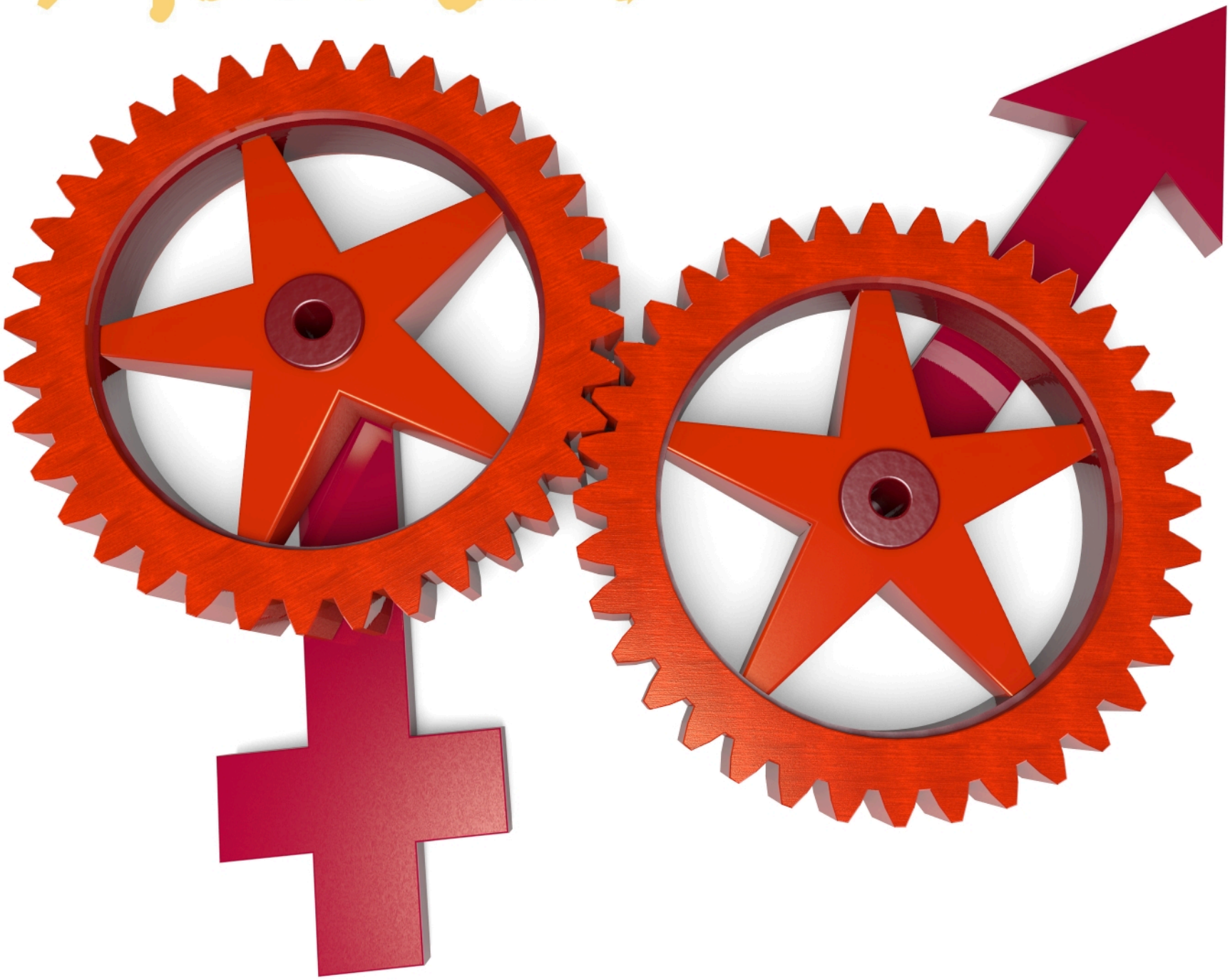
Audit GENDER EQUALITY

AT HIGHER EDUCATION INSTITUTIONS IN AFRICA: A Gender Audit Tool



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Audit

Centre for Human Rights,
Faculty of Law, University of Pretoria
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We dedicate this project to the memory of the late Elize Delport, Centre for Human Rights Extraordinary Lecturer, mentor and friend; who until her sudden and untimely passing steered the project as an external consultant.

