms, namely; *quid pro quo* when a job benefit such as a pay rise, promotion, or even continued employment is made conditional on the victim acceding to demands to engage in sexual behaviour and a hostile working environment in which the conduct creates conditions that are intimidating or humiliating for the victim. Behaviour that qualifies as sexual harassment include:

Physical - physical violence, touching, unnecessary close proximity.

Verbal - comments and questions about appearance, life-style, sexual orientation, offensive phone calls.

Non-verbal - whistling, sexually-suggestive gestures, display of sexual materials such as pornography.

Cyber harassment – through text messages or internet-based platforms such as WhatsApp and Facebook.

Sexual harassment “pollutes” the working environment and can have devastating effects on the health, confidence, morale and performance of individuals affected by it. The anxiety and stress caused by sexual harassment commonly leads to loss of production time as victims take time off work due to sickness and become less efficient. In some instances, employees even opt to resign which adversely affect their livelihoods.

Transparency International Zimbabwe (TIZ) is a leading voice on highlighting issues of sexual harassment in Zimbabwe through its reports on incidences of sexual harassment in the public sector, colleges and universities. According to the TIZ Report on Gender and Corruption in Zimbabwe of 2019, the country recorded an unprecedented number of reports by women being forced to exchange

sex for employment or business favours during that particular year.

More than 57 percent of 1 680 women surveyed in the report indicated they had been forced to offer sexual favours in exchange for jobs, medical care and even when seeking placements at schools for their children. Women in business also experienced sexual harassment when seeking Government tenders.

In June 2020 the Public Service Commission (PSC) Secretary, reported to the Portfolio Committee on Women Affairs, Community, Small and Medium Enterprises Development that 19 cases of sexual harassment in Government ministries had been recorded since 2019 and that 10 of them had emanated from the Ministry of Primary and Secondary Education. The Committees were also informed that sexual harassment was rampant at universities and colleges where women were abused to secure better grades or by “semester husbands” who ask for sexual favours in exchange for upkeep.

Sexual Harassment, also referred to as 'sextortion' is a form of corruption or extortion and is a global phenomenon that causes serious harm, robbing women of dignity and opportunity, and undermining confidence in public institutions and other spheres of

life. It apparently appears that sex is a 'currency' in many corrupt deals in Zimbabwe. Sexual harassment seems to have been institutionalised, and women have been suffering in silence for a long time, thus, the need to effectively deal with sexual harassment in its various forms across sectors.

The supreme law of the country, the Constitution of Zimbabwe No. 20 of 2013, does not expressly provide for the right to be protected against sexual harassment, although there are provisions which can be relied upon to protect women against this vice. These include Section 3 (f) on equality of all human beings; Section 3(g) on gender equality; Section 11 on fostering of fundamental rights and freedoms; Section 13 on national development; Section 14 on empowerment and employment creation; Section 17 on gender equality; and Section 24 on work and labour relations.

Sexual harassment is a human rights issue and the following sections of the Constitution are pertinent in this regard: Section 51 on the right to human dignity; Section 52 on the right to personal security;

Section 53 on freedom from torture or cruel, inhuman or degrading treatment or punishment; Section 54 on freedom from slavery and servitude; Section 56 on equality and non-discrimination; Section 65 (4) on labour rights and satisfactory conditions of work; and Section 80 on the rights of women.

5.0 Oral Evidence from the Ministry of Public Service, Labour and Social Welfare

Hon. Prof. P. Mavima, the Minister of Public Service, Labour and Social Welfare assured the Committees of the Government's commitment to ending violence and sexual harassment as evidenced by signing the ILO Convention 190 on the Elimination of Violence and Sexual Harassment of 2019. Other initiatives included the drafting of a Sexual Harassment Policy for the Civil Service by the Public Service Commission and conducting sensitisation meetings on ending sexual harassment which had been held in November 2020.

In response to the appeal by Emthonjeni Women's Forum for the Government to amend the Labour Act so as to amplify provisions to curb sexual harassment in the work place, the Minister indicated that the Ministry's position was that the Constitution and Section 8 of

the Labour Act adequately address issues of violence and sexual harassment in the work place. In addition, he explained that as a Minister his jurisdiction was limited to regulating sexual harassment in the work place. He further highlighted that the Government had opted to domesticate the ILO Convention 190 before ratification in order to avoid the intricacies of reporting and supervision associated with that move. However, he highlighted that the Ministry was amenable to the enactment of a statutory instrument which was informed by the ILO Convention 190.

6.0 Public Hearings and Written Submissions

In its inquiry, the joint Committees focused on the following key areas: prevalence and impact of sexual harassment, legal provisions on sexual harassment, handling of sexual harassment reports.

6.1 Prevalence and Impact of Sexual Harassment

The joint Committees were informed that cases of sexual harassment were very prevalent in work places, colleges, universities, churches, informal sector, public spaces such as bus termini, on-line platforms and social media. Examples of forms of sexual harassment that were highlighted to the joint Committees include; sexist

comments by touts at bus stations, sex for food relief and or during distribution of agricultural inputs, “a thigh for a pass” at colleges. It was also mentioned several times to the joint Committees that women experience inappropriate forms of touch or conduct in bus queues and by police when they evacuate informal traders in cities and at growth points.

The joint Committees were dismayed to receive submissions indicating that, invariably, women and girls constitute the majority victims of sexual harassment although men and the boy child at times experienced the same. Widows and women in politics were particularly identified as highly vulnerable to sexual harassment. The joint Committees also learnt that victims of sexual harassment range from female and male students and workers, including people living with disabilities, some of whom were unable to communicate their ordeal.

Members of the public attested that sexual harassment was deeply rooted in local cultural practices such as “*chiramu*” according to which it was permissible in some relationships such as between a wife and her husband’s younger brother or a man and his wife’s

younger sister. Additionally, excessive poverty and the high unemployment rate in the country which increased vulnerability levels, particularly amongst women were put forward as key drivers of sexual harassment.

Furthermore, members of the public noted that sexual harassment thrived due to ignorance as to which acts constituted the vice. The use of electronic gadgets by learners as required by the new educational curriculum also enabled youngsters to access pornographic material through the internet. The Committees learnt that sexual harassment could have long term effects on victims and their families, for instance when an individual contracted sexually transmitted infections such as HIV and AIDS. It was also highlighted that victims suffered psychological trauma which could affect their productivity in schools and work places. In extreme cases sexual harassment could lead victims to commit suicide.

6.2 Legal provisions on sexual harassment

The joint Committees were informed that although the Constitution protects the rights of women, the challenge is that the Constitution does not expressly provide for the right to be protected

against sexual harassment. Relevant sections of the Constitution that protect women rights mentioned during the public hearings include Section 3 (f); 3(g); Section 14; Section 17; Section 24; Section 51; Section 52 and Section 80. Members of the public and stakeholder organisations reiterated that the Labour Act does not provide a comprehensive definition of sexual harassment. It was noted that the Act narrowly defined sexual harassment as an unfair labour practice towards any employee, whether verbal or otherwise, such as making physical contact or advances, sexually coloured remarks, or displaying pornographic materials in the workplace.

The joint Committees were further informed that the Labour Act neither provides for compensation to the victim nor state how the compensation is computed. Additionally, the other remedy available under the Labour Act was cessation but there were concerns that it does not address the injury caused or trauma the victim maybe experiencing.

Stakeholders also complained that the Act lacks mechanisms to protect the victim or whistleblower against retribution from the perpetrator and their sympathisers who may still be in authority. It

was further reported that the Labour Act fails to provide any counseling for the victims of sexual harassment. In addition, the joint Committee noted with concern that although the Act had provisions on remedies, the number of registered cases of victims seeking compensation or criminal sanction was very low.

In the same vein, submissions were made to the joint Committee on the provisions of Public Service Act [Chapter 16:04] and the Public Service Regulations of 2000, pertaining to sexual harassment. Concerns were raised that these regulations recognise sexual harassment as an act of misconduct under the First Schedule. Furthermore, stakeholders bemoaned that the Regulations do not list or outline actual types of behaviour which may be included in the category of conduct that constitute sexual harassment. Additionally, it was noted that the Public Service Act was yet to be aligned with the Constitution.

The Criminal Law (Codification and Reform) Act [Chapter 9:23] also partially address the issue of sexual harassment. Section 67(1) stipulates that indecent assault is committed where “a male commits upon a female person any act involving physical conduct

that would be regarded by a reasonable person to be an indecent act...” Stakeholders noted that this provision only offers protection against sexual harassment involving physical conduct and excludes other forms such as verbal and cyber.

6.3 Handling of sexual harassment reports

Throughout the public hearing meetings, the joint Committees consistently received complaints relating to how cases of sexual harassment were being handled, and quality of care given to the victims, both at crime scenes, work places and by the Police after a formal report is made. The joint Committee was dismayed to learn that both workplace management and the police treat victims of sexual harassment with some degree of “undue skepticism”. In extreme cases, police officers were allegedly dissuading victims from proceeding with prosecution or mocked them in front of onlookers at the front office. The police were said to always encourage victims of sexual harassment and or other sexual offences to sign a withdrawal or “Victim Waiver,” which absolved the police from responsibility of investigating the crime. Withdrawal of cases was reported to be rampant even at courts. As a result of the poor handling of

complainants, the joint Committee learnt that a lot of cases of sexual harassment were not being reported because of fear that management or law enforcement agents would not handle them properly.

Submissions made also reflected that there was nothing done at work places to ensure post-investigation and comfort for the victim. Even in cases where harassment was found to have occurred, no measures were being taken to create a conducive work environment, free from sexual harassment. Given that sexual harassment is primarily viewed as a form of misconduct, the victim and harasser often continue to work together or the latter is just transferred to another school or Government department. It was the conclusion of the joint Committees that given that scenario, the overwhelming majority of people who experience sexual harassment never file formal charges, and of the few who do, only a small percentage of such cases reach the courts. Submissions made to the joint Committee indicated that court proceedings, for those cases that made it to prosecution stage, were often long drawn out and protracted for months, which compounds the victim's trauma.

