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Sexual harassment in higher education in Mozambique: when the victim is someone else's daughter, nobody cares

- Half of the cases reported end up being closed

Maputo, 02nd April 2024

Summary

Sexual harassment in higher education is not fiction, it is reality. Six out of ten female students attending higher education in Mozambique have already been victims of sexual harassment perpetrated by their lecturers. The vast majority did not report it for fear of reprisals, and the few who had the courage to report it were not taken into account by those to whom they reported. This situation occurs despite the fact that the Penal Code criminalises and punishes sexual harassment and that educational institutions have regulations to prevent and combat it. The results of field research in eight higher education institutions in four provinces, Tete, Manica, Inhambane and Maputo City, show that between 2019 and 2022, from the thirty complaints of sexual harassment in higher education institutions, the majority (15) were closed. Meanwhile, six of the cases are ongoing and only nine have reached a conclusion that culminates in the punishment of those involved. This paper argues that the number of complaints is far from reflecting the reality of existing cases due to the lack of credibility in the mechanisms for reporting and protecting whistle-blowers. In the end, the adoption of a specific law to combat sexual harassment in higher education and the creation of independent governing bodies that operate outside educational institutions to deal with issues of sexual harassment reported by students are recommended.

Keywords: *Sexual harassment, higher education, reporting.*

Introduction

Six out of ten female students attending higher education in Mozambique have suffered sexual harassment from their lecturers. Most of the victims don't report it for fear of academic reprisals, and the few who do have the courage to report it don't receive the support they deserve. The cases end up being shelved. This is the result shown by the figures obtained during the fieldwork.

On average, only two out of every six cases of sexual harassment in higher education result in punishment. Between 2019 and 2022, 30 complaints were made. Half of them, 15, were closed. Six are ongoing and only nine have reached an outcome that culminates in the punishment of those involved, eight of which are "soft" punishments (reprimand, transfer, removal and suspension) and only one of which is more severe, expulsion.

The number of complaints registered in higher education is far from reflecting the reality of cases that actually occur in the academic environment. It represents the tip of the iceberg of a larger number of victims silenced for fear of academic reprisals and for discrediting existing reporting channels.

Harassment in higher education can be understood as sextortion, when extortion by those in authority, instead of being charged in monetary amounts, is charged in exchange for sexual favours with users of public services. The impunity that characterises crimes of corruption in Mozambique also reigns in crimes of harassment.

The International Association of Women Judges, in its 2012 report, *Naming, Ending and Shaming Sextortion*, used the term "sextortion" to describe these abuses of authority in which, instead of money, sex is the currency of bribery¹.

Sextortion is still a relatively new term. However, there are significant advantages to viewing sexual harassment through the lens of corruption, i.e. sextortion. Transparency International defines corruption as "abuse of power for private gain", and sextortion fits perfectly into that definition, an abuse of power to gain sexual favour². Focussing on the corruption aspect allows for a background of criminal liability for sexual harassment. It also makes it possible to collect data and develop effective strategies to tackle the problem.

This paper aims to publicise the situation experienced by victims of sexual harassment. They have to overcome a number of obstacles in order to file a complaint and hold those involved accountable, which often ends up discouraging them. This includes mapping the number of cases reported, the reporting channels set up in higher education institutions, the type of referral and outcome that cases have had, as well as the consequences of the practice of harassment on students' academic performance.

The paper is the result of field research carried out in eight higher education institutions in four provinces, Tete, Manica, Inhambane and Maputo City. The choice of sample is intentional and is justified by the fact that in these provinces there have been cases of sexual harassment that have resulted in criminal proceedings and/or have been more publicised.

Quantitative and qualitative research methods were used. In addition to quantifying the results, the aim was to understand the perceptions that students, victims of harassment, and other figures involved in combating this problem have about the handling of sexual harassment cases.

Semi-structured interviews were used as the main data collection technique, aiming at capturing the students' experiences and feelings in detail. Twelve student victims of sexual harassment were interviewed. This process respected ethical procedures, including protecting the identity of the victims.

Document analysis and bibliographic research were also used as data collection techniques. To analyse the data, the research used the content analysis technique, based on the data obtained in the field, in order to make sense of the information obtained.

As for the type of sampling, snowball sampling was used. Through the first respondents, we got to know more students. The choice of sample was intentional. The interviews were targeted only at students who had been victims of sexual harassment and had reported the cases.

¹ <https://www.u4.no/topics/gender/basics>

² Transparency International (2020). Breaking the Silence Around Sextortion.

Throughout the work there were several limitations due to the sensitivity of the subject. Some students did not agree to take part in the research because they felt insecure. They feared possible negative implications from the lecturers and the institution. This aspect dictated the choice of snowball sampling. The slowness and lack of response to letters requesting information from the educational institutions made it unnecessary to draw up a comparative table between the institutions with the highest incidence and affected the deadlines for finalising the survey. The lack of data systematisation and protection policies meant that it was not possible to access details of ongoing sexual harassment cases.

This paper is structured in four sections, this introduction being the first one. The second section presents and discusses the institutional-legal framework for combating sexual harassment in Mozambique. The third section presents the main results of the research and is divided into two sub-parts. The first tells the stories of the victims of sexual harassment and the second describes and discusses the mechanisms used by educational institutions to resolve cases of harassment. The final part will contain final considerations and specific recommendations for institutions that have the role of creating mechanisms to prevent and combat sexual harassment.

1. Sexual harassment is a crime, it shouldn't be silenced

Sexual harassment is a criminal offence. Article 205 of the Penal Code defines sexual harassment as *a crime against sexual freedom in the following terms: whoever, abusing the authority conferred on him/her by his/her functions or taking advantage of his/her condition as hierarchical superior or ascendancy inherent in the exercise of employment, position or function, embarrassing someone with the intention of obtaining a sexual advantage or favour, shall be punished with imprisonment for up to 2 years and a corresponding fine*³.

In the country, in addition to the provisions of the Penal Code, the Higher Education Act of 2023 (n° 1/2023) gives higher education institutions administrative autonomy to sanction offences committed within the academic context⁴. At the level of these institutions, cases of sexual harassment, in addition to criminal liability, are sanctioned using the Internal Codes of Conduct, with the appropriate adaptations of the sanctions provided for in article 64 of the Labour Law⁵, to which all workers in Mozambican territory are subject. There is still no specific regulation to prevent and punish sexual harassment that occurs in higher education. In addition, employees of public institutions are subject to disciplinary measures, provided for in the General Statute of State Employees and Agents (EGFAE), which range from a simple public reprimand to expulsion⁶.