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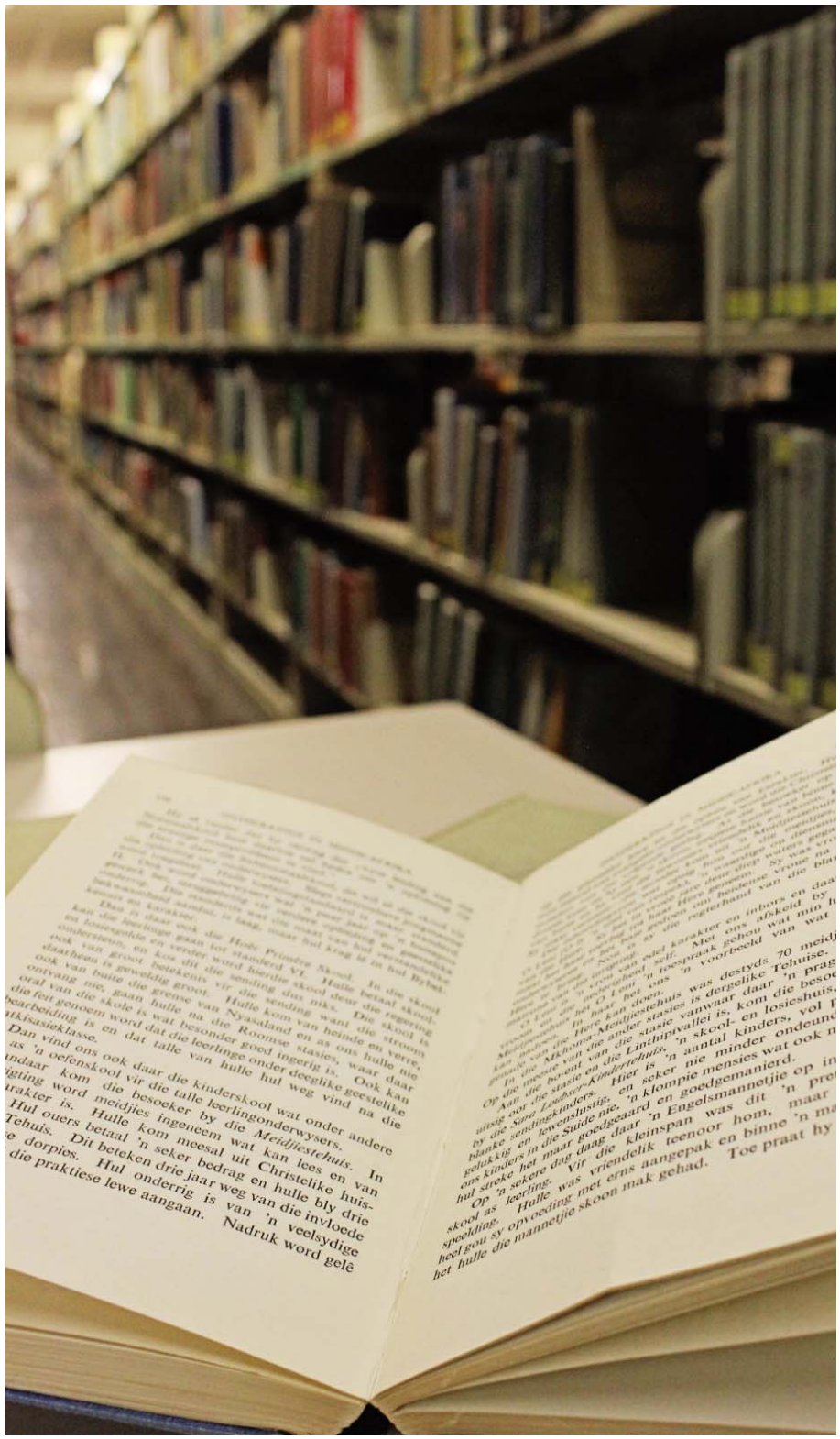


Acronyms & abbreviations

ACHPR	African Charter on Human and Peoples' Rights
AU	African Union
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CHR	Centre for Human Rights
CSA	Centre for the Study of AIDS
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
MDGs	Millennium Development Goals
OHCHR	Office of the High Commissioner for Human Rights
SADC	Southern African Development Community
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UP	University of Pretoria

Glossary of terms

Some important terms used within this document are listed and explained below.

Constitution – An overarching law that defines the fundamental political principles and establishes the structure, procedures, powers and duties of a government. Most national constitutions also guarantee specific human rights.

Gender – A social construct referring to roles, behaviours, activities and attributes that a given society considers appropriate for men or women.

Gender equality – The measureable equal representation of men and women. It does not mean sameness but rather the equal valuing of men and women, resulting in equal treatment.

Gender mainstreaming – A strategy for promoting gender equality that involves ensuring that gender perspectives and attention to the goal of gender equality are central to all institutional activities.

Gender sensitivity – An understanding and consideration of the socio-cultural factors underlying sex-based discrimination.

Human rights based approach – A framework for human development that is based on international human rights standards. Promotes and protects human rights.

Institutional culture – Common ideas, values and standards that permeate the everyday lives of its members and that are perpetuated by institutional indoctrination, actions and leadership.

International law – Rules and principles that regulate the relations between states and other actors in the international community at sub-regional, regional or global levels.

Intersectionality – The study of the intersections between different disenfranchised groups or groups of *minorities*. The theory suggests that various biological, social and cultural categories such as *gender*, *race*, *class*, *ability*, *sexual orientation* and other axes of *identity* interact on multiple and often simultaneous levels, contributing to systematic *injustice* and *social inequality*.

Legislation – Law that has been enacted by a legislative or other governing body. It may refer to a single law or to a collective of enacted law. The term statute(s) is also used to refer to single law(s).

Middle management – The intermediate *management* of a *hierarchical organization*, being subordinate to the *senior management* but above the lowest levels of operational staff. Operational *supervisors* may be considered middle management or may be categorized as non-management staff, depending upon the policy of the particular organization.

Protocol – An international agreement that adds to an existing international instrument. It is equal in binding force to a treaty once it is accepted by states.