7.0 Observations

7.1 Sexual harassment affects both males and females in Zimbabwe regardless of social standing, age or location. However, there is a general lack of awareness of the exact acts that constitute sexual harassment. Some members of the public confused sexual harassment with rape and other sexual offences.

7.2 Sexual harassment is currently an under-regulated issue which is rampant in the work place, informal sector, political spaces, tertiary institutions and society at large. While sexual harassment is regulated by various pieces of legislation such as the Labour Act, Public Service Act and the Criminal Law (Codification and Reform) Act, all fall short of fully addressing sexual harassment in its various forms. The Labour Act and Public Service Act regulate employment relationships in the private formal sector and civil service respectively, leaving out the informal sector which accounts for about 95 percent of employment in Zimbabwe. Moreover, the Acts inadequately address sexual harassment issues in the world of work as these narrowly define sexual harassment, do not provide protection and remedies for victims.

7.3 The Government signed the ILO Convention No. 190 and Recommendation No. 206 on the Elimination of Violence and Harassment in the World of Work in 2019 and these instruments are still pending ratification by Parliament in terms of Section 327 of the Constitution. These instruments are key for the elimination of violence and sexual harassment in the work place. The Convention recognises that violence and harassment in the world of work, and other spaces, constitute a human rights violation or abuse, is a threat to equal opportunities, unacceptable and incompatible with decent work.

Additionally, the Convention acknowledges that violence and sexual harassment affects a person's psychological, physical and sexual health, dignity, and family and social environment, and also affects the quality of public and private services, prevent persons, particularly women, from accessing and advancing in the labour market. Furthermore, the convention and recommendation call upon State Parties to adopt a comprehensive strategy in order to implement measures to prevent and combat violence and harassment, strengthen

enforcement and monitoring mechanisms, ensuring access to remedies and support for victims, and also providing for sanctions for offenders.

7.4 As duty bearers, the Police have been found wanting in terms of ensuring that perpetrators of sexual harassment and other related cases are prosecuted. There is a general perception that police officers lack the know-how to handle such cases and the requisite resources to enable them to effectively execute their duties, including vehicles and an adequate number of officers manning the Victim Friendly Unit. Corrupt tendencies have also been noted to be a serious challenge undermining service delivery by the Police Service.

8.0 RECOMMENDATIONS

8.1 Ratification of ILO Convention No. 190 and Recommendation No. 206

The Minister of Public Service, Labour and Social Welfare should urgently submit a motion to Parliament seeking ratification of the ILO Convention No. 190 and Recommendation No. 206 in terms of section 327 of the Constitution by 30 August 2021.

8.2 Domestication of ILO Convention No. 190 and Recommendation No. 206

Once Parliament approves the ILO Convention No. 190 and Recommendation No. 206, the Minister of Public Service, Labour and Social Welfare and relevant Government departments should immediately endeavour to domesticate the instruments in order to facilitate the effective elimination of violence and sexual harassment in the work place by 31 March 2022.

8.3 Amendment of the country's labour laws

The Ministry of Public Service, Labour and Social Welfare should submit a bill to Parliament amending the Labour Act [Chapter 28:01] and Public Service [Chapter 16:04] Act by 31 October 2021. Apart from aligning the mentioned Acts to the Constitution, the Bill should amongst other key issues; criminalise sexual harassment, define sexual harassment comprehensively, ensure easy access to appropriate and effective remedies and safe, fair, and effective reporting and dispute resolution mechanisms and procedures, including transferring reported case to police for further investigation, arrests and trial of offenders. In addition, the bill should guarantee the

privacy and confidentiality and provide protection mechanisms for complainants against victimisation or retaliation, witnesses and whistle blowers.

Furthermore, it should provide legal, psycho-social, medical and administrative support measures for complainants. Enactment of the above mentioned law should be followed by public awareness campaigns by the Ministry to ensure that workers and other stakeholders know their rights.

8.4 Enactment of a distinct law on sexual harassment

The Ministry of Women Affairs, Gender, Community, Small and Medium Enterprises Development should urgently draft and submit a stand-alone and all-inclusive Sexual Harassment Bill to Parliament by 31 January 2022. This Bill should address all forms of sexual harassment occurring in various sectors including: the education sector, formal and informal world of work, public, churches, and social spaces, private and political spaces. The proposed Bill should particularly provide for a broad and clear definition of sexual harassment.

In line with section 3.4 of the United Nations Handbook (2020), the Bill should criminalise sexual harassment, outline clear punitive measures for perpetrators of both light and grave offenses, including effecting mandatory imprisonment of offenders. The Bill should also make it mandatory for all organisations including political parties to establish anti-sexual harassment policies as part of their codes of conduct. This will go a long way in protecting women political candidates from sexual harassment, assault and rape during elections. It is further strongly recommended that anyone convicted of sexual offenses should be barred from contesting for public positions.

Finally, the proposed Bill should set out clear rules regarding media coverage of sexual harassment, and other sexual offenses, pertaining identity of the victims and use of sexist language whose effect exposes and aggravates the victim's trauma. Once the Bill is passed into law, the Ministry of Women Affairs, Community and Small and Medium Enterprises Development should conduct extensive public awareness campaigns on the Act and sexual harassment in general.

8.5 Gender Based Violence One Stop Centres to deal with sexual harassment cases

The Ministry of Women Affairs, Community and Small and Medium Enterprises Development should extent the mandate of the Gender Based Violence One Stop Centres to dealing with sexual harassment cases. In collaboration with the Ministry of Finance and Economic Development and other relevant Government departments, the Ministry of Women Affairs, Community and Small and Medium Enterprises Development should ensure the availability of adequate human and material resources at all times and decentralise the One Stop Centres to district level by 31 August 2022.

8.6 Provision of adequate resources to the Police Service

The Ministry of Finance and Economic Development should allocate adequate financial resources to the Ministry of Home Affairs and Cultural Heritage through the 2022 National Budget, in particular for purchasing vehicles and ensuring that Victim Friendly Units (VFUs) at all police stations across the country have enough material and human resources at all times. Financial resources should also be availed for training all Police Officers on handling sexual harassment

and related cases. This will enable investigating officers to offer professional services to victims reporting cases of sexual harassment in a conducive environment and facilitate gathering the necessary evidence for logical conclusion of cases.

8.7 Ending corruption in the Police Service

The Ministry of Home Affairs and Cultural Heritage should implement stern measures to stamp out corruption and restore public confidence in the Police Service, particularly in the handling of cases by 30 September 2021.

9.0 CONCLUSION

In view of the high prevalence of cases of sexual harassment in both the formal world of work, informal sector, private and public spaces, the proposed Sexual Harassment Bill provides a historic opportunity for Parliament and the Government in general to curb sexual harassment in the country. The findings of the joint Committees clearly indicate that a stand-alone Act of Parliament that criminalises sexual harassment and also codifies all other relevant provisions existing in other pieces of legislation is long overdue. I thank you.

HON. T. MLISWA: On a point of order, I would like to pay my condolences on behalf of Members of Parliament to Hon. Ncube and Hon. Bhuda-Masara on the passing away of their husbands. All we can say is, may the good Lord comfort you. She is really a great person so is Hon. Masara - a true example of how even the girl child must be. My condolences to their families and may God strengthen you. It was good to see you read with enthusiasm. I am sure that your good husband is proud of the work that you are doing.

***HON. TSUURA:** I would like to thank our Chairperson of the Committee on Public Service, Labour and Social Welfare for giving us a very good joint report between this Committee and the Committee on Women Affairs on their tour of the country looking at gender based violence (GBV).

As we were travelling around the country, we heard a lot of contributions from the nation. Women said that they were being violated at school, work place and market place when they are vending for their families. There are men who come and belittle whatever women are doing. Some will come and grab their wares and

promise to pay but they do not. Some will come and destroy food stuffs, for example tomatoes and as a woman, you cannot run after the man. This is really troubling women.

Women are also violated when they are travelling. Because of shortage of transport especially during the COVID era, the *mushikashikas* will be overloaded and some women end up sitting on men's laps because it will be late. You know what happens when a woman sits on a man's lap. That can take place in the presence of your husband's young brother or your young sister. Emotionally, you are disturbed.

In churches, there are pastors who take advantage of women as well and abuse them. This can take place in front of other people and you cannot complain to your husband that you have been physically abused by the pastor.

You can be walking around the streets and you are probably dressed nicely but some young men can use derogatory words to comment on your dressing. This is really troubling women and you cannot report it. If you go to the police, they will think that you are mad. They will

ask for evidence of the physical abuse and it is very difficult to argue your case.

At times you receive messages on Whatsapp from known or unknown people trying to propose love to you. When these women are fetching water at boreholes, you find that women wake up very early, queue because there will be a lot of people and they cannot go back home without the water because the family will be waiting for the water in order for them to go to work and school. So the marshals at the borehole will propose love so that they can get water earlier.

When it comes to work situations, if you want employment, probably the boss will propose love to you, so you have to fall in love with him in order to get a job and this is really troubling the women. At the universities and secondary schools, you find that the lecturers abuse the girl child so that they award them high marks. So because of fear of failing, the girl child will end up falling in love with these lecturers.

However, some women are also abusing men because they move around wearing very tight clothes and exposing clothes which

in turn abuse men psychologically. If possible, the police should be well educated that if anyone comes reporting on physical abuse, they should know how to arbitrate in all areas of sexual harassment. Most of the cases are just dying down because of lack of evidence and it is very depressing to women.