Despite the fact that these provisions establish accountability measures, what simply happens is that many people don't want to punish harassment harshly, despite its proven negative implications, and it seems that when the victim of harassment is someone else's daughter, nobody cares.

2. Sexual harassment is not fiction, it's reality

“At first I thought he was just helping me, but then I realised it wasn't just that... I asked why he was staying in my room. And he replied saying, today we're going to stay here, we're going to sleep together” - Cristina (fictitious name), a student on the Environmental Education course at the Faculty of Education at Eduardo Mondlane University.

Cristina's story was written in 2020 when attending the second year of her course. She received an invitation from a lecturer to take part in the *Climat-U* environmental project, coordinated by Professor Patrício Langa. *“I received an invitation from a lecturer. He instructed me to go to the faculty and meet a member of staff so that he could take me to the project coordinator here in Mozambique. I was invited to create a group and I had to sign a one-year contract with a monthly allowance of 12,000 meticaís” she said.*

This was followed by trips to Nampula and the city of Beira to launch the project. Until then everything was going well, at least

3 Cfr. Number 1, article 205 of Law 24/2019 of 24 December

4 Cfr. Numbers 4, 5, 6 article 10 of Law no 1/2023 establishing the legal regime of the Higher Education Subsystem

5 Cfr. Article 64 of Law 13/2023 approving the Labour Law

6 Cfr. Articles 114, 116, 117 and 118 of Law 4/2022 approving the EGFAE

apparently, until a meeting with the project coordinator, Professor Patrício Langa, Cristina was told about the need to travel to South Africa in order to gather experience on how other universities worked with environmental issues.

It wasn't long before the trip took place. In April 2021, Cristina and Professor Patrício Langa travelled to South Africa. ***"I didn't feel any embarrassment and I saw it as an opportunity to learn, I saw him as a master, a reference"*** she said.

The formula drawn up by the lecturer meant that Cristina's horizon only reached the result of the sum of the opportunities. And he kept to himself the real reason for the journey.

"When we arrived in Cape Town, we were picked up by a hotel car. Once at the hotel, I sat down and he went to the reception. After checking in, he handed me the key and we went upstairs with our suitcases. At first I thought he was just helping me with my bags, but I realised it wasn't just that, so I asked him why he was staying in my room. He replied, "Tonight we're staying here, we're going to sleep together" she explained.

Fear took hold of Cristina and the only thing she could do at the moment was to leave the hotel room she was in and take refuge in the corridor. Desperate, the student just begged to go back to Maputo, to which the lecturer replied that he hadn't forced her to travel. ***"It was after that that he agreed to go into another room. The following day we left the hotel and went to a flat, where we stayed for three days without any contact with the universities. Then we went back to Maputo."*** she added.

Despite not being able to "sleep" with Cristina, the trauma created by the lecturer's attitude lasted throughout the night and left after-effects that are hard to forget, even after a long time. ***"During the night I always checked the door. When I returned to Maputo I couldn't sleep at night and I became afraid of working with men, so much so that in my last year I asked to be supervised by a female tutor"*** she said.

Back in Maputo, Cristina told the secretary at the office where the project was being carried out about the details of the trip. The secretary immediately told the student that there were no criteria for the lecturer to involve her in the trip. ***"After I told her everything that had happened during the trip, she said that I couldn't have travelled with the professor, because it wasn't the first time he had acted like that, he had already made similar invitations to other assistants"*** she said.

From that moment on, Cristina realised that the lecturer had premeditated the trip to South Africa in order to satisfy his lust for the young student.

After her conversation with the secretary, Cristina contacted UCL's Institute of Education and made the complaint. The curious fact is that the student chose to report it to an external institution and not to UEM, the institution to which she belonged. ***"I didn't report it to UEM because I didn't know about the reporting mechanisms that existed at the institution, so much so that it was only after pressure from the media and some Civil Society Organisations that the university started sticking up leaflets about sexual harassment,"*** she explained. In addition, Cristina revealed that she feared the case would not be taken seriously because the professor was influential in the rector's office. He was an advisor to the rector.

After learning about the case in July 2021, the Deputy Chairman of the Institute of Education at University College London (UCL), Fiona Ryland, in her capacity as funder of the *Climate-U* project, sent a letter to the vice-chancellor of Eduardo Mondlane University (UEM) in which she urged UEM to investigate the case of alleged sexual misconduct involving Professor Patrício Langa, the project coordinator in Mozambique, and the student.

In order to respond to pressure from the project's funder, UEM set up a commission to investigate the case. The commission of enquiry was made up of Prof Inocente Vasco Mutimucuoio (instructor of the case) and Prof Isabel Casimiro (registrar) and they decided to contact the allegedly harassed student. ***"I was asked, I told them about the trip and I shared the messages sent by the professor and the travel tickets,"*** said Cristina.

However, UEM says it has closed the case due to insufficient evidence to hold the lecturer involved criminally responsible, but claims to have verbally reprimanded the lecturer. ***"There was a process, an investigation was carried out and it was concluded that what we should do was call the professor to account, because there was no criminal matter. There were indications and the professor"***

was brought to the attention of the university community. The case was closed and the university apologised to the girl.” Revealed Gracinda André Mataveia, Director of UEM’s Gender Affairs Coordination Centre (CeCAGe).

In partnership with Mídia Lab, we requested the evidence of the investigation carried out by the UEM⁷. However, the Faculty of Education of the UEM refused to provide it on the grounds of professional secrecy⁸.

The case of Cristina, a student at UEM, is not isolated. Sexual harassment is a reality experienced in all higher education institutions in the country. Victims, in addition to suffering the reprisals imposed by the offender, are discouraged from reporting it.

“He said that it was up to me, as a student, whether or not to agree to sleep with the lecturer and pass the subjects”



The story of Luísa (fictitious name), aged 24, a student studying Food Engineering at the University of Zambezia-extension in Angónia, Tete province, is yet another example of this sad reality.

“Either you do it or you don’t. I can’t lose a lecturer because of a student”. This was the response Luísa received from the pedagogical director when she tried to report an alleged case of sexual harassment against one of her lecturers.

Luísa graduated from high school in 2017 and, not unlike many, becoming a university graduate has always been a dream of hers since she was a teenager. A dream that united generations because having a daughter with a degree had always been her parents’ wish.