Senior management – Also referred to as executive management or management team they are a team of individuals at the highest level of organizational management who have the day-to-day responsibility of managing a company or corporation. They hold specific executive powers conferred onto them with and by authority of the board of directors and/or the shareholders.

Transformation – In an organisational context, this means a process of profound change that orients an organisation in a new direction and takes it to a different level of efficiency, with little or no resemblance to the past configuration.

Treaty – An agreement under international law made by states also referred to as a convention, an international agreement, a protocol, a covenant or a charter.

Treaty body – A committee of independent experts appointed to monitor states' implementation of core international human rights treaties. They are called treaty bodies because each committee is created in accordance with the provisions of the treaty that it oversees.

1: Introduction to the Gender Audit Tool and pilot

As a contribution to transformation at the University of Pretoria (UP), the Centre for Human Rights (CHR) and the Centre for the Study of AIDS (CSA) undertook, with financial assistance from the Norwegian Ministry of Foreign Affairs, to develop a gender audit tool and to pilot different parts of it within various departments of the university. The aim of this process was to provide examples of the application of such a tool at the UP, and hence to support African universities in their efforts to strengthen equality between men and women at their institutions. The project also aimed to sensitise members of the UP and, in particular, the Executive Committee, to the numerous ways in which gender inequality was entrenched at the institution and to inspire positive change towards greater equality.

In piloting the tool, we applied different parts of it to limited sectors and departments of the university, and these findings are reflected in chapter 7. For example:

- The CHR was examined in terms of women's participation in its management and governance
- Interviews were conducted with staff members at the CHR regarding whether curricula fostered a sense of gender accountability and fairness
- Student life on campus was examined in terms of the experience of students across the university regarding gender and LGBTI discrimination or affirmation, and
- A policy review looked at whether university policies in general protected respected and fulfilled the rights of women and men to gender equality and non-discrimination.

Hence it should be noted that not all the results recorded in chapter 7 are a reflection of the entire university. The results provided are merely intended to show practically how a gender audit can be carried out within an institution of higher education.

In chapter 2 we provide some background to this guide, including an analysis of the reliance on gender toolkits as part of the broader gender mainstreaming agenda.

Chapter 3 highlights the regional and international commitments that African states have made with respect to the realisation of gender equality, and which provide a context for realising this goal at higher education institutions.

Chapter 4 outlines the challenges faced by women at higher education institutions by way of example of other audits undertaken across Africa.

Chapter 5 outlines the process involved in the development of the Gender Audit Tool including the methodology and delineation of the scope.

Chapter 6 contains the Gender Audit Tool that may be utilised at institutions of higher learning to undertake an institutional gender audit. The tool comprises both a set of core questions and additional, supplementary questions that may help to enrich any gender audit process.

Chapter 7 contains findings from piloted aspects of the Gender Audit Tool in particular departments of the UP. This chapter also highlights the rationale for conducting the audit at the university and the challenges faced and recommendations that can be made to the specific departments audited within the university, in light of the findings.

Our hope is that this document and in particular, the Gender Audit Tool, will encourage further debate and discussion about the importance of addressing gender equality issues at higher education institutions. We trust that the tool will be useful to other institutions which wish to conduct a comprehensive gender audit, and to track their progress in addressing gender inequality.

2: Background: Audits and gender equality at higher education institutions

> Education as a social institution is an instrument that facilitates the reproduction of social structures … [I]t also has the potential to provide the ground and impetus for change. The questions are: (i) how and through what mechanisms can it play this transformative role … that it will create a new foundation for gender relations and equal opportunities for men and women?
>
> — N'Dri T. Assié-Lumumba (2006: 4)

2.1 Transformation and gender

Higher education, as a site for the production of knowledge, plays an important role in shaping our world and for that reason, there has been a global trend to transform this space in order to address gender inequality (Assié-Lumumba: 2006).

This is particularly important in Africa in order for the knowledge produced at these institutions to be more closely linked to the political and cultural aspirations of its diverse peoples. Academics and administrators in African universities therefore need to be sensitive to the changes necessary in order to realise amongst other things gender equality, social justice and democratisation.

In Africa, the philosophy and organisation of current systems of education are colonial inheritances based mainly on the idea that spaces of learning and knowledge production should be essentially gender neutral. Yet, in reality, these spaces remain gendered and unequal, with women disadvantaged in terms of access to education and the possible benefits that academic participation can bring.

Discrimination in these spaces can take both hidden and obvious forms. The most obvious forms include recruitment, appointment and promotion practices that hinder development based on one's gender. More hidden forms include structural constraints such as poor conditions of service or an absence of child care facilities which work together to deny women progress.

Lesbian, gay, bisexual, transgendered and intersex (LGBTI) staff members and students may face particular discrimination on the basis of gendered understandings of identity. Anyone who is gender nonconformist may also face hostility and discrimination, while institutional cultures across Africa are largely silent about such discrimination. LGBTI discrimination at African institutions of higher learning needs to be seen against the backdrop of homophobic legislation being passed, at the time of writing, in African countries such as Uganda and parts of Nigeria.

A recent study at UP found that while student life was generally more tolerant than the communities from which they had come, gay and lesbian students at the

university faced various forms of discrimination which compelled some of them to conceal their identities to different degrees (Tembe: 2012).