^(v)**HON. MOLOKELA-TSIYE:** Thank you Mr. Speaker Sir, I am a Member of the Committee for Women Affairs, Community, Small and Medium Enterprises Development and I would like to add my voice on this debate. As a Joint Committee we are so impressed about the report the Chairperson has presented to Parliament. It is a report that we hope will help to bring progressive change in Zimbabwe. We also hope it will help to promote the vision of the country, especially as represented by the Constitution to promote gender equality.

One of the key issues that women of Zimbabwe are facing today is with regards to their dignity when it comes to their sexuality. As you saw the petition that we received, it was complaining about the prevalence of sexual harassment especially when you look at women

in Zimbabwe. As a joint Committee, we managed to travel across the country and managed to get submissions in line with the report that our Hon. Co-Chairperson, Hon. Ncube has shared.

The first point that I need to emphasise on is that the vision to achieve gender equality as a country is a responsibility not just of Parliament of Zimbabwe but it is a responsibility of every citizen of Zimbabwe. We must all unite and fight to ensure that women are treated as equals with men in terms of gender equality because at the end of the day, Zimbabwe remains one of the most patriarchal countries in the world. It is important for us as a country to declare war against gender equality and also to make sure that the Constitution of Zimbabwe as adopted in 2013 is implemented in terms of promoting the attainment of gender equality.

We know that if women are given equal opportunities with men, this will help us to develop faster as a country. It is important that everyone joins hands in order to promote gender equality in Zimbabwe. In particular, we are saying everyone in Zimbabwe

should join hands to end such patriarchal practice as sexual harassment.

The Parliament of Zimbabwe has responsibilities at three levels. The first level is around its capacity to represent. We are saying as representatives of the electorate, we must make sure that we speak out and listen to the voice that is coming from the ground. Everyday women are being sexually harassed.

We are therefore, crying for help so we appeal to all the Parliamentarians in the Lower House and Upper House to support the voices of our electorate to speak on behalf of the silent majority as representatives of the people and in one big chorus saying enough is enough. We must end gender inequality; we must end the sexual harassment. So, as parliamentarians, that is our responsibility as representatives of our people.

We also have a legislative role; as parliamentarians let us work together to fight to end gender inequality and sexual harassment. One of the things we can do is to ensure that we support the recommendations from the joint Committee report to say we need a

new law in Zimbabwe. Let us enact a new law that will help to criminalise sexual harassment, let it be a criminal offense in Zimbabwe to commit sexual harassment.

At this moment in time, a lot of people are getting away with murder; a lot of people are committing this offense knowing that there is no penalty associated with it. So, as legislators, let us play our legislative duty in line with recommendations from the report of the Joint Committee. Let us all work together to ensure that a new law in this Parliament before 2023 is passed, that will help to criminalise sexual harassment and contribute in the fight to end sexual harassment in Zimbabwe and contribute to the fight to promote gender equality in Zimbabwe.

Related to our legislative role, let us also make sure that we push the relevant Ministers especially with regards to the laws on sexual harassment whether with regards to the laws on sexual harassment or whether with regards to the Public Service Commission, let us support the work that is being done there. I know that there are efforts to make sure that there is a code of conduct that

protects women from sexual harassment at work places. In the same vein, let us fight to enact changes in the Labour Relations Act to make it very difficult for offenders who do such kinds of acts. Again, in the same vein in the Act related to the institutions for higher learning where we hear there is a lot of sexual harassment in institutions for higher learning in our country, let us push the relevant Ministers to make sure that there are amendments to the laws and there are sexual harassment policies that are very strong and are very prohibitive in nature so that they discourage the offenders.

More importantly, let us also ensure that there is a sexual offender's database in Zimbabwe. We know that sexual offenders move from place to place, change job to job but we need to have a live database that will include all convicted sexual offenders so that when they are applying for a job, before someone interviews them, they already know that this person has a history of sexual offences. So, it is important that Zimbabwe has a very strong database of all sexual offenders.

Let me also add that we also have a third role in our oversight role which is to ensure that once amendments to the laws are done, sexual harassment policies are put in place, we need to make sure that there is a way to monitor and evaluate progress in terms of implementation of these policies against sexual harassment. Let us ensure that there is system, maybe an annual report, index, or barometer working with civil society and other stakeholders to make sure that we can see a progressive change in the country. I also wanted to say, last but not least, we have seen in this country that we can use the Parliament of Zimbabwe to change the laws in order to change the normal social practices that undermine the integrity of women.

I know historically that in 1982, the Parliament of Zimbabwe enacted the Legal Age of Majority Act. That was a big push in terms of promotion of gender equality in Zimbabwe that ensured that every woman in the country, upon the attainment of 18 years, was recognised as a major in the face of the law. That is the same law that also dealt with issues around the cultural practice of lobola to make sure that women were recognised as equals in the country.

I also know that in recent years, Zimbabwe through the Parliament of Zimbabwe, has worked with our colleagues in Southern Africa to fight against another patriarchal practice that is common in this part of the world of child marriages. We have united and taken leadership in recent years across SADC to ensure that there is a SADC model law against child marriages and also that in Zimbabwe, we have had the Marriages Bill that seeks to end child marriages. We have also gone out of our way as Zimbabwe to start a public awareness campaign against child marriages and to end cultural practices that undermine women's capacity to become equal.

We also have, in the 2013 Constitution of the country, created the Zimbabwe Gender Commission which has been doing well so far and we hope it is going to improve. So as Parliamentarians, I want to encourage us to unite and support the report that the Joint Committee has come up with. I fully support it and all this should happen in order to make sure that we end sexual harassment especially of women in Zimbabwe, and we end gender inequality against women in Zimbabwe. I thank you.

HON. N. MGUNI: Thank you Mr. Speaker Sir, for allowing me this opportunity to add my voice. I would also want to send my sympathies as well to Hon. E. Ncube for the loss of her husband.

Mr. Speaker Sir, I thank the Hon. Members that have just given us this report. It is a very important report indeed. The women in this country are very fortunate that our own Constitution allows for 50:50 representations. So I would want to encourage women that for us to reach that 50:50, it is on us. We have a high percentage in this country as women, but when it comes to voting our own women into these decision making positions, we are the ones that then vote for the men. So it is up to us to change our mindset.

As much as I say that, I also feel it is important that we need a concerted effort for this, which means that we are also asking the men to assist us because as the MP who was debating just now rightfully said, everyone including men, should assist in this endeavour. We can all see what is happening to the Taliban women. They had tried to go to school. Some were in the colleges doing law, but now what we see is they have gone 10 steps backwards. We are fortunate that we are not in that situation. So I am encouraging women that let us

send our children to school, let us encourage our girl child to go to school because it is important in this day and age to be educated as it gives you the courage to stand for your rights and to stand and compete with the men in any field.

I am also hoping Mr. Speaker Sir, that when the Independent Complaints Bill comes to be an Act, it can assist because in the report as they were reading, they mentioned that there is a problem when women go and report assault or rape cases with the police. That Independent Complaints Bill is going to help us because it will assist women to go and report without fear. So women should be able to go and report their cases so that they do not continue being victimised. I thank you Mr. Speaker Sir.

HON. T. MLISWA: Thank you Mr. Speaker Sir. I want to thank the mover of the motion and the seconder. I want to agree and differ with quite a lot of sexual harassment issues. I think as a nation, we must appreciate that it affects both and for as long as we refer gender to women, then it becomes a problem. The report is rich in certainly exposing the malpractices which are happening in terms of women, but I also want to go through the malpractices which men go

through. We all know that women also abuse young men below the age of consent, how come that is not spoken about? Why are women abusing boys? The very same child you gave birth to, you end up forcing him to sleep with you. So where is your dignity in that aspect, where is your integrity?

It is important that we understand that the very same women we talk about go after other women's husbands. I see you have gone quiet. So to me this is sexual harassment which you are doing to another woman who is married. Mr. Speaker Sir, it is sexual harassment enough on its own because you are now forcing the other woman who is married to be deprived of her conjugal rights because you are taking somebody else's husband. When he gets home, he is tired. That is abuse. He cannot perform and this is caused by other women. So you therefore cannot blame men.

This again has led to men being insecure and now saying to their wives you cannot go to work because you are threatened by somebody who goes after your wife. That has been happening for a very long time. Even in the struggle, it also happened where women

were also abused. What is important here is for us to see how best we can have a generational consensus for dealing with this mindset.

I totally agree with Hon. Ncube that the aspect of mindset is critical in dealing with this. How then do we come up with institutions? You know our culture and tradition is important and I am glad Hon. Ncube spoke about it. I see the person that you are and I am not the one who just comments; your upbringing was solid. You would go to the rural areas to your aunts and grandmothers. Today's young girls, where are they going Mr. Speaker Sir? You now keep them in town on virtual. They tell you they have got their rights and so forth. When we were growing up, we had to go to Silobela to spend a week with my grandmother there, go to Rusape and go to Shurugwi. That is how we spent our time and we would go and learn.

The Zulus are very strong in that they examine every girl's virginity every month in their culture. Why are we not doing that? Why are we not doing that Mr. Speaker? Where is our tradition, culture and heritage in doing this? We have got women there who have so much experience in dealing with these issues. The aunties are there. What is the role of an aunt? It is to make sure that the

upbringing of the girl child is done properly but there has got to be a monitoring mechanism amongst our tradition and culture, which ensures that you do not do anything. The boys too, if you look at the Swati and the Zulus, circumcision happens. It is a result of a culture and we need to invest deeply in our culture so that we are able to deal with this menace at the end of the day. This exposes us that we are no longer a people. If you look at our mothers – that is why it is difficult for me to marry because any woman I marry must be near my mother. Any man a woman marries must be near their father. I look at how my mother was like and how at times when dad would not be behaving but my mother was mother.