Her first attempt to enter a university was in 2018, but it wasn’t until 2019 that she was admitted.

At the university, Luísa didn’t expect that the attitude of a lecturer, who at first behaved like a “father”, would transform the image she had of academia in just three months. *“I don’t know how it started, what caused it or why I did it. In the space of three months, just after I started studying, I had a lecturer who I don’t know how he got in touch with me. He was already sending messages, first to find out about my expectations in the course, if I had any difficulties, and I thought that was normal,”* she said.

It didn’t take long for the lecturer’s conversations to start to lose their ethical content and become cloaked in language that covertly tried to protect his predatory desires. *“One day, when I was leaving the university, the lecturer sent me a message asking me to come round to his house and help him cook. I said I couldn’t. He asked me if I had a boyfriend, if I was married,”* says Luísa.

Luísa felt embarrassed and her first solution was to block the lecturer’s contact. But what she couldn’t have imagined was that this

⁷ Attached document

⁸ Attached document.

attitude would usher in a new reality in her academic career. The student began to live in a cycle of failing all the subjects taught by that lecturer. With every effort, the lecturer made it clear that until his wishes were fulfilled, Luísa would be doomed to failure. *“He told my classmates that if I wanted to pass his subjects I had to meet him, sleep with him,”* she said.

“From the first year until now, I’ve failed all his subjects. A course that I would have finished in five years, I don’t know if I’ll finish while he’s teaching at this university. I’m now in my fourth year, but I’ve only done 24 subjects, out of a total of 48,” Luísa said.

In view of this situation, Luísa told her parents about the lecturer’s behaviour and the consequences she was suffering for refusing to “sleep” with him. In turn, Luísa’s parents advised her to bring the problem to the attention of the university management. Luísa approached the pedagogical director and explained the situation. However, to the student’s dissatisfaction, instead of resolving the problem, the pedagogical director encouraged her to silence it because similar cases have always existed at that institution.

For the pedagogical director, it depended on whether or not the student agreed to sleep with the lecturer and pass the subjects. *“He said that it depended on me, as a student, whether or not I agreed to sleep with the lecturer and pass the subjects, because he said to me, either you do or you don’t, I can’t change a human being’s way of thinking, I can’t lose a lecturer because of a student,”* recalled Luísa, with a distant look in her eyes, but it is difficult to imagine her future because the dream of graduating from higher education remains an unknown that only time will unravel.

Why don’t you let me “eat” you? Sometimes I spoke in changana because I knew I was machangana. They were heavy expressions!



Elsa (fictitious name), a student on the Rural Engineering course at the UEM School of Rural Development (ESUDER), in the Vilanculo district of Inhambane province, didn’t escape the lecturer’s predatory gaze either.

Like Cristina and Luísa, at first the lecturer appeared to be a friend and then came the invitations. *“Even in the first semester, he would call. He’d ask me out, to go to the beach, to a restaurant, and I’d always make up a story to turn him down,”* said Elsa.

Until then, everything seemed a mystery. But in the second semester, the lecturer decided to unveil his intentions. *“During the semester, we went on a study trip to Chokwé district in Gaza, with the aim of evaluating the field activities. The lecturer asked me if I had a place to stay because he wanted to rent a room so we could stay together. I replied that I had already asked to stay with a friend from that province,”* she said.

Despite Elsa’s refusal to share a room with her lecturer, the trip to the fieldwork apparently went well. However, Elsa was awarded zero marks for her fieldwork in Chokwé. *“I think he gave me a zero because of my attitude during the trip, that I refused to sleep with him,”* said Elsa, emphasising that just because she went on the trip, under the terms and conditions applicable to practical classes at ESUDER, she should automatically get a 10.

Elsa's academic punishment didn't end there: ***"Then we did another assessment and I thought I'd got at least 80 percent of the test right, but when I went to look at the mark on the system I didn't believe. I got nine marks, and I failed the subject,"*** she said with the sad face of someone who still hadn't got over what had happened, even though four years had passed.

"I don't have a test correction to give you, it's in my head".

Not satisfied with the result, Elsa approached the lecturer to ask for the test to be corrected. However, the lecturer used his arrogance to make the student's complaint impossible. *The lecturer said he didn't have the corrected test to give me, it was in his head,"* she explained.

The certainty that the mark she had been given by the lecturer did not correspond to her performance in the assessment made Elsa raise the issue with other lecturers. However, the "absence of material evidence" made her realise that nothing could be done to hold the lecturer accountable. ***The lecturers asked if I had any messages, call recordings or witnesses to prove the lecturer's behaviour. I said no, because the biggest proof was my tests, and they could take them and correct them to see if I was right or wrong. Having said that, a lecturer said that without proof she couldn't help, it would be my word against his,"*** Elsa said.

Even with the negative response, Elsa didn't give up. She continued to look for solutions to her problem until another lecturer took an interest in her case. She called a meeting attended by Elsa, the lecturer who had harassed her and other members of the institution's teaching staff. The case was discussed and after this process it was confirmed that there had been errors in the correction of the student's assessments. As a result, she could now be admitted to the exam in the subject taught by the lecturer in question. The lecturer was removed from teaching for a period unknown to the victim. ***It was only after the withdrawal and introduction of other lecturers that I was able to take the subjects. Only in this way was it possible to finish the course -*** she finalised.

Despite the "soft" punishment, Elsa's story represents a minority of cases in which the accused lecturers were punished by the educational institution. However, there is no information that the lecturer who committed the harassment was held criminally responsible. Since harassment is a criminal offence, ESDUER had a duty to encourage the student to refer the case to the Public Prosecutor's Office, after having taken the administrative decision to remove the lecturer from teaching.

Psychologist Brígida Nhantumbo explained that sexual harassment practices in the academic sector are responsible for a series of consequences for the victims and affect their academic performance. *A student who is the victim of sexual harassment develops feelings of guilt, injustice, fear, and often tends to be aggressive because she is in an environment where few believe that harassment exists. The victim also has difficulties relating to other students, especially those of the opposite sex,"* she explained.

The psychologist explained that *the most serious stage of bullying is when all these feelings force the victim to drop out of school or even commit suicide,* emphasising that there is an urgent need to look at this phenomenon seriously.