Progressive policies in higher education are not enough to redress gender imbalances:

> For example, many universities in Southern Africa have instituted affirmative action policies – giving girls two or more point's concession to facilitate their entry into university programmes. However the potential beneficiary's fate was probably sealed long before with subject choices as she progressed into O-level. It may have also been stymied if she has been slowly dropping out – missing school because of factors such as inadequate sanitary measures coupled with increasing gendered pressure at home, the concessions, no matter how generous, will have no impact. She will no longer be at school to attempt A-levels or their equivalent and this affirmative action in that context is irrelevant (Stewart, 2004: 185).

Universities should go further than just checks and balances and take active steps to ensure that they are not reproducing the problems of gender inequality and injustice within their own institutional systems, policies and procedures.

The Conference on Universities and the Millennium Development Goals identified two key roles for higher education in supporting the goals through action on gender:

- By being a role model for civil society and developing the leaders of tomorrow, and
- By contributing to gender policies and practices through knowledge production and theory (Association of Commonwealth Universities: 2012).

What is needed is a new methodology where all stakeholders involved (the planner, legislator, policy-maker, lecturer, curriculum planner and development worker) take a more conscious approach to gender equality and to the position of sexual and gender minorities, and ascertain what needs to be actively changed so that men and women (including LGBTI individuals) can join the mainstream on as equal a footing as possible.

2.2 Tracking progress in addressing gender inequality

Gender audits fall within the broader gender mainstreaming agenda, and are one way of determining whether the necessary conditions exist for the realisation of gender equality through gender mainstreaming. Gender mainstreaming is a broad concept that applies to a range of discourses within the academic environment, which means that there are many areas that are potentially a focus for a gender audit. These areas range from the social relations between faculty staff and the interplay of the sexes amongst student life, to the inclusion of gender within the curricula of various disciplines.

Gender mainstreaming, as defined by United Nations Economic and Social Council (UNESCO) is:

> [t]he process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated (ECOSOC Agreed Conclusions: 1997/2).

According to a toolkit developed for conducting participatory gender audits within organisations, the overall aim of a gender audit is to promote organisational learning on how to implement gender mainstreaming effectively in policies, programmes and structures and to assess the extent to which policies have been institutionalised at the level of the individual, work unit and organisation (International Labour Organisation: 2007).

The objectives of such an audit are therefore to:

- generate understanding of the extent to which gender mainstreaming has been internalised and acted upon by staff;
- assess the extent of gender mainstreaming in terms of the development and delivery of gender-sensitive products and services;
- identify and share information on mechanisms, practice and attitudes that have made a positive contribution to mainstreaming gender in an organisation;
- assess the level of resources allocated and spent on gender mainstreaming and gender activities;

What is needed is a new methodology where all stakeholders involved (the planner, legislator, policy-maker, lecturer, curriculum planner and development worker) take a more conscious approach to gender equality and to the position of sexual and gender minorities, and ascertain what needs to be actively changed so that men and women (including LGBTI individuals) can join the main- stream on as equal a footing as possible.

- examine the extent to which human resource policies are gender-sensitive;
- examine the staff balance and different levels in an organisation;
- set up the initial baseline of performance on gender mainstreaming in an organisation with a view to introducing an on-going process of benchmarking to measure progress in promoting gender equality;
- measure progress in implementing action plans on gender mainstreaming and recommended revisions as needed, and
- identify room for improvement and suggest possible strategies to better implement the action plan.

Most higher learning institutions have policies or commitments supporting gender equality, yet they do not know what their progress is in achieving this objective. Although most institutions have a number of ways of evaluating their outputs, a gender audit offers a different kind of analysis that aims to determine the extent to which policies, practices, systems, procedures, culture and resources are being used in the most effective manner to deliver the institution's commitment to gender equality.

Ideally, the process should be managed by the institution with the participation of staff. Gender auditors should preferably be nominated from the staff and should external consultants be hired, it should be to assist and mentor the auditors through the process.

Departing from the premise that the organisational culture is the main hindrance to the realisation of gender inequality in that context, gender audits at higher education institutions make the assumption that the gender audit will assist in the identification of gaps between gender theory and practice, and the impact of their outputs on gender equality. It should thus aim to:

- focus on improving the performance of your institution for the promotion of gender equality;
- analyse public policy, including legislation, regulations, allocations and social projects, to gauge their effect on gender equality at an institution;
- address gender in the practices and policies of the organisation as a whole, such as human resource issues, budgeting, and management so as to provide a complete picture of gender relations in several aspects of an institution;
- serve as a process for assessment and a tool for action planning;
- through sharing of experiences, information, knowledge and best practices, serve as a learning experience, and
- enable an institution to steadily take stock of, and address the status of gender equality in all aspects of operations and work.