So, today, to think of marrying these young women who are not well groomed; that is why the divorce rate is very high. The divorce rate is three months or six months after marriage. Why is that so? It is because there is no foundation for us to protect our own people or culture. These issues are critical in building a country. You can only be a people if your *ubuntu* is at the highest level and we need to start finding ourselves. We are too colonised and we think we are British or American.

Let us reengage with our traditional leaders and our traditional norms. That is the first thing that we must do. The reengagement with anybody is not as important as reengaging with your own culture. To me, that is important. I have built a home in Shurugwi not because I live there but my kids go there because I have moved from urban to rural migration. Every holiday, they go there and meet people in the village. That is where *ubuntu* is. So, for me, the aspect of thinking that you have a nice house in Borrowdale with 10 bedrooms yet your kids do not understand their culture and tradition leads to this. There must be a way where we find ourselves, where we go and take these kids.

I also want to talk about the aspect of sex being encouraged. So true in that it means at the top also they have that tendency. Yesterday I spoke about how men are quiet but women are also quiet. When a woman is sexually abused, you cannot report to anyone. By just mentioning it to your husband, you are seen as actually having participated. So we keep quiet. Your conscience is your master. How then can you share this secret information with your partner? I can imagine how they will react, so they keep quiet. It will then be heard

through rumours that Mrs Z was wanted by Mr X. You know rumours travel faster than the truth and the woman is in trouble at home. Physical abuse starts because the man is emotional. Why did you not tell me you did it, but she cannot explain? To me it is a very serious issue that needs to be dealt with. The only way to deal with this is that men, if we can have a law that whoever steals cattle gets nine years in jail, we must also have a law that whoever abuses a woman sexually, gets 18 years imprisonment. What are cattle, you can buy or replace them but you cannot replace self esteem or the dignity of a person. You do not buy dignity and integrity or self esteem. No wonder when this happens to them, they lose self confidence and that cascades to their families and children, thereby becoming a family issue and social issue. At the same time, there are no safety measures to deal with this safety issue.

I want to also talk about the Constitution. I agree with Hon. Mguni that you cannot keep on changing the Constitution when you are already in power. However, women being the majority of the people in the country, you are empowered. Let me even go a step further, 55.5% of the people on the voters' roll in this country are

women. Why do you not put yourselves in the echelons of power so that you are not abused by men? Who then tells you to go and vote for a man? It is your own decision. I do not see any sexual harassment there, to be honest with you because you are on your own in the ballot box. So you cannot blame it on men when you also make decisions which are self defeating. Hon. Khupe stood, very capable and if you ask what is wrong with her, there is nothing but she was never voted for. There was physical abuse from many quarters and women were very quiet. There are many issues which are happening here in terms of women but you keep quiet. You choose which ones to comment on and which ones to keep quiet about. You cannot do that if you are women. A mother is a mother and whatever has happened to another woman will equally happen to you. That silence must be broken; we need institutions with women who will speak against all the malpractices. The laws are there - if I am not mistaken about 30% of any procurement at a company is for women. How many women have businesses now to procure in companies such as Mimosa or Zimplats? The issue of empowerment is already there in the Constitution; therefore we should be able to ride on the

Constitution so that we are able to empower ourselves. We cannot be waiting for a women's bank all the time. We will end up having women's banks all over, yet all you need is to go to a company and get an order. In Norton, I told women to set themselves up into cooperatives and then go and get orders from companies. I urge the MPs here to lead by also opening doors for them. Procurement is not about having money. You could be cooking or cleaning for the company. There is nobody who is a better cleaner than a woman. There is a lot of money in the cleaning industry. They must start pursuing those initiatives so that once empowered, you are independent. The issue of economical empowerment leads to your independence and when you are independent, you are not compromised. However, if you are weak in that area, you become compromised at the end of the day.

I also want to talk about the aspect of education, intellectual capacity. You cannot substitute intellectual capacity no matter how wise you are. It is a critical aspect and you have to further their education. I want to thank the Speaker through you Mr Chairman for the robust motivation he has given to MPs to further their education.

How many here are willing to go to school? You saw the former Vice President Joyce Mujuru furthering her education after the war. That is something which women must also yearn for so that they are empowered in that regard.

I want to conclude by saying that Abraham Lincoln says “for what I am and hope to be, I owe it to my mother”. Basically, that is how important the woman is in anybody’s life. If anybody is in pain, the first thing they say is ‘mother’ and never ‘father’. It shows the significance of the role of women and we must also be gender champions for women.

I am a gender champion for women. I have nineteen (19) children. Of those 19, fourteen (14) are beautiful and intelligent girls. To me, that is my pride. My pride is not in the boys but in the girls and the only thing I can do for them is to give them a good education. My first daughter is a lawyer and has a Masters in Law. The second is with a media organisation in the UK because of my political name, but this is what I invest in. I invest in them getting good education. What I also want to say to Members is, invest in the girl-child to be educated to get the best and they will look after you. I do not have a

structure in my family which says the boy will inherit, no. The girl inherits and we prefer girls because they protect you more than the boys at the end of the day.

So, I really want to say the girl-child is important and it is important that we give them opportunities to be educated. As such, may we also as Members of Parliament look into the law? Those being married and having sex at 14, you cannot answer and do not know how you can answer that. In this august House, we need to make history by coming up with a law to say you can only marry a woman and she can only accept when she is eighteen (18). We must raise the bar. Right now the bar is low. It is at 14 and we must raise it to 18. Mr. Speaker, I want to thank you for this opportunity and for the mover of the motion to say it was excellent and more execution and implementation is needed on the ground to make this a success. Thank you.

(v) HON. MPARIWA: I would want to support the motion that has been put before the House. You find that yes, we did have the petition from Emthonjeni Women's Forum but let me inform the House that this is a true reflection and reality of what is obtaining on

the ground. This has been a silent problem that women and the girl-child are suffering from, and they would not speak out because it is like it is a taboo. Those who speak out against it get also to be punished in a way because if it is at a workplace then you will have problems of actually having exposed the one who is supposed to be your boss.

Hon. Speaker, I do not want to belabour the House repeating what the petition was all about or the hearings that were conducted. The Chair has actually articulated what was said by the communities, where the Committee had some oral evidence. Perhaps, let me emphasise on the need to have this motion adopted, have the recommendations implemented and the Minister responsible come and respond to the motion so that we also get some kind of input and adoption by the relevant ministries. In that way, constituents and communities will then respect Parliament for having tackled the issues that were tabled before the Portfolio Committees that went around the country to gather evidence. The resources that were put in this particular activity will not have gone to loss because it will have reaped results in terms of having delivered the intentions.

I would want to pay tribute to Emthonjeni Women's Forum for having brought this particular petition that opened the eyes of both the Members of Parliament from both sides and the Committees. I thank you Hon. Speaker for giving me this opportunity.

(v) HON. MUCHIMWE: My contribution is very short but it might be helpful. I suggest a law must be enforced whereby education about contact between boys and girls is taught in schools. This must be started as early as ECD level. Some people do wrong due to lack of knowledge. Those who devise the curriculum of secondary enhancement must be professionals in both wisdom and academic because people, especially young boys and girls do not have that education or knowledge about how bad it is to harass a woman. I suggest that there must be a law enforced to educate people from ECD level that this is a bad situation.

HON. NDUNA: I just have a few points Mr. Speaker. The first one is that poverty takes the form and face of a woman. This is where the issues that bedevil the fairer sex emanate from and as long as there is the issue of an economic downturn or poverty or impoverishment,

there is bound to be challenges that bedevil the fairer sex. There are also challenges that bedevil the masculine part, especially at the lower level and at primary level.

Also, what comes to mind is the issue of economic empowerment. Earlier on, Hon. Mliswa spoke about our ubiquitous amount of mineral wealth. There is need, according to Section 13 (4) of the Constitution, to utilise our mineral resources to develop the locality or the areas from where they were extracted. It is my fervent hope and view that these minerals that we are endowed with can also benefit the woman in the areas of their extraction in order that we capacitate the girl-child, including the boy-child and that can be a panacea and antidote for a lot of the challenges that they currently have because this is the birth of all challenges, the lack of economic emancipation and empowerment.

Having said that Mr. Speaker, I urge that issues of the Community Share Ownership Trust be repudiated and repealed in terms of their form and conduct. In 2011 or 2013, those Community Share Ownership Trusts were formed and instead of them helping the

communities, they definitely have pulled back the communities in that the minerals that they are extracting are a finite resource Mr. Speaker Sir. They will never again sprout out of the ground. So, it is my clarion call and fervent view that there is need to have a relook so that both the girl and boy children from inception can be economically empowered. How Mr. Speaker Sir is the big question?

We got these Community Share Ownership Trusts formed in 2011 maybe up to 2013 for argument's sake. This is nearly 10 years after their formulation. There was only seed capital at some point and I will give an example of ZIMPLATS. They gave out seed capital of USD\$10 million – that was all and there was promise of a dividend that was going to be given annually. An example is if 10 years and there was USD\$10 million annual dividend that was due to the community, currently, there would be US\$100 million. So this money, according to our Constitution, Section 13 (4) has not benefited the masses, the innocent, unsuspecting citizens of the areas where these Community Share Ownership Trusts are supposed to be residing. This is not only criminal in nature but we are not getting anything from our God given finite resource.

I am making this proposal that we get that dividend by hook or crook because it was designed for at inception and we empower our girl child economically; our vendors in Chegutu West Constituency; our vendors in the Chegutu Admin. District and that includes Hon. Shamu's Constituency in Chegutu East; Hon. Kapuya in Mhondoro-Mubaira and Hon. Temba Mliswa in Norton. They need to benefit our women, our boy child and girl child in order that this issue of being backward and being abused is annihilated completely through economic emancipation. This is my clarion call and these were my few words Mr. Speaker Sir. I thought I should add my voice to this very good motion and petition. I thank you.