3. Only thirty reports of sexual harassment in the last four years

The survey carried out during the research, in eight higher education institutions, in the prosecutors' offices of the provinces of Tete and Inhambane and in the Ministry of Science, Technology and Higher Education (MCTES), on the rate of complaints and the outcome of sexual harassment cases, concluded that in the period between 2019 and 2022, thirty complaints were recorded concerning higher education institutions. From the thirty complaints, fifteen were closed, allegedly for lack of evidence, twelve (12) for poor procedural instruction, one (1) for unjustified reasons (2). There are still six cases in progress and only nine resolved.

Despite the existence of processes aimed at investigating sexual harassment, some studies show that many cases still go unnoticed by the education authorities, due to the victims' lack of confidence in the reporting channels set up in their respective institutions.

Data from the study on sexual harassment and sexual abuse in higher education institutions in Tete Province, carried out by the Centre for Youth Studies and Empowerment (GALAMUKANI) in 2022, reveals that in a sample of 223 female students, 160, equivalent to 71.7%, reported sexual harassment against their lecturers during the interviews carried out by this organisation.

Another study, carried out by the Gender Centre and Postgraduate Directorate of the Faculty of Education and Psychology in partnership with the h2n Association, on the prevalence of cases of sexual harassment at the Pedagogical University of Maputo, points out that 66 students, out of a total of 189 participants, reported cases of sexual harassment.

In 2023, Mídia Lab conducted a survey involving some female university students and the results are even more worrying. The survey revealed that at least 1,000 women attending higher education in Mozambique suffer, or have suffered, some kind of harassment. And from that universe, only 60 people, which is equivalent to 6%, have ever reported it. And from those who reported, only eight have had their cases partially resolved. From the 1,000 women who said they had suffered harassment, 50 percent were from Eduardo Mondlane University, 26 percent from Joaquim Chissano University, 16 percent from Maputo Pedagogical University and 8 percent from Uni-Púnguè.

Table 1: Table of complaints of sexual harassment by higher education institutions in Mozambique

Institution	No. of complaints	Outcome
UEM	FACED	1 Case dismissed for lack of evidence
	DMI-FC	2 1 Resolved with removal order
		1 Case closed (unjustified)
	MEDICINE	1 Case dismissed for lack of evidence
	ECA	1 Case dismissed for lack of evidence
	ESUDER	2 1 Resolved with removal order
		1 Resolved with removal order
ESHT	3 1 Resolved with suspension order	
	1 Resolved with suspension order	
	1 Criminal proceedings in progress	
UP	FEP	6 2 Resolved by order to transfer lecturers to other public universities
		1 Resolved with a public reprimand order
		3 Cases closed for lack of evidence
UJC	2	Cases closed for lack of evidence
UNI-PÚNGUÈ CHIMOIO	6	1 Case closed for lack of evidence
		5 In progress
UNI-PÚNGUÈ TETE	3	1 Case closed for lack of evidence
		1 Resolved with expulsion order
		1 Criminal case closed due to poor investigation
UNI-ZAMBEZE ANTONIA	1	No case opened
ISP-CHIMOIO	1	Case dismissed for lack of evidence
UCM	1	Case dismissed for lack of evidence

Source: Prepared by the author based on data obtained from educational institutions, MCTES and MP, 2023

According to the data collected during the fieldwork, the vast majority of cases are concentrated at the country's oldest educational institution. At UEM there were 10 complaints, equivalent to 33.3 percent of the cases. Four of these cases have been closed, five have reached a conclusion, culminating with the punishment of those involved, and one is ongoing at the Inhambane Provincial Prosecutor's Office.

For its part, the Faculty of Education and Psychology of the Pedagogical University (FEP-UP) has recorded six cases of sexual harassment since it set up the Children's Centre for Gender and Intersectionality (CIEGI) in 2019. Three cases have been penalised and three others have been closed due to lack of evidence.

Púnguè de Chimoio University (Uni-Púnguè, Chimoio) has also registered six complaints of sexual harassment, of which one has been dismissed for lack of evidence and another five are underway.

Púnguè University of Tete (Uni-Púnguè, Tete) presented 10 percent of the cases. Three complaints were channelled, two to the Tete Provincial Prosecutor’s Office and one to the institution’s rector.

At the Joaquim Chissano University (UJC) all the complaints that were filed were dismissed for lack of material evidence.

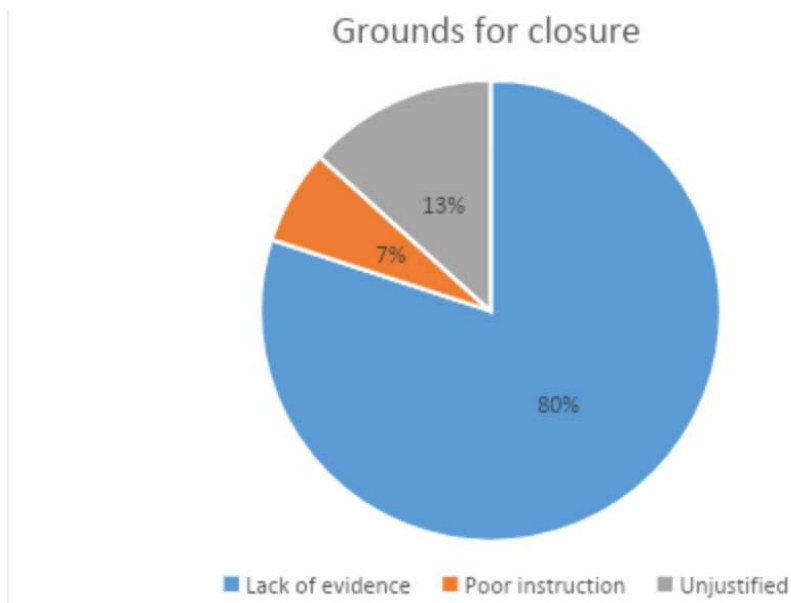
The cases of complaints with closed cases are repeated in almost all higher education institutions. At the Catholic University of Mozambique - Chimoio (UCM-Chimoio), one complaint has been closed. At the Zambezi University of Angonia (Uni-Zambeze, Angonia) and the Higher Polytechnic Institute of Chimoio (ISP-Chimoio), there is also a record of one complaint closed for lack of evidence, for each institution.

3.1 Lack of material evidence justifies the closure of around 80 percent of cases

The difficulty in presenting “material evidence” on the part of the complainants was used by the institutions to justify the dismissal of 12 sexual harassment cases, which represent 80 percent of the total of 15 complaints dismissed.