In doing so, an institution will be able to identify areas of strength and achievement, innovative policies and practices, as well as highlight continuing challenges as a foundation for gender planning and action. The main outcome of an audit is a report that includes recommendations for improvement and actions for follow-up. The audit results may also be used by facilitators in other

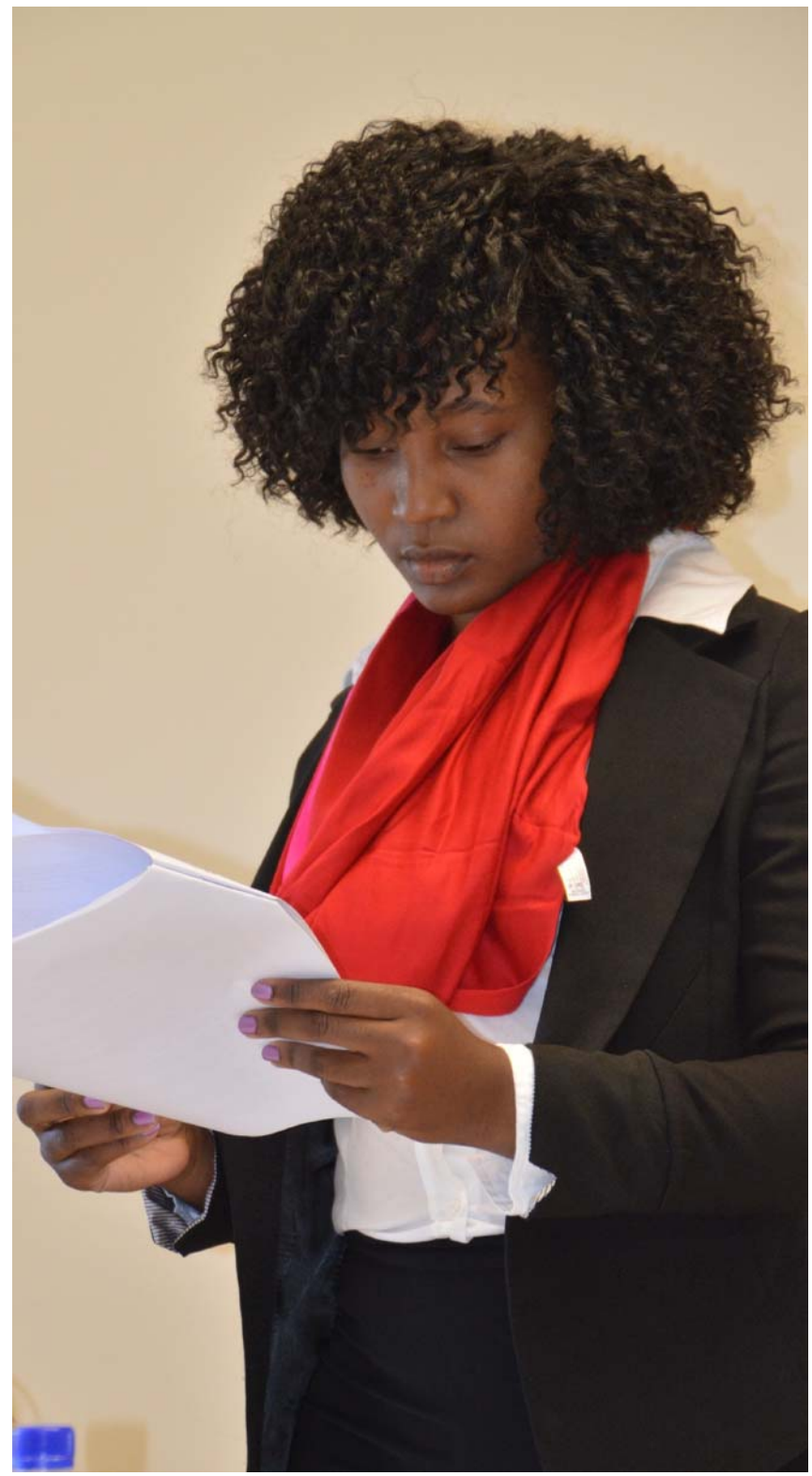
settings to promote reflection, analysis of experience and learning that initiates change.

Ideally, as has been outlined further in this document, a gender audit should incorporate an examination of the institution's treatment of LGBTI students and staff members, as well as discrimination on the basis of race, ethnicity, class, religion, nationality, physical ability and HIV status. An intersectional approach argues that gender discrimination cannot be seen in isolation from other ubiquitous forms of discrimination.

A gender audit tool therefore:

- enhances the collective capacity of an organisation to examine its activities from a gendered perspective including questions on sexual orientation;
- helps to identify strengths and weaknesses in promoting gender equality issues;
- assists in building organisational ownership for gender equality initiatives, and
- sharpens organisational learning on gender through a process of team building, information sharing and reflection.

Gender auditing can be a once-off event, or can become an ongoing process of review and improvement of an institution's capacity to conceptualise and deliver policies and outputs that will lead to gender equality at large. Gender auditing can be a useful tool in a performance monitoring framework, with the results of the first audit as the baseline against which to measure progress. It is hoped that this will be the approach adopted by UP and other higher education institutions that may use this tool in conducting their own audits.



CEDAW
COMMITTEE

3: Regional and international commitments to the realisation of gender equality at higher education institutions

By becoming parties to international treaties, states assume obligations and duties under international law to respect (refrain from interfering with the enjoyment of human rights), protect (take active steps to protect individuals from human rights abuses), and fulfil (take positive steps to enforce the enjoyment of human rights for all as outlined in the treaty documents) human rights.