HON. TEKESHE: Thank you Mr. Speaker Sir. I would also want to add my voice to this sexual harassment issue. During our consultations across the country, there are a few things that were of concern to people. People were concerned about the dress code and said some women wear skirts that start where they end. You know how nature is, people are tempted and things like that. The other thing is there should be a special police unit that is trained to handle

such issues because when someone approaches the police, they are sometimes ridiculed. What is this? You are lying?

When there are specially trained officers to handle these issues, it will give confidence to the women so that they can always report their cases. You will be surprised that there are a lot of cases outside there that are not reported because people are saying there is no secrecy. You go there to make a report and within the next five minutes, you are on WhatsApp across the world. So, for the sake of your dignity, people end up not reporting. There is also too much corruption within the police force. When someone has been raped, someone will go and pay and the next thing is you will see the rapist roaming around the neighbourhood. So people end up dejected and believing that reporting is of no use. Generally, men and women across the divide were in support of good stand-alone laws at work places that really stand for sexual harassment because it is just general at work places. The other thing that people wanted was deterrent sentences for perpetrators so that it deters a lot of people from doing the same. I thank you Hon. Speaker.

HON. T. MOYO: Thank you Mr. Speaker Sir for recognising me. May I also add my voice to the motion tabled by Hon. Ncube and seconded by Hon. Tsuura. Mr. Speaker Sir, first and foremost sexual harassment at the work place is evil, criminal, an offence, ungodly and abuse to say the least. Why we should condemn sexual harassment at the work place using the strongest words ever?

The first thing is it is a violation of human rights as enshrined in the United Nations Charter. According to the Universal Declaration of Human Rights, sexual harassment should be condemned. According to our own laws in Zimbabwe, Section 24 of the Constitution is an aspirational provision of the right to work. Section 65 confers labour rights on every person and refers directly to the right to fair and safe practices and standards. What are we saying?

We are saying the environment at work places should be conducive. The ambiance must be good. There must be enabling environment that promotes career open to talent that people who are capable should execute their duties in a diligent manner without any disturbances because once there is sexual harassment, capabilities of

individuals will be disturbed. According to the International Labour Organisation Convention 190, for the elimination and harassment at work – sexual harassment is condemned. It is sad Mr. Speaker Sir, that sexual harassment has been institutionalised. Sexual harassment manifests itself in various forms through sexual favours, abuse at the work places, in institutions like universities, polytechnics, vocational centres, schools and even in churches you name it.

The perpetrators of sexual harassment should be punished Mr. Speaker Sir. Sexual harassment knows no boundaries Mr. Speaker Sir, it is also on vulnerable people, those with disabilities. You will find able-bodied men, highly educated, preying on deaf students in universities, blind students in schools. That is so disgusting and we need to condemn sexual harassment using whatever term in the dictionary.

Finally Mr. Speaker Sir, in my conclusion, perpetrators of sexual harassment should be arrested. Secondly, there is need for information dissemination. We need to revisit our curriculum in terms of curriculum development and implementation that students

should be taught from ECD-A, that sexual harassment is bad and is evil so that men who happen to be perpetrators of the sexual harassment would realise the ugliness of this act. On that case Mr. Speaker Sir, thank you. I rest my case.

^(v)**HON. MAGO:** Thank you Mr. Speaker Sir. I would like to thank the Chairperson, Hon. Ncube seconded by Hon. Tsuura for an elaborate report on the petition we got from Emthonjeni Women's Forum. Mr. Speaker, sexual harassment is an act which is unwelcome in the society. The victim can feel intimidated, uncomfortable, embarrassed or threatened. The laws that we have do not adequately cover sexual harassment Mr. Speaker. They lack clear policy and procedure for detecting and resolving sexual harassment cases. Unfortunately, sexual harassment cannot be proved, that is why it has not been taken seriously. It can be her word against his because she can say he did that and he will say no or he can say she did that when she says no. It is true that Transparency International Zimbabwe highlighted that 57% of women are said they have been forced to offer sexual favour in exchange for jobs, medical care even when seeking placement for their children in schools. It is also high in

tertiary institutions as they demand sex for favourable marks. We have seen students failing their exams because they did not consent to the sexual favour requests. Sexual harassment is a persistent problem affecting our nation but victims are unlikely to be reported because it has been normalised. There has not been awareness of what exactly constitutes sexual harassment. There is lack of effective redress and stereotyping, blaming the victim not the perpetrator, like the other Hon. Member was saying. The State has an obligation to respect and protect the right to equality and non-discrimination between men and women and to put in place legislative measures to protect its citizens particularly women and girls against the incidences of all kinds of violence including sexual harassment. The Labour Act has no proper definition of what sexual harassment is but only defined it as unfair labour practice and the penalty to it is just general. We need the Labour Act that defines sexual harassment and provides a list of forms of sexual harassment confidentiality and counselling services. During the public hearings that we went to, some women proposed that perpetrators should be jailed for 20 years or castrated. This shows how grave the situation is, how victims feel about sexual harassment.

Mr. Speaker, we could feel the bitterness of especially women on sexual harassment. They feel for too long, the Government has left them to be harassed without taking action. Because most of sexual harassment victims are women, men do not take it seriously. They are the perpetrators Mr. Speaker and they are the ones who should deal with it as we find that most of them are the judges and magistrates. So they just cover up for the sexual harassers. They are the decision makers and something needs to be done sooner or later Mr. Speaker. I thank you.

(v)***HON. DUTIRO:** Thank you Mr. Speaker Sir, for affording me this opportunity to add my voice to the sexual harassment debate. Sexual harassment has affected a lot of women negatively. Some have been forced to drop out from school and some from their work places leaving gainful employment. For instance, you find a husband waiting for his wife at a workplace at 1630 hours if she is supposed to finish at 1645 hours despite the fact that the husband might have to finish work at 1700 hours. This is a result of the insecurities that are found in marriages because of the suspicion that if the wife is allowed to mingle with other people, then she might be vulnerable which

might culminate in her engaging in extra marital affairs. Most men end up protecting their women because of the harassment they see happening to both young ladies and married women at the work place. Even the domestic violence that is happening in different households cannot be attributed to poor performance in terms of discharging household duties or the misuse of family funds but it could be because the husband is afraid to confront his wife that I saw a certain man following you or I saw you walking next to a man or laughing with a man because this might result in domestic violence. The actual reason is unfound suspicions, so it is important that gender based violence is curbed through deterrent sentences. If that is done, then such perpetrator would not repeat gender related offences. Sexual harassment continues to contribute to gender based violence in both home and work place. This in turn affects the performance of women in different spheres of life and it curtails them from excelling in the professional world. For instance, a woman who is a potential nurse, teacher, doctor is disadvantaged when she gets married before attaining her professional goals. So gender based violence does not only affect individuals but it affects the nation at large because

women are failing to attain their potential. If you look at stereotypes that are found in different localities, it is believed that an educated woman is not a good woman and people suspect that they get their promotion through carpet interviews and extramarital affairs and this culminates in the discrimination of professional women who are viewed as loose people. Therefore, the issue of sexual harassment must be curbed. I thank you Mr. Speaker Sir for the time you have afforded me. I thank you.

***HON. MUTAMBISI:** Thank you Mr. Speaker Sir. I also want to add my voice to the motion which was raised by Hon. Ncube, seconded by Hon. Tsuura. The issue of sexual harassment is problematic in our country. However, I feel that is exacerbated by the fact that our children are ignorant on what constitutes sexual harassment. As legislators who represent our constituents, when we gather people to address them, let us educate our children or women who are mostly exposed to sexual harassment on what constitutes sexual harassment, be it the way they talk or the way they touch them. They should be able to be alert and tell bad intention through someone's behaviour in terms of speech or touch.

I would like to thank our First Lady, I realise that on this issue, she has already made a milestone, through the programmes that she pioneered, the *Nhanga* and *Gota*. She is moving around educating children, something that we have not been doing. You heard Hon. Mliswa alluding to the fact that we no longer have aunts but our First Lady is ahead of us teaching and cautioning our girl children to deny anyone touching any part of their bodies. This means that even when they go out to look for work, if they meet perpetrators of sexual harassment intending to touch them indecently, they will be alert and will not allow such acts of harassment to happen. They are aware that such acts will result in the defiling of their bodies. It is said that charity begins at home, meaning that we as people's representatives in our constituencies or as parents, we should find time with our children to teach them on issues to do with sexual harassment. We should tell them that they should not seek employment through selling their bodies to potential employers.

Let us also help and protect our disabled children in the communities as they are vulnerable to sexual harassment. They seek assistance and in the process, unscrupulous people take advantage and

harass them sexually and ask for sexual favours in return. Therefore, we should teach our children and women to report on any form of sexual contact that would have happened to them unwillingly so that the culprits can be prosecuted. There should be a law in schools or circulars which clearly state that anyone who is found guilty of sexual harassment should be prosecuted. If the law is enforced, I think our nation can be peaceful without any form of sexual harassment taking place. I thank you Hon. Speaker.

HON. JOSIAH SITHOLE: Thank you Mr. Speaker Sir. I also want to add my voice to this motion presented by Hon. Ncube, seconded by Hon. Tsuura. Mr. Speaker Sir, I personally feel that when the Emthonjeni Women's Forum brought the word 'World of Work,' they were actually thinking about what we are now seeing. Generally, the world of work which people are usually interested in is where we are doing formal work yet our day-to-day living shows that the world of work is almost 90% of the activities that we see today. Even in the rural areas, you find that people are hired to work in the fields for other people and they can be paid for that. That shows that we are now talking of a plethora of issues which have to do with a

world of work unlike what the Minister of Public Service, Labour and Social Welfare, Hon. Mavhima was referring to in terms of our labour laws. I want to say, the world of work is now a real big world of work.