Also in the course of the research, it was possible to ascertain that, in some cases, complaints of sexual harassment involving students are even filed with the Public Prosecutor’s Office and the courts. However, even at the level of these organisations, some complaints end up being dismissed. In Tete province, the Public Prosecutor’s Office closed a sexual harassment case against Uni-Púnguè. The complaint was filed at the Tete Provincial Prosecutor’s Office, still in the preparatory phase, allegedly due to insufficient evidence.

Figure 2: Causes behind closed cases



Source: Prepared by the author, 2023

The existing institutional mechanisms do not specify which elements should be used as evidence of sexual harassment. The Regulations for Combating Corruption and Sexual Harassment, applied in technical and vocational education⁹, as well as the Regulations for Preventing and Combating Sexual Harassment in the UEM¹⁰, only mention that “complaints should contain as much information as possible to enable the offenders to be held accountable, from the identification of the complainant and the offender, the description of the facts, to the indication of witnesses”.

For the executive director of the Women’s Observatory, Quitéria Guirengane, the claim that cases are closed due to insufficient material
9 Cfr. Article 8 of Ministerial Diploma 36/2019 approving the Regulation to combat corruption, sexual abuse and harassment and all types of sexual abuse in schools
10 Cfr. Number 7, article 10 of the Regulations for preventing and combating sexual harassment at Eduardo Mondlane University

evidence is ineffective and discourages future complaints. *This is because sexual harassment is characterised by intimate and discreet aggression, in which the perpetrators try to avoid evidence. The search for probabilistic elements to prove that harassment has occurred must take into account the specificities of this type of crime,*” she says.

Quitéria Guirengane also points out that, although institutions consider material such as messages, recordings of images and audios or calls to prove sexual harassment, sometimes these elements make it difficult to hold those involved accountable and turn victims into offenders. *The question is, to what extent does our legislation not create fertile ground for victims to become offenders? For example, articles 252 and 257 of the Penal Code, both on the invasion of privacy and illicit recordings, respectively, state that you can’t make a recording and use its content without the authorisation of the person being recorded. So I, as the victim, have to ask my attacker if I can record him? - he asked.*

The testimony of Maria (fictitious name), a student at Uni-Púnguè in Tete, is a reflection of the challenge that the construction of material evidence imposes on victims of sexual harassment. Because she had recorded her lecturer and presented this as evidence, the lecturer, not satisfied with the way the case was going, had criminal proceedings opened against the student, accusing her of illegal recording.

Maria was a student on the chemistry teaching course at Uni-Púnguè in Tete when she was harassed by her lecturer, who was also the course director. To prove the sexual harassment carried out by the lecturer, the student recorded an audio in a laboratory to which the lecturer had invited her, with the intention of forcing the student to give in to her sexual desire.

In that audio, the lecturer said that all the people who are in positions of power are because they have done things to others and that a minister had to sleep with someone with power. He also said that bodies were made to exchange fluids and I was missing out on a lot because I didn’t accept him, and my hand was beautiful to hold his genital organ. But I made it clear that I wouldn’t give in to his desires,” said Maria.

The recording made by Maria was used as one of the elements that helped to open disciplinary proceedings against the lecturer, whose sanction was expulsion. The case went all the way to the Judicial Court of Tete Province.

Not satisfied with the outcome of the case, the lecturer resorted to articles 252 and 257 of the Penal Code to prosecute the student for recording and using audio produced illegally.

Although Article 252(2) of the same law states that it is not punishable when the disclosure of facts relating to private life is carried out as an appropriate means to fulfil a legitimate and relevant public interest, and in Maria’s case, the student wanted to collect evidence to prove the crime of sexual harassment committed by the lecturer, the case was filed at the end of 2022 with the National Criminal Investigation Service (SERNIC) in Tete province. And, until the end of the research, the case was awaiting its outcome.

In the opinion of the public prosecutor in Inhambane, Pompílio Xavier, it is important not to ignore other elements in order to prove the practice of sexual harassment, from the number of people affected by the behaviour of the same lecturer to the performance of the complainants in other subjects.

There are other elements to consider. The number of accusations against the same lecturer for the same behaviour is already a warning sign for the investigation, and what’s more, by analysing the students’ curricular performance in other subjects during the same period, and re-evaluating the timetables, tests and exams once assessed by the lecturer in question, it’s possible to find elements that could justify the students’ narrative - explained the prosecutor

The testimony of Elsa, a student at ESUDER in the province of Inhambane, corroborates this aspect because it was from the correction of the student’s tests by other lecturers that the conclusion was reached that there had in fact been a negative action by the lecturer. This was the only way to allow the student to pass her subjects.

3.2 Bad instruction behind the dismissal of criminal cases against sexual harassment



The case of sexual harassment of Maria, a student at Uni-Púnguè in Tete, outside the disciplinary process against the lecturer, in October 2021, resulted in the opening of criminal proceedings by the Judicial Court of Tete Province. However, in 2022, the court decided to close the case on allegations of poor procedural instruction.

According to Maria, the court found that the poor instruction was the result of non-compliance with the provisions of article 209 of the Penal Code, regarding the legitimacy of the complaint. According to this article, the crime of sexual harassment cannot be prosecuted without a prior complaint from the offended person. In this case, the institution was responsible for making the complaint, making the student only an informant in the process.

Sexual harassment cases that are closed due to poor investigation, although they only account for 7% of closed cases, deserve special attention because of what they represent. As well as avoiding criminal liability for those involved, they expose the institutions' lack of knowledge about the measures to be taken to deal with complaints of sexual harassment and increase the victims' level of insecurity about the role of the institutions in these processes.

In March of this year (2023), the School of Hospitality and Tourism at Eduardo Mondlane University (ESHT-UEM) suspended two lecturers accused of sexual harassment. The lecturers were suspended following a complaint made by a group of female students. The students shared stories of proposals to exchange marks for sex which, because they refused, culminated in successive failures.

According to the public prosecutor for Inhambane province, Pompílio Xavier, in 2022 a criminal case was filed against one of the ESHT-UEM lecturers accused of committing four related offences, namely: sexual harassment, abuse of office, falsification of documents and passive corruption.

The criminal case concerns the lecturer Hélder Hugo, who is also a member of the Inhambane Municipal Assembly for the Frelimo party.