Through ratification of international human rights treaties, governments undertake to put into place domestic measures such as legislation in line with their treaty obligations. Their domestic legal systems are therefore a local translation of the various human rights obligations and duties guaranteed under international law. Where domestic legal processes fail to address human rights abuses, mechanisms and procedures for individual and group complaints are available at the regional and international levels to help ensure that international human rights standards are indeed respected, implemented, and enforced at the local level.

The core principles of human rights were first set out in the Universal Declaration of Human Rights (UDHR). Principles such as universality, interdependence and indivisibility, equality and non-discrimination, were affirmed in this declaration and it affirmed further that human rights simultaneously entail both rights and obligations from duty bearers and rights owners. These principles have been endorsed in numerous international human rights conventions, declarations, and resolutions.

Highlighted below are states obligations to realise equality and non-discrimination in education for both men and women. Also indicated is a state's duty to provide a suitable work environment free of discrimination.

It is important to focus on both these aspects because although the final product of a university is knowledge, the survey is institutional and extends beyond teaching and research to include also human resource practices and management and governance issues which all operate cumulatively to determine the institutional culture and whether it is conducive for the realisation of equality.

Today, all UN member states have ratified at least one of the nine core international human rights treaties, and 80% have ratified four or more, giving concrete expression to the universality of the UDHR and international human rights.

3.1 International commitments

There is a robust international gender equality framework that binds states which are party to these documents. The most important of these are described below. They include:

a) The Universal Declaration of Human Rights (UDHR),
b) The UNESCO Convention against Discrimination in Education,
c) The International Covenant on Economic, Social and Cultural Rights (ICESCR),
d) The International Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), and
e) The Beijing Declaration and Platform for Action.

a) The Universal Declaration of Human Rights (1948)
Articles 1 and 2 affirm the right to freedom and equality of all without distinction of any kind, including the right to equality under the law and prohibits any form of discrimination:

> *UDHR Articles 1 and 2* – Freedom of equality and the right to non-discrimination:
> 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.
> 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 7 guarantees the right to equal protection under the law:

> *UDHR Article 7* – Equal protection under law:
> All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 23 guarantees the right to work, free choice of employment, to just and favourable conditions of work and protection against unemployment.

> *UDHR Article 23* – Right to Work:
> 1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
> 2. Everyone, without any discrimination, has the right to equal pay for equal work.
> 3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
> 4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 26 provides that everyone has the right to education, including free primary education. Everyone should also be able to learn a profession or continue their studies as far as they wish. At school, the individual should be able to develop all their talents and should be taught to get along with others, regardless of their race, religion, or nationality:

> *UDHR Article 26* – Right to Education:
> 1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
> 2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups and shall further the activities of the United Nations for the maintenance of peace.

b) The UNESCO Convention against Discrimination in Education (1960)

This Convention was adopted by the General Conference of UNESCO in 1960. It enumerates the different state obligations with respect to the realisation of the right to education as provided for under the Universal Declaration of Human Rights. States are under an obligation to realise equality and non-discrimination in education as is set out by the Convention in article 1. It defines education to include all types and levels of education, and includes access to education, the standard of quality of education and the conditions under which it is provided, without reservation (see below):

UNESCO Convention against Discrimination in Education

Article 1

1. For the purposes of this Convention, the term 'discrimination' includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:
   (a) Of depriving any person or group of persons of access to education of any type or at any level;
   (b) Of limiting any person or group of persons to education of an inferior standard;
   (c) Subject to the provisions of Article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or
   (d) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man.
2. For the purposes of this Convention, the term 'education' refers to all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given.

Article 3

In order to eliminate and prevent discrimination within the meaning of this Convention, the States Parties thereto undertake:

(a) To abrogate any statutory provisions and any administrative instructions and to discontinue any administrative practices which involve discrimination in education;
(b) To ensure, by legislation where necessary, that there is no discrimination in the admission of pupils to educational institutions;
(c) Not to allow any differences of treatment by the public authorities between nationals, except on the basis of merit or need, in the matter of school fees and the grant of scholarships or other forms of assistance to pupils and necessary permits and facilities for the pursuit of studies in foreign countries;
(d) Not to allow, in any form of assistance granted by the public authorities to educational institutions, any restrictions or preference based solely on the ground that pupils belong to a particular group;
(e) To give foreign nationals resident within their territory the same access to education as that given to their own nationals.

Article 4

The States Parties to this Convention undertake furthermore to formulate, develop and apply a national Policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education and in particular:

(a) To make primary education free and compulsory; make secondary education in its different forms generally available and accessible to all; make higher education equally accessible to all on the basis of individual capacity; assure compliance by all with the obligation to attend school prescribed by law;
(b) To ensure that the standards of education are equivalent in all public educational institutions of The same level, and that the conditions relating to the quality of the education provided are also equivalent;
(c) To encourage and intensify by appropriate methods the education of persons who have not received any primary education or who have not completed the entire primary education course and the continuation of their education on the basis of individual capacity;
(d) To provide training for the teaching profession without discrimination.

c) International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)

The ICESCR binds all state parties to the Covenant and guarantees amongst other things the equal right to the enjoyment of the rights and freedoms associated with economic, social and cultural rights, in Article 3. Article 13 provides for the right to education:

> *ICESCR Article 3* – Equal access to Socio, Economic and Cultural Rights:
> The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant
>
> *ICESCR Article 13* – Right to Education:
> 1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
> 2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
> (a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

The Covenant also guarantees in Articles 6 and 7, the right to a work environment free from discrimination and grounded in equality, which is imperative in an institutional context:

ICESCR Article 6 – Right to Work:

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

ICESCR Article 7 – Right to Just and Favourable conditions of Work:

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

d) International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979)

The International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) binds all state parties to work actively towards the abolition of gender discrimination. Article 1 provides that discrimination against women means any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of the marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

In addition, in article 10, CEDAW provides for education, covering career and vocational guidance, access in rural and urban areas, curriculum, stereotypes, scholarships and grants, continuing education and addressing high female dropout rates.