Mr. Speaker Sir, when it comes to issues of sexual harassment, there are some inert behaviours that take place. The twitching of an eye, the movement of the lips can say a word even if someone does not actually tell you what the person wants. You will realise that men can also get sexually harassed because women can do it just by the movement of their eyes or the lips. Mr. Speaker Sir, when we were out on a public hearing, we came across a situation where it was revealed that a female lecturer was always harassing a male lecturer asking him to sire a son with her because she had no son. Therefore, you will find that it is no longer on the side of men only but it can also be engineered by women.

One former musician, may his soul rest in peace, Matavire, tried to express the issue of sexual harassment, 'honour ladies, *huyai amai mugare kuno mberi...*' you can continue and finish it up. This implies

that at times people are trapped into sexual harassment in a cunning way and they might find themselves being trapped there.

Mr. Speaker Sir, there is also one issue that is very controversial that we came across, that is the attire put on by ladies. This is quite controversial because some ladies were saying, 'why do you have to look at the mini-skirt and start thinking otherwise, just take it as normal?' The issues of dressing seems to have some controversies here and there. However, some of us will definitely get trapped when we see something that is almost a quarter in length up, we get disturbed by that.

Mr. Speaker Sir, I want to say something about criminalising sexual harassment. Definitely, it has to be criminalised because those of us who read the Bible come across verses like 'if your eye causes you to sin, remove it.' If your head causes you to sin, you must cut it off. So, in a way, the Bible is trying to express that there are certain things that are done which have to be corrected through some form of punishment and perhaps severe one.

The issue of social media has a lot of effects on our children and us as adults. Some of the information which is posted on social media

can be harassment to someone even to our children before they have become of age. That way, they will feel that sexual harassment is something that is good because they will be seeing some things which they are not supposed to be exposed to. I want to say, the issue of sexual harassment should be dealt with and it must be incorporated into situations which are beyond the usual formal place of work because even in our houses, we do have domestic workers. How many times have we had cases of a father against a 16 or 18-year old who might be working there? So, the place of work is so expanded and we also have to consider a domestic worker just like any other worker. I thank you.

(v) ***HON. P. ZHOU:** Thank you Mr. Speaker Sir. I am also one of the Members who went around on public hearings. Sexual harassment is affecting many age groups, boys, girls, men and women. It is also taking place in various places, be it schools or even in political circles but the biggest problem that we have is a clear definition of what sexual harassment is. Many people do not know what exactly sexual harassment is. Even the police do not know the perimeters of sexual harassment. We have also realised that the

police do not actually know the gravity of this issue. Some of them take it as a joke. They do not treat the perpetrators with respect which they need to be educated on how to handle sexual harassment victims. The other issue is the police are not fully equipped in terms of tools of trade to handle such issues, such tools of trade like vehicles to help them carry out their duties in response to sexual harassment.

If you look at colleges and universities, it is rife as what the Hon. Member said. I would like to refer especially to female students who are liked by male lecturers. They are made to fail for no reason simply because they would have turned them down on their demands for sex. Some of them might pass even without putting in much effort and they call it a 'thigh for a mark'. You have to expose your thigh in order to pass. This is very disturbing and the situation is very bad in high schools and colleges.

I think a law must be promulgated to curb this issue and the law should be aligned to our Constitution. The definition should also be very clear so that the people know what exactly sexual harassment is. People should also have access to information so that they get access

to lawyers and information on gender based violence in their various communities. This will help them to get assistance quickly. The Ministry should also ensure that victims of sexual harassment are attended to timeously. This means the Sexual Harassment Bill should be quickly enacted and outreaches done so that people get to know what it contains and what it is all about. The Ministry of Women's Affairs should also undertake outreach programmes to educate the populace on sexual harassment.

There is also need for police to be assisted with equipment to use such as vehicles in order for them to be able to attend to victims of sexual harassment. The police also need to be educated on how to handle cases of sexual harassment because it is a sensitive issue. Sometimes we stay with our brothers or sisters in laws and at times we commit that sexual harassment in return for a favour such as to pay for school fees. So all that must be clearly explained that if someone is paying for your school fees, that person is not guaranteed to have to touch your body indecently. So, there should be widespread education in order to reduce sexual harassment. I thank you Mr. Speaker Sir.

HON. SHAMU: Thank you Mr. Speaker Sir. Listening to the debate this afternoon, one could see that it is really centred on one of the most important pillars of our culture, which is human dignity. Mr. Speaker Sir, the debate emanated from the working place as part of the petition as it were but I want to thank the Chairperson of the Committee on Labour, Hon. Ncube for having raised the bar in terms of her presentation. The debate has now become national and the evil nature of sexual harassment has been to permeate into every part of our society.

More-so, I would like to thank Hon. Tsura for having seconded so ably this very important motion. It has now become quite clear that we spend more time of the day at work and if one is at work, one is harassed, harassed in a sexual manner then life becomes unbearable. Life becomes intolerable and humiliating. Those are conditions that are not acceptable into today's society, especially when we come to Zimbabwe where we are trying to create a country that is devoid of any "*isms*" that end up taking people back into slavery. Mr. Speaker Sir, sexual harassment undermines the family

unit. It erodes personal confidence in a person. Sexual harassment erodes the dignity and respect that should be exuded in our culture.

Mr. Speaker Sir, sexual harassment is but an extension of oppression and yet we today are talking of being a liberated country. The freedom, the right for one to enjoy their God-given life, determining their own destiny without undue influence is indeed undermined. Zimbabwe belongs to the United Nations and we all know that we have to achieve the Sustainable Development Goals.

By not dealing decisively with the curse called sexual harassment, we will be contributing to the failure of our ability to achieve some of the Sustainable Development Goals. For example, the issue of economic growth, which is linked to decent work and Goal No. 8 as well as the issue of gender equality, Goal No. 5 - there is no doubt that by sexually harassing one, you are saying they are sub-human. You are refusing to accept equality and you are being unfair. Yes indeed, you are oppressing and refusing one to be a master of their own destiny.

Therefore Mr. Speaker Sir, I would like to call upon Government to come up with a very clear policy that inculcates within our workers committees an element of looking into this evil type of behavior. They, as workers committees, whilst they talk about the interest of workers, must also expose any sexual harassment at the work place and obviously as has been said by many Members in this august House, it must also be eliminated in all aspects of our society. I thank you Mr. Speaker Sir.

^(v)***HON. PRISCILLA MOYO:** Thank you Mr. Speaker Sir. I would like to thank Hon. E. Ncube, who raised the issue to do with sexual harassment which was seconded by Hon. Tsuura. I was also touched by the issue which worries a lot of women. Women are being abused and for them to go and report, nobody listens to them.

Looking at colleges and universities, students are being abused so much, mainly because some would have limited funds or resources. Some parents give their children inadequate funds such that the children are abused to the extent of having an affair with adults. We need to have a law that states that teachers and lecturers

should be monitored on how they are handling assignments and examinations. If a female student refuses to have an affair with the lecturer, at times they are given lower grades. It is very painful to the girl child.

I heard a lot of speakers saying a lot of things which I do support. There must be a law such that perpetrators of sexual harassment are taken to courts as early as possible. Again, children must be monitored closely. A lot of people are being abused in their homes and they do not even know where to report their cases. If they go to report the cases to the police, at times the cases are not handled properly.

In Parliament, there is also abuse of women but the issues are covered up because it is embarrassing to publicise such issues. There should be a law that protects females from being abused. I have observed that the joint Committee visited a number of places in the country but there are a lot of remote areas that were not visited. There are many people who are being sexually abused in those areas and they do not know where to report their cases. As representatives of

the people, efforts should be made to visit areas in the remote parts of the country. It is my plea that a law should be formulated in order to curb sexual harassment of women. In political parties, women are also abused. This issue should be treated with the urgency that it deserves.

I heard some speakers saying that young people no longer seek counseling from the elders. This is no longer possible in the times that we are living because children spend most of their time at school. Also, during the COVID-19 pandemic, we realised that many people were abused. Many girls dropped out of school due to pregnancies. Some of these girls were abused by close relatives such that the child cannot report that his father or his uncle is the one who is abusing that person that way. As women, let us please try to assist our children. We need to monitor closely, be it a close relative and that person should be reported because most of them are abusing their children and they are not reported simply because some of the cases will be like - how can I report my father who will take care of us. That is one of the issues that is worrying a lot of children. Thank you Mr. Speaker Sir.

HON. E. NCUBE: I move that the debate do now adjourn.

HON. TEKESHE: I second.

Motion put and agreed to.

Debate to resume: Tuesday, 14th September, 2021.

MOTION

BUSINESS OF THE HOUSE

HON. TOGAREPI: Mr. Speaker Sir, I move that Order of the Day, No. 17 be stood over until Order of the Day, No. 18 has been disposed of.

HON. TEKESHE: I second.

Motion put and agreed to.

MOTION

**REPORT OF THE PORTFOLIO COMMITTEE ON FOREIGN
AFFAIRS AND INTERNATIONAL TRADE ON THE 2020 FIRST,
SECOND, THIRD AND FOURTH QUARTER BUDGET
PERFORMANCE REPORTS FOR THE MINISTRY FOREIGN
AFFAIRS AND INTERNATIONAL TRADE.**

HON. SHAMU: I move the motion standing in my name that this House takes note of the Report of the Portfolio Committee on

Foreign Affairs and International Trade on the 2020 First, Second, Third and Fourth Quarter Budget Performance Reports for the Ministry of Foreign Affairs and International Trade.