However, the case has stalled due to a conflict of interest on the part of UEM's representative. The law firm that was defending the university's interests in the case was at the same time defending the interests of the defendant, who was understood to be a professor at the university. ***This led to the conflict of interest appeal. At the moment we're waiting for the judge to rule to remedy this procedural irregularity," explained the prosecutor.***

Pompílio Xavier added that, ***in this way, only after the trial to assess the incident will the preliminary debate take place so that the investigating judge can decide whether or not the prosecution's accusation has "legs to stand on" and whether or not the lecturer will be brought before the judge of the case.***

This case once again shows a trend of solidarity between the institutions and their employees accused of sexual harassment. In this case, for example, even though UEM's interests clashed with those of the accused, they were both assisted by the same law firm.

Contacted by the research team to comment on the criminal case of sexual harassment in which he is accused, the lecturer Hélder

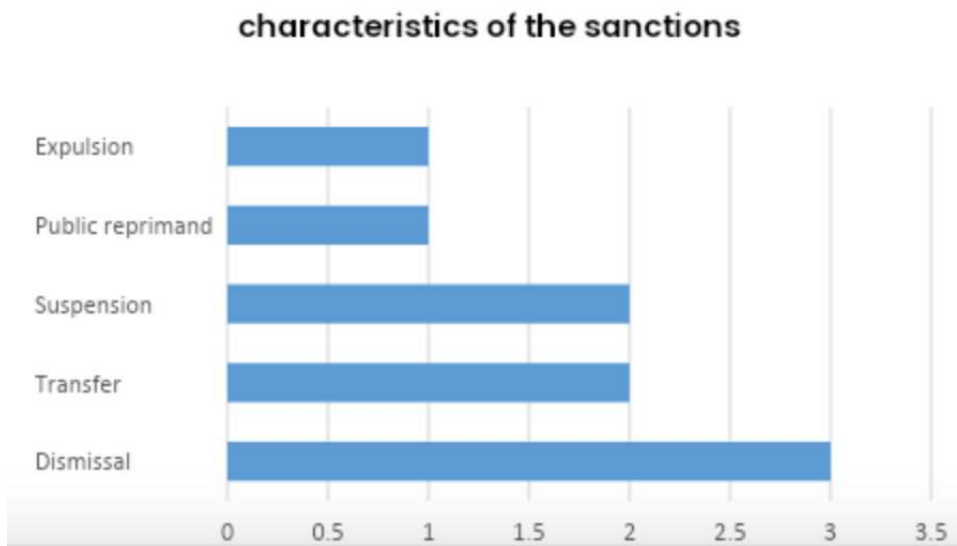
Hugo claimed it was an injustice because no material evidence has been presented to justify the prosecution’s accusation in Inhambane province.

When confronted with the existence of evidence at the Public Prosecutor’s Office, the lecturer replied that the right person to talk to about the matter is his lawyer. However, he refused to share his lawyer’s contact details.

3.3 Only 30 percent of sexual harassment offenders were sanctioned

In the same period, 2019 to 2022, only nine (9) offenders were sanctioned, representing 30 percent of the cases resolved. The cases occurred at UEM (5), FEP-UP (3) and Uni-Púnguè de Tete (1).

Figure 3: Characteristics of the sanctions imposed on offenders



Source: Prepared by the author, 2023

However, the evaluation of cases in which sexual harassment was confirmed showed that universities have opted for “soft” sanctions to hold offenders accountable. The most recurrent are: dismissal (3), transfer (2), suspension (2) and public reprimand (1). Uni-Púnguè in Tete was the only institution where the case of sexual harassment was severely penalised. It culminated in the expulsion of Maria’s lecturer, who also held the position of director of the chemistry teaching course.

Article 121 of the EGFAE, the regulation governing civil servants in public institutions, states that in cases where any aggravating factor is recorded in the disciplinary procedure, the offender must be given the most serious penalty of that level or the lowest penalty of the next higher level, which was not observed in many cases where sexual harassment was confirmed. An example of this is the case of Elsa, at ESUDER. Although the lecturer was dismissed (temporarily), because his behaviour caused the student enormous academic damage by failing a total of five subjects over two years, and also because it was reported by more students after Elsa had the courage to expose the situation, the institution would have applied the most serious sanction (expulsion). The same would have happened in the case of the sexual harassment of the young student Cristina, in which UEM only apologised to resolve the problem.

The preference for “lenient” sanctions, even in the case of aggravating situations such as the accumulation of offences, premeditation and the seriousness of the offence (the academic, financial and moral damage caused to the victims), proves to be yet another mechanism for institutions to protect the lecturers involved.

Although disciplinary action does not cancel out the possibility of criminal proceedings, in the cases that have been resolved there is little incentive to follow up with criminal liability for sexual harassment. In only three cases, out of a total of nine, were the victims referred to the Public Prosecutor’s Office, namely the two at Uni-Púnguè, in Tete, and the case at ESHT-UEM, in Inhambane province.

3.4 MCTES received only five complaints of sexual harassment

In an interview with the research team, the inspector general of the Ministry of Science, Technology and Higher Education (MCTES), Fernando Niquice, revealed that in the period between 2019 and 2022, the Ministry only received five (5) cases of sexual harassment from higher education institutions across the country. The complaints relate to ISP-Chimoio, UCM, Medicina-UEM, ECA-UEM and FACED-UEM.

This organisation, which is meant to inspect and monitor higher education activities, is unaware of the “real” picture of sexual harassment cases in the institutions under its jurisdiction.

Fernando Niquice justified his lack of knowledge about the real situation of sexual harassment by pointing to the autonomy that higher education institutions have in resolving their problems. *Higher education institutions enjoy administrative autonomy in solving problems because they are closer to and have a better understanding of the academic community,”* he said.

The autonomy of higher education institutions in resolving cases of sexual harassment has been contested because of the proximity factor. Bondestam & Lundqvist (2020) argue that the highly hierarchical environment of universities, the influence exerted by staff, combined with the fears that managers feel that being proactive in identifying cases of harassment could have a negative impact on institutional reputation, contribute to the various difficulties in revealing and investigating situations of harassment.

In the country, although educational institutions recognise sexual harassment as a problem, they are still not sufficiently prepared to deal with reported cases. For example, so far only two higher education institutions have established specific channels for reporting and investigating cases of sexual harassment.