CEDAW seeks to end discrimination against women and girls in education. It promotes equal educational opportunity and access to learning resources for women and girls at all levels. It urges countries that traditionally bar or discourage girls from attending school to open the doors to their education. For example, in making recommendations regarding CEDAW implementation, the CEDAW Committee has expressed concern over the high illiteracy rate among women and girls in Saudi Arabia, and has recommended that awareness be raised regarding the importance of access to education for them (CEDAW: 2008).

CEDAW's commitment to girls' education is in part based on the importance of girls' education in ending poverty. For example, the CEDAW Committee has noted that poverty is more widespread in families "headed by women who had received limited education", and has applauded commitments to providing free secondary education for all, including pilot projects to train women in non-traditional areas. It has urged Bolivia to "implement nationwide effective educational programmes as a means of poverty alleviation" (CEDAW: 2008).

CEDAW also seeks to remove barriers that have historically kept female students from participating in many career and vocational

CEDAW

Article 10: Equal Access to Education

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

a. The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
b. Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
c. The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
d. The same opportunities to benefit from scholarships and other study grants;
e. The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
f. The reduction of female student drop-out rates and the organisation of programmes for girls and women who have left school prematurely;
g. The same opportunities to participate actively in sports and physical education;
h. Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

programmes. For example, the CEDAW Committee has recommended the development of policies and programmes aimed at supporting girls and women who wish to study subjects that few girls and women have traditionally pursued. In addition, it has recommended that a diverse array of educational options be made available for both girls and boys (CEDAW: 2008).

Article 11 provides for non-discrimination for women at the work place and ensures the same rights for men and women including for recruitment and promotion:

CEDAW Article 11 – Right to Non-Discrimination in the workplace:

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
   (a) The right to work as an inalienable right of all human beings;
   (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
   (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
   (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
   (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
   (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
   (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
   (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
   (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
   (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.
3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Beijing Platform for Action
Access to Education

44. To this end, Governments, the international community and civil society, including non-governmental organisations and the private sector, are called upon to take strategic action in the following critical areas of concern: … Inequalities and inadequacies in and unequal access to education and training.
69. Education is a human right and an essential tool for achieving the goals of equality, development and peace. Non-discriminatory education benefits both girls and boys and thus ultimately contributes to more equal relationships between women and men. Equality of access to and attainment of educational qualifications is necessary if women are to become agents of change … Investing in formal and non-formal education and training for girls and women with its exceptionally high social and economic return has proved to be one of the best means of achieving sustainable development and economic growth that is both sustained and sustainable.
74. Curricula and teaching materials remain gender-biased to a large degree and are rarely sensitive to the specific needs of girls and women. This reinforces traditional female and male roles that deny women opportunities for full and equal partnership in society. Lack of gender awareness by educators at all levels strengthens existing inequities between males and females by reinforcing discriminatory tendencies and undermining girls' self-esteem. The lack of sexual and reproductive health education has a profound impact on men and women.
76. Access for and retention of girls and women at all levels of education, including the higher level, and all academic areas is one of the factors of their continued progress in professional activities. Nevertheless, it can be noted that girls are still concentrated in a limited number of fields of study.

e) Beijing Declaration and Platform for Action (1995)

The Beijing Declaration and Platform for Action was a product of the Fourth World Conference on Women: Action for Equality, Development and Peace, convened by the UN from 4 to 15 September 1995 in Beijing, China. Although it is not binding in the same manner that treaty documents are, these documents assert clearly that women's rights are human rights and that there are particular obstacles faced by women and girls in attaining their human rights. Every five years, member states are asked to report voluntarily to the United Nations on the progress that they have made towards achieving the goals set out in the Beijing Declaration and Platform for Action.

The Beijing Declaration notes in paragraph 44 that unequal access to education by women (including girls) is a critical area of concern and thus calls upon governments, the international community and civil society organisations to take strategic action in addressing inequalities, inadequacies and unequal access to education and training. It notes further in paragraph 69 that education is a human right and an essential tool for achieving the goals of equality, development and peace and that though enrolment of women in tertiary education has increased, discrimination relating to accessing education still persists. In paragraphs 74 and 76, it notes that curricula and teaching materials remain gender-biased to a large degree and are rarely sensitive to the specific needs of women and that women are still concentrated in a limited number of fields of study.