HON. GWANETSA: I second.

HON. SHAMU:

INTRODUCTION:

Parliament draws its oversight mandate from the Constitution of Zimbabwe Section 119 (3) which provides that “*all institutions and agencies of the State and government at every level are accountable to Parliament.*”. Section 298 of the Constitution of Zimbabwe, provides *inter alia*, that there must be *transparency and accountability* in financial matters. Section 299 of the Constitution of Zimbabwe obliges Parliament to “*monitor and oversee expenditure by all State institutions in order to ensure that all revenue is accounted for, all expenditure has been properly incurred and any limits and conditions on appropriations have been observed*”. This is further buttressed by provisions in the Public Finance Management Act [Chapter 22:19] which regulates the management of public resources. Sections 32, 33, 34 and 35 of the PFMA compel ministries to submit

monthly, quarterly and annual financial statements and accompanying reports to their respective Portfolio Committees.

REPORTS RECEIVED:

The Committee on Foreign Affairs and International Trade (Herein after referred to as the Committee) received the four quarterly reports all at once on 24 February 2021, well after the prescribed 60 days after the end of the quarter (Save for the fourth quarter report). It then analysed them, with technical assistance from the Parliament Budget Office. The analysis checked compliance with the reporting guideline that Parliament developed in 2016 and the PFMA reporting standards. The Committee also invited the Ministry to appear before it where it sought clarity on a number of issues and more information.

The Committee noted with concern that the Ministry is failing to comply with Section 34 of PFMA which reads, *“Every accounting officer shall submit monthly financial statements and reports for submission by the Minister to the appropriate Parliamentary Portfolio Committee, within thirty days of the respective month.”* The four quarterly reports were submitted all at once on 24 February 2021, well after the prescribed 60 days after the end of the quarter (Save for

the fourth quarter report). The Ministry availed the main appropriation account for the year ending December 31, 2020 and promised to comply as per the statutory requirements.

The Ministry further availed the following documents to the Committee;

- i. Ministry's Strategic Plan: 2021-2025.
- ii. Ministry's Integrated Performance Agreement for 2020.

The Ministry is working towards availing its Strategic Plan online and to make it accessible to relevant stakeholders timeously in line with the National Development Strategy 1(NDS1) thrust on paragraph 112 on building a robust information management and dissemination strategy. This is aimed at *“making Zimbabwe an attractive investment destination and building a highly competitive national brand bolstered by the implementation of the engagement and re-engagement drive in support of a shift from traditional diplomacy to economic diplomacy”*

COMMITTEE OBSERVATIONS FROM THE FOUR

REPORTS RECEIVED:

The Committee observed that the Ministry of Foreign Affairs and International Trade is mandated to promote, protect and safeguard the national interests, image and influence of the Republic of Zimbabwe in the regional and international arena and to protect the interests of Zimbabwean nationals abroad. The Ministry has three Key Result Areas namely:

- a) Establish and maintain relations with the international community,
- b) Provision of protocol services to the Government of Zimbabwe, the diplomatic and other stakeholders, and
- c) Promoting and protecting the interests of Zimbabwean nationals.

The Committee noted the six policy priority areas for the Ministry for the 2020-2021 period which are:

- i. Strengthening of cooperation with more counties in Africa, the Americas, Europe, the Asians and Pacific regions.

- ii. Work towards removal of sanctions imposed on Zimbabwe by Western countries and their allies continued re-engagement with the USA, EU Members states such as UK, Germany, France, France, Italy, Norway and Sweden, remains critical.
- iii. Intensifying Diplomatic re-engagement with Multilateral Agencies, Institutions and international Organisations.
- iv. Prioritisation of BIPPAs with the rest of the world to show commitment towards investment protection.
- v. Economic diplomacy
- vi. Diaspora Diplomacy

The Committee noted that the Ministry has 2 programmes namely Programme 1: Policy and administration and Programme 2: International Cooperation and Diaspora Engagement. The Committee further noted that the NDS1 on Paragraph 691 rightfully identified the need for a good image, diplomacy and international standing if this country is to be competitive for inward investments, tourist arrivals, favourable international trade relations and increased exports to

support job creation and better living standards for citizens as envisaged in Vision 2030. As such, the Ministry is expected to drive the shift from traditional diplomacy to economic diplomacy.

The Committee noted that NDS1, under the objective of improved country image is aiming at achieving the following: -

- Improve on the Good Country Index from 100/153 in 2020 to 90/153 by 2025;
- Improve on the Country Brand Ranking from 120/189 in 2020 to 100/189 by 2025; and
- Improve on the Global Happiness Index from 146/191 in 2020 to 100/191 by 2025.

To achieve this, one of the 10 strategies laid out in paragraph 701 is the sprucing up and adornment of public buildings and spaces in Zimbabwe and Missions abroad with Zimbabwean art, culture and heritage products.

From the reports submitted, the Committee observed that the Ministry had 728 employees in post and 229 vacancies as at the end of the fourth quarter 2020. The 24% vacancy rate needs to be addressed as soon as possible to enable the Ministry to achieve its

mandate and contribute to the attainment of vision 2030. The Ministry should urgently expedite the recruitment of 43 Accountants and Admin Officers at Head Office as well as 188 Ambassador's, Trade Promotion Officers, LRS, and Ministers Councillors posts.

The Committee also observed that the Unallocated Reserve allocation which the Ministry received contributed to the artificial growth in Ministry expenditure. The Ministry's original budget was ZW\$1.385 billion which was revised to ZW\$3.232 in the PFMS system, albeit without Parliamentary approval as Parliament never approved a supplementary budget. Reports from the Ministry indicate different figures for the recurrent budget. The first quarter report for the Ministry had a recurrent budget of \$1 088 199 000, the second and third quarter reports have \$1 385 435 000 while the fourth quarter report indicates \$2 934 787 750. This is attributed to the movement in the exchange rate wherein the exchange rate was initially pegged at US\$1:ZW\$25 before the adoption of the forex auction system on 23 June 2020 which allowed the rate to float and has converged around 1:83. The Ministry has a foreign component and most of the payments are made in foreign currency.

The Committee noted that there was underutilisation of disbursed funds in Q3 and Q4 for programme 2 as only 34.53% and 34% of the funds were used respectively. The Committee noted that such anomalies arise from the situation where payment runs are raised but not funded and end up being reversed year end. The Committee also noted that Treasury release funds to the Ministry for capital expenditure, but cash and Nostro Funding for Diplomatic Missions is not sufficiently availed. Without the Nostro funding, funds cannot move to Missions, hence the funds will technically be unavailable to our foreign missions.

The Committee noted with concern that all foreign Missions are not connected to the SAP system hence giving rise to the Auditor-General perennial observation of a repeat offence by the Ministry of non-disclosure of expenditure for forty-five (45) foreign missions in the Appropriation Account, excluding employment costs resulting in an understatement of expenditure. The Ministry has been receiving qualified opinions from the Auditor-General for the fiscal years 2017 to 2019 because of this understatement. Expenditure incurred at Missions is not uploaded onto the system in real time as accounts

from Missions are only submitted quarterly in line with the movement of the Diplomatic Bags.

The Committee observed that the Ministry reported that it has successfully engaged with the outside world, achieved higher levels of re-engagement and successfully engaged diaspora community without any reference to the outcome indicators. The report mainly focused on diaspora engagement and did not indicate improvement on trade and investment against the indicated targets. The Committee therefore calls upon the Ministry to relate its achievements to the targets in NDS1 on the results matrix on pages 280 to 283 as well as the indicative yearly targets in the *blue book*.

The Committee noted with concern that the major challenges faced by the Ministry include late disbursements of funds to finance the programmes, rising costs of goods and services shrinking the budget available, lack of foreign currency to funds mission operational budgets and dilapidated infrastructure, furniture and equipment's at missions. The proposed solutions suggested by the Ministry are timely release of funds to support the programmes and an increase in the budget allocation.

The Committee is encouraged that despite the funding challenges, the Ministry managed to achieve the following:

- i. Undertook basic maintenance work for some missions at a cost of \$214 880 000 (Budget \$272 000 000).
- ii. Office furniture was procured at a cost of \$ 20 800 880 (Budget 21 236 000).
- iii. Initial works for renovation of Guest Houses including resuscitation of boreholes at a cost of \$400 000 which is 100% of the budget. Insufficient budget hampered achievement of targets. No vehicles were however acquired despite the glaring need after Treasury suspended vehicle procurement. Fines were virement to furniture acquisition.

The Committee is also fortified that the Ministry engaged Treasury over the issue of utilising revenue generated at Missions to cover urgent pressing issues. It was unanimously agreed that Missions could not watch situations deteriorating to unacceptable levels while there were funds sitting in the bank account. It was agreed that in those extreme circumstances where such revenue is used, the Ministry should comply with statutory requirements by writing to Treasury

seeking authority use the specified sums of funds. The Ministry has been doing that and a running file was opened where all such requests are being kept. The Ministry has also directed that Missions submit quarterly returns of revenue collections for onward submissions to Treasury.

RECOMMENDATIONS:

The Committee recommends the following:

That the Ministry of Foreign Affairs and International Trade should always timeously submit its Quarterly Budget Performances Report in line with the provisions of Sections 32,33,34 and 35 of the Public Finance Management Act [Chapter 20:19] which compel ministries to submit monthly and quarterly financial and accompanying reports to their respective Portfolio Committees.

The Ministry of Foreign Affairs and International Trade should urgently expedite the recruitment of 43 Accountants and Admin. Officers at Head Office as well as 188 Ambassadors, Trade Promotion Officers, LRS, and Ministers Councillors posts. These posts should be filled by 31 December 2021.