Through resolution 5/CUN/2008 of 8 May, UEM created the Gender Affairs Coordination Centre (CECAGE). And, as part of the Eduardo Mondlane University Gender Strategy 2020-2030, in July 2022 it created the Regulation for Preventing and Combating Sexual Harassment. For its part, the Faculty of Education and Psychology of the Pedagogical University (FEP-UP) established the Children’s Centre for Gender and Intersectionality (CIEGI) in 2019. However, this body only reports to the Faculty of Education and Psychology.

In other higher education institutions, reports of sexual harassment are submitted to the rector’s office and/or the pedagogical director, social action centres or student offices.

However, even in the two institutions where there are specific channels for reporting sexual harassment, their performance is conditioned by various constraints, ranging from a lack of financial autonomy, limitations in decision-making and a lack of specialised human resources to deal with these cases, taking into account their particularity.

Another factor that reduces the scope for action of these centres for victims of sexual harassment is the fact that they only play a formal role in the process of deciding on the outcome of sexual harassment cases. It’s up to the relevant manager (rector, vice-rector, pedagogical director) to make the decision.

Conclusion

This research on sexual harassment in higher education in Mozambique focussed on the processes of referral of complaints and the outcome of cases. Based on the analysis of 30 complaints of sexual harassment in higher education institutions, it was possible to conclude that in Mozambique there are many cases of sexual harassment, but few are reported. In the cases that are reported, few are held accountable. Lack of material evidence and poor procedural instruction are the most common reasons used by the institutions responsible for punishing sexual harassment practices to avoid holding those involved to account, which adds to the feeling of impunity towards the offenders and discourages future complaints.

The preference for lighter sanctions, namely dismissal, suspension, transfer and public reprimand, even in the existence of aggravating situations such as the accumulation of offences, premeditation and seriousness of the offence, has proved to be another mechanism for institutions to protect the lecturers involved.

The Ministry of Science, Technology and Higher Education, as the body that oversees higher education institutions, is unaware of the “real” picture of sexual harassment cases in the institutions under its jurisdiction. Its actions are limited to relying on the capacity of higher education institutions to resolve problems, under the pretence of proximity and greater understanding of the academic community. However, it has been these institutions and their bodies that have so far failed the victims of sexual harassment, allowing these practices to be silenced and the protagonists not to be properly held accountable.

The impunity that characterises the crime of sexual harassment makes it necessary to view it through the lens of corruption, i.e. sextortion, when the bargaining chip, instead of being charged in monetary values, is charged in exchange for sexual favours. Sextortion allows for a baggage of criminal liability for sexual harassment. It also makes it possible to collect data and develop effective strategies to tackle the problem.

Recommendations

To the Ministry of Science, Technology and Higher Education:

- Create a regulation to prevent and fight sexual harassment in higher education;
- Include the resolution of sexual harassment cases in the quality indicators to measure the performance of higher education institutions in this area;
- Create/promote governing bodies, operating outside educational institutions, to receive and deal with reports of sexual harassment.

To higher education institutions:

- Strengthen the mechanisms that ensure the protection of whistle-blowers, to avoid possible retaliation and encourage reporting;
- Hold those involved accountable, on the basis of the sanctions established in the regulations applied and taking into account their aggravating factors, whenever necessary;
- Create a detailed database on cases of sexual harassment and proactively share this data with the public.

To the Public Prosecutor’s Office:

- Create/promote governing bodies operating outside of educational institutions to deal with issues of reporting sexual harassment. For reasons of proximity to the teaching environment, where harassment occurs and where the protagonists (lecturers) have the most influence, the current reporting and support channels established in the educational institutions themselves have not been able to convey confidence to the victims, which is why many cases go unreported;
- Create a permanent network of contact with the academic community in order to clarify legal aspects related to the crime of sexual harassment.



29 de Agosto de 2022

Exmo. Senhor Professor Doutor
Manuel Guilherme Júnior
REITOR DA UNIVERSIDADE EDUARDO MONDLANE

**REF: PEDIDO DE INFORMAÇÃO AO ABRIGO DA LEI DO DIREITO À
INFORMAÇÃO**

Dirijo-me com toda estima a V. Excia a fim de solicitar que me seja proporcionada a informação que adiante detulho e que necessário para fins de investigação jornalística.

1. Que medidas foram tomadas pela Universidade Eduardo Mondlane sobre a conduta do professor Patricio Langa?
2. Como os direitos das vítimas de assédio estão a ser protegidas pela Universidade?
3. Qual foi a medida disciplinar tomada pela Universidade Eduardo Mondlane?
4. Quais foram as conclusões da Comissão de Inquérito sobre o caso de assédio envolvendo o Professor Patricio Langa?
5. Segundo o Jornal Evidências, uma investigação estava em curso, pressuponho que se tratava dum processo disciplinar: quais foram as conclusões da instrução do processo disciplinar? Podemos ter acesso ao relatório do processo?
6. Sabemos de que o Director de Recursos Humanos chamou a visada para, em nome do Magnífico Reitor, pedir desculpas: quais os fundamentos de pedido de desculpas? A Universidade reconhece, com este pedido de desculpas, a prática do assédio sexual por parte do Professor Patricio Langa?
7. O Estatuto Geral de Agentes e Funcionários do Estado estipula que a sanção pela prática de assédio é a despromoção: ao se fazer o pedido de desculpa, o que pressupõe o reconhecimento da prática de infracção, também se aplica a sanção prevista no EGEAE? Se sim, podemos ler a evidências? Se não, quais as razões?
8. Quais as medidas que a Universidade tomou para proteger física e moralmente a todos quantos trabalharam neste processo, desde os membros da Comissão de Inquérito, os instrutores do processo disciplinar, os tomadores de decisão abaixo do Reitor e a vítima?

Neste sentido, de acordo com a lei, cumprio o processamento do meu pedido de informação de acordo com o disposto no Decreto 34/2014, de 31 de Dezembro, que aprova o Regulamento da Lei n.º 34/2014. Note-se que a informação prestada deve ser oficial e não em simples cópias, nos termos da alínea g do Artigo 3.

Rui Miguel Simões

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29 de Agosto de 2022

À
Professor Inocêncio Matimucio
UNIVERSIDADE EDUARDO MONDLANE

**REF: PEDIDO DE INFORMAÇÃO AO ABRIGO DA LEI DO DIREITO À
INFORMAÇÃO**

Dirijo-me com toda estima a V. Excia a fim de solicitar que me seja proporcionada a informação que adiante detulho e que necessário para fins de investigação jornalística.

O Jornal Evidências publicou uma informação com base numa carta denúncia vinda da University College of London dando conta de uma alegada prática de assédio sexual por parte do Professor Patricio Langa. Das nossas investigações ficámos a saber que a Dr. Inocêncio Matimucio foi o instrutor do respectivo processo disciplinar. Célia Buapez dirigiu a Comissão de Inquérito.

1. Quais as conclusões e as recomendações da instrução do processo disciplinar?
2. Podemos ter acesso às evidências sobre as conclusões e as recomendações do processo disciplinar?

Neste sentido, de acordo com a lei, cumprio o processamento do meu pedido de informação de acordo com o disposto no Decreto 34/2014, de 31 de Dezembro, que aprova o Regulamento da Lei n.º 34/2014. Note-se que a informação prestada deve ser oficial e não em simples cópias, nos termos da alínea g do Artigo 3.

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29 de Agosto de 2022

À Faculdade de Educação
Professor António Cipriano Parafino Gonçalves
UNIVERSIDADE EDUARDO MONDLANE

**REF: PEDIDO DE INFORMAÇÃO AO ABRIGO DA LEI DO DIREITO À
INFORMAÇÃO**

Dirijo-me com toda estima a V. Excia a fim de solicitar que me seja proporcionada a informação que adiante detulho e que necessário para fins de investigação jornalística.

O Jornal Evidências publicou uma informação com base numa carta denúncia vinda da University College of London dando conta de uma alegada prática de assédio sexual por parte do Professor Patricio Langa. Das nossas investigações ficámos a saber que tanto o Professor, quanto a estudante, estão afeitos à Faculdade de Educação.

1. A Faculdade de Educação teve acesso ou recebeu a denúncia?
2. Em caso afirmativo, quais as medidas tomadas pela Faculdade, atendendo e considerando que até hoje reina um silêncio sobre o caso?
3. Podemos ter acesso às evidências sobre os procedimentos seguidos?

Neste sentido, de acordo com a lei, cumprio o processamento do meu pedido de informação de acordo com o disposto no Decreto 34/2014, de 31 de Dezembro, que aprova o Regulamento da Lei n.º 34/2014. Note-se que a informação prestada deve ser oficial e não em simples cópias, nos termos da alínea g do Artigo 3.

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29 de Agosto de 2022

À Faculdade de Educação
At: Dra. Célia Buapez
UNIVERSIDADE EDUARDO MONDLANE

**REF: PEDIDO DE INFORMAÇÃO AO ABRIGO DA LEI DO DIREITO À
INFORMAÇÃO**

Dirijo-me com toda estima a V. Excia a fim de solicitar que me seja proporcionada a informação que adiante detulho e que necessário para fins de investigação jornalística.

O Jornal Evidências publicou uma informação com base numa carta denúncia vinda da University College of London dando conta de uma alegada prática de assédio sexual por parte do Professor Patricio Langa. Das nossas investigações ficámos a saber que a Dra Célia Buapez dirigiu a Comissão de Inquérito.

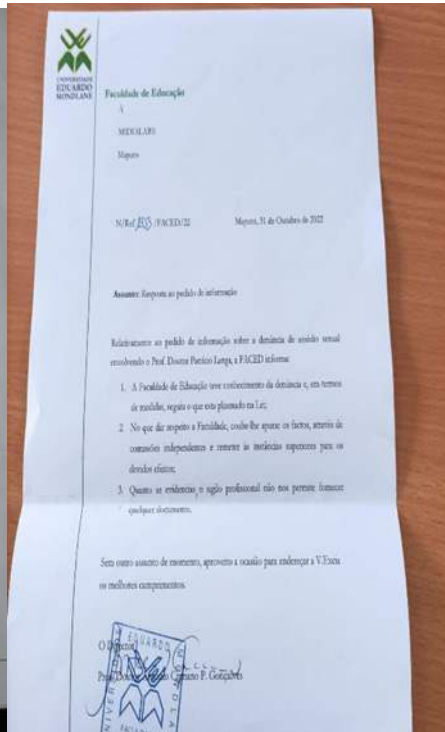
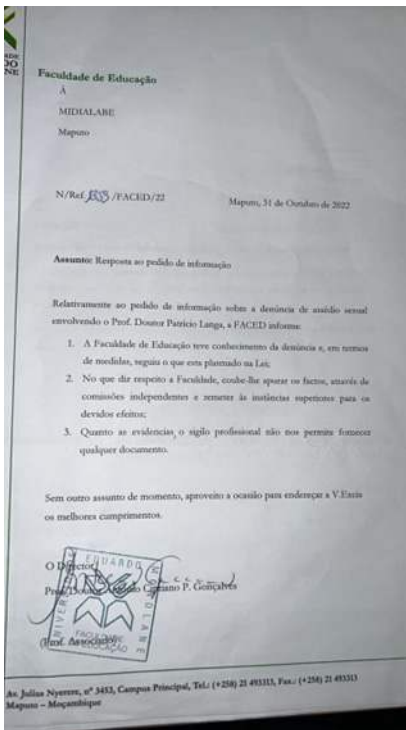
1. Quais as conclusões e as recomendações da Comissão de Inquérito, visto que até hoje há um silêncio sobre o caso?
2. Podemos ter acesso às evidências sobre as conclusões e as recomendações da Comissão de Inquérito?

Neste sentido, de acordo com a lei, cumprio o processamento do meu pedido de informação de acordo com o disposto no Decreto 34/2014, de 31 de Dezembro, que aprova o Regulamento da Lei n.º 34/2014. Note-se que a informação prestada deve ser oficial e não em simples cópias, nos termos da alínea g do Artigo 3.

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Annex 2: Reply from the UEM Faculty of Education



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List of interviewees

GUIRRINGANE, Quitéria. Interview held on 16 August 2023, in Maputo city.

POMPÍLIO, Xavier. Interview held on 1st September 2023, in Inhambane city.

NIQUICE, Fernando. Interview held on 24 August 2023, in Maputo city.

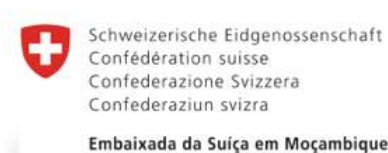
NHANTUMBO, Brígida. Interview held on 07 November 2023, in Maputo city.

HUGO, Hélder. Interview held on 21 November 2023, in Maputo city.



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