The Ministry of Foreign Affairs and International Trade should publish specific incentives to diasporans in the regulations for the Zimbabwe Investment and Development Agency Act [Chapter 14:37] so as to encourage diaspora participation in national development. The NDS1 envisages an increase in diaspora remittances as a percentage of GDP to 8 % in 2021. There is therefore need to review Diaspora Policy and transform it into legislation that will protect the diaspora investments by December 2022.

The NDS1 speaks on the need for acceleration of the rationalisation and streamlining of diplomatic missions. The Ministry should come up with a plan for rationalisation by 30 September 2021 so as to cut costs. That the Ministry of Finance and Economic Development should timeously release budgeted funds to the Ministry of Foreign Affairs and International Trade in order for it to fund its mandates in a more efficient and effective manner as erratic releases impede on the Ministry's ability to achieve its intended objectives. The Committee recommends quarterly releases starting in the third quarter of 2021. These releases should also include the

release of the required foreign currency component to ensure smooth operations at missions as well as the clearance of all outstanding salaries.

That the Ministry of Finance and Economic Development should yearly increase the budget for the Ministry of Foreign Affairs and International Trade programmes, to bolster the country's international trade which is pivotal on attainment of Vision 2030. Also, that the budgeted funds should be timely released for them to have significance impact.

That a budget should set aside funds for diplomatic training across all Government departments in order to build a robust and vibrant diplomatic corps with requisite capacity to represent the country in foreign missions. This should start in the 2022 budget.

The Ministry of Finance and Economic Development and the Ministry of ICT should ensure that all Diplomatic Missions are connected on to the SAP system by 31 December 2021 so that Missions' expenditure will be uploaded in real time.

The Ministry of Finance and Economic Development should prioritise vehicle procurement for the Zimbabwean Diplomatic

Missions. As such, the 2022 budget should set aside funds to procure all the outstanding vehicles for the Missions.

As part of the capital budget, the 2022 to 2025 budgets should set aside funds to procure or construct at least two properties abroad annually so as to reduce rental costs.

CONCLUSION:

In light of the above, it is clear that with regular, consistent oversight of the Executive, sustainable resource utilisation can be realised. This has been witnessed in the reporting and submission of the Ministry's financial performance reports. It is therefore imperative that release of budget resources be made quarterly and predictable so that meaningful outputs and outcomes can be realised. I thank you Hon. Speaker Sir.

HON. KARIKOGA: Thank you Mr. Speaker, I wish to add my voice as I second this motion. While the Ministry endeavours to establish and maintain relationships with the international community, we can also promote larger markets for our ZIM products within the region, through African agreements such as African Continental Free

Trade Agreement. This is promoting trade within central African regions and as Zimbabwe, we can as well join that bloc.

Mr. Speaker, this can only be done by resourcing ZimTrade. The reengagement policy must also focus on African common markets. That is focusing on ensuring removal of trade barriers for movement of goods and people across borders. Mr. Speaker Sir, Zimbabwe is a gateway to Africa through our borders, especially for road freight. The relaxation of visa requirements by Zimbabwe immigration is also a positive move towards transformation of trade in Africa being spearheaded by the Ministry of Foreign Affairs and International Trade. I will give you an example about the Kazungula Bridge, we stand as Zimbabwe to benefit if we apply our minds right on the operations of Kazungula Bridge. Let us also invite key development actors from Africa, such as academics, researchers, professors, financiers and politicians from our region. All these must visit our country. Today social media plays a very pivotal role in the development of the country. These days we have social media influencers of Facebook and other social media platforms. They play a very good role in marketing the country positively. For all this to

happen, the Ministry must be properly resourced and we should be led by business-minded executives within the Ministry. I thank you.

HON. TOGAREPI: I would like to thank the mover of the motion Hon. Shamu and the seconder, Hon. Karikoga. I agree with the presentation made by Hon. Shamu. One particular area that touched me was related to the Ministry of Foreign Affairs being a cash cow on its own and being able to generate income but having difficulties in using or getting a share of those resources that it earns. I would definitely recommend that the Committee and Parliament pushes that the Ministry gets a quarter of what it receives and be able to use those resources to spruce up the embassies that we have dotted around the world. This will ensure that the image of Zimbabwe is projected well such that when you get to a Zimbabwean Embassy, you will be proud of the asset and also that you feel proud that you are Zimbabwean. You will also be proud that the structure represents the image of our country. I really would want to see a situation where resources that are procured by our foreign embassies being used also in the Ministry to try and project the image of Zimbabwe well.

I also agree that the Ministry of Finance during budgeting should allocate more funds. We are in an overdrive as a country through the vision of our President, of doing business with everyone in the world. People would want to do business with people who also project value and also project that they are people of means, even a country. Without resources, it becomes difficult for the Ministry to project that image to be able to participate in areas where they would actually influence on behalf of Zimbabwe for us to have more business and friends and use that as leverage towards our development.

Zimbabwe is open for business – for me, it starts with the Ministry of Foreign Affairs and we would want to see more resources being allocated to this Ministry and ensuring that they have enough vehicles at embassies. If you have an opportunity to travel to some of our embassies, you sometimes find that they have transport challenges. We would want to see this changing. There are also issues relating to income. I have seen a lot of improvement in terms of our ambassadors getting their remuneration. I pray that the Ministry of Finance prioritises that to ensure that our ambassadors are

looked after well. I think we would want to see these being a serious commitment on the Ministry of Finance to ensure that foreign embassies are looked after very well because they are our face in relation to the whole world.

I also feel that we have got a lot of land throughout the world – the Zimbabwean Government has bought land. I would encourage that we develop the land to malls or high value properties that can earn income for the Ministry of Finance or Zimbabwe. In the process, we can also encourage those that have free funds outside Zimbabwe – insurance companies or pension funds can invest there; build those embassies, earn an income for themselves and also create value for the people of Zimbabwe through a shopping mall. For example, if you go to Tanzania, we have properties. I went to Tanzania at one point and saw massive Zimbabwean properties. As I was saying, a pension fund or an insurance company could be engaged and we build a big embassy there or state of the art building that can be rented out. We can earn an income and also look after our foreign missions.

I urge the Ministry of Finance to ensure that such assets are improved and they then contribute to the income that we earn as a country and also help our embassies to then function well.

In a nutshell, I would want to agree with the observations – yes, I saw some areas where they delayed their submissions and some areas that were raised in terms of them not meeting the expectations of the Committee. This all goes down to the funding; whether it is coming from their activities or from the fiscus, it has to be a priority. The Ministry of Foreign Affairs must be a priority because we are driving. The President is driving our international re-engagement and our development through bi-lateral or multi-lateral relationships.

I would like to give an analogy but I do not know whether I will not offend people. Any beautiful girl needs to be more beautified through good dressing. Is it not? But also, if you want to sell a car, if it is scratched, damaged and so forth – who will buy it? The best way is to make sure that the car has been spruced up before you put it on the market. I would want to see our embassies which is my main area, I would want to see them improving. I would like to thank

Government because I have seen tremendous efforts towards improving.

I would like to also thank our foreign missions. They are doing a very good job. If you look at the business that has flown into Zimbabwe, you can tell that there is effort there. There is serious selling and marketing of Zimbabwe. With that, they are really playing their role and they need to be supported by this House. As Parliament, we need to support the Ministry of Foreign Affairs. Every Zimbabwean should thank these men and women who are working hard to see the development of our country and relations that we have that then come to be fruitful and help Zimbabwe to develop. I thank you.

***HON. NZUMA:** I would like to support the motion moved by Hon. Shamu and seconded by Hon. Karikoga in relation to our foreign policy. The fact that he introduced motion is very important to us as a nation. If we look at our country when we initially faced Cyclone Idai, we saw a lot of regional and international countries coming to

assist Zimbabwe and that showed that our foreign policy or our engagement with other foreign countries is very good.

If you also look closely that during the days when our nation got sanctions because of the alleged mistakes and that it was about to be handed over to the United Nations, a lot of countries stood for Zimbabwe to say this country does not have any problems. Even if we look back, 40 years ago, on the issue of armed struggle we saw Zimbabwe being assisted by a lot of countries.

Even during the time when this country faced issues to do with droughts, Zambia had to supply lots and lots of tonnes of maize such that Zimbabwe can serve its nationalities. What was just being said by the previous speakers is that we need the Departments of Finance to have a visit to the Department of Foreign Affairs so that they be given more budget lines for the job to proceed and to go ahead well?

It is very pleasant that when we are in Russia or any other countries, we build structures or houses just like how we do it here in Zimbabwe, and our people there will feel free to say this is how we do it in our country rather than renting. To continue renting those houses does not show that you want to stay there for long. So, if there are

other countries that we have good relations with, we need to build permanent structures. I can give an example that in our homes; if you continually threaten to divorce your wife everyday they will not do any permanent thing.

So, I am in agreement with Hon. Shamu and Hon. Karikoga that we need to do something and support our Department of Foreign Affairs to be 100% funded with all the requisite resources such as vehicles. I remember some other time when I got a call from a relative from Mongolia, if our Ambassador in Russia did not have a vehicle maybe that relative of mine would phone our representatives there, Brig. Sango and in no time, this person would see a convoy of small vehicles with Zimbabwean flag coming to assist him. That relative of mine was very proud to say we have a Zimbabwean Ambassador that represents us.

Therefore, the Ministry of Foreign Affairs must be funded well such that they deliver their services well outside there. I thank you.

HON. TOGAREPI: I move that the debate do now adjourn.

HON. TEKESHE: I second.

Motion put and agreed to.

Debate to resume: Tuesday, 14th September, 2021

*On the motion of **HON. TOGAREPI** seconded by **HON.***

TEKESHE, *the House adjourned at Twenty-Eight Minutes to Six o'clock p.m. until Tuesday, 14th September, 2021.*