It is also noted that there are considerable differences in women's and men's access to and opportunities to exert power over economic structures in their societies. In many regions, women's participation in remunerated work in the labour market has increased significantly and has changed during the past decade. Due to, amongst others, difficult economic situations and a lack of bargaining power resulting from gender inequality, many women have been forced to accept low pay and poor working conditions and thus have often become pre-

ferred workers. Women have also entered the workforce increasingly by choice when they have become aware of and demanded their rights. Some have succeeded in entering and advancing in the workplace and improving their pay and working conditions.

Discrimination in education and training, hiring and remuneration, promotion and horizontal mobility practices, as well as inflexible working conditions, lack of access to productive resources and inadequate sharing of family responsibilities, combined with a lack of or insufficient services such as child care, continue to restrict employment, economic, professional and other opportunities and mobility for women and make their involvement stressful. Moreover, attitudinal obstacles inhibit women's participation in developing economic policy and in some regions restrict the access of women and girls to education and training for economic management.

Women's share in the labour force continues to rise and almost everywhere women are working more outside the household, although there has not been a parallel lightening of responsibility for unremunerated work in the household and community. Insufficient attention to gender analysis has meant that women's contributions and concerns remain too often ignored in economic structures, such as financial markets and institutions, labour markets, economics as an academic discipline, economic and social infrastructure, taxation and social security systems, as well as in families and households. As a result, many policies and programmes may continue to contribute to inequalities between women and men. Where progress has been made in integrating gender perspectives, programme and policy effectiveness has also been enhanced. For this reason states agree to take the following actions in the realisation of Strategic objective F.1 to promote women's economic rights and independence, including access to employment, appropriate working conditions and control over economic resources.

The Beijing Platform for Action on access to equal employment reads as follow:

Access to equal employment

a. Enact and enforce legislation to guarantee the rights of women and men to equal pay for equal work or work of equal value;
b. Adopt and implement laws against discrimination based on sex in the labour market, especially considering older women workers, hiring and promotion, the extension of employment benefits and social security, and working conditions;
c. Eliminate discriminatory practices by employers and take appropriate measures in consideration of women's reproductive role and functions, such as the denial of employment and dismissal due to pregnancy or breast-feeding, or requiring proof of contraceptive use, and take effective measures to ensure that pregnant women, women on maternity leave or women re-entering the labour market after childbearing are not discriminated against;
d. Devise mechanisms and take positive action to enable women to gain access to full and equal participation in the formulation of policies and definition of structures through such bodies as ministries of finance and trade, national economic commissions, economic research institutes and other key agencies, as well as through their participation in appropriate international bodies;
e. Undertake legislation and administrative reforms to give women equal rights with men to economic resources, including access to ownership and control over land and other forms of property, credit, inheritance, natural resources and appropriate new technology;
f. Conduct reviews of national income and inheritance tax and social security systems to eliminate any existing bias against women;
g. Seek to develop a more comprehensive knowledge of work and employment through, inter alia, efforts to measure and better understand the type, extent and

distribution of unremunerated work, particularly work in caring for dependants and unremunerated work done for family farms or businesses, and encourage the sharing and dissemination of information on studies and experience in this field, including the development of methods for assessing its value in quantitative terms, for possible reflection in accounts that may be produced separately from, but consistent with, core national accounts;

h. Review and amend laws governing the operation of financial institutions to ensure that they provide services to women and men on an equal basis;

i. Facilitate, at appropriate levels, more open and transparent budget processes;

j. Revise and implement national policies that support the traditional savings, credit and lending mechanisms for women;

k. Seek to ensure that national policies related to international and regional trade agreements do not have an adverse impact on women's new and traditional economic activities;

l. Ensure that all corporations, including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws;

m. Adjust employment policies to facilitate the restructuring of work patterns in order to promote the sharing of family responsibilities;

n. Establish mechanisms and other forums to enable women entrepreneurs and women workers to contribute to the formulation of policies and programmes being developed by economic ministries and financial institutions;

o. Enact and enforce equal opportunity laws, take positive action and ensure compliance by the public and private sectors through various means;

p. Use gender-impact analyses in the development of macro and micro- economic and social policies in order to monitor such impact and restructure policies in cases where harmful impact occurs;

q. Promote gender-sensitive policies and measures to empower women as equal partners with men in technical, managerial and entrepreneurial fields;

r. Reform laws or enact national policies that support the establishment of labour laws to ensure the protection of all women workers, in-cluding safe work practices, the right to organize and access to justice.

3.2 Regional commitments

- **African Charter on Human and Peoples' Rights (1981)**

With respect to the realisation of gender equality at higher education institutions, the African Charter on Human and Peoples' Rights provides in Article 15 that every individual shall have the right to work under equitable and satisfactory conditions and shall receive equal pay for equal work. Article 17(1) provides further that every individual shall have the right to education.

The right to work in Article 15 of the African Charter entails among other things, the following:

a. Equality of opportunity of access to gainful work
b. Effective and enhanced protections for women in the workplace including parental leave;
c. Fair remuneration, a minimum living wage for labour, and equal remuneration for work of equal value;
d. Equitable and satisfactory conditions of work, including effective and accessible remedies for work place-related injuries, hazards and accidents;
e. The right to rest and leisure, including reasonable limitation of working hours, periodic holidays with pay and remuneration for public holidays.

Article 17 of the African Charter promotes among other things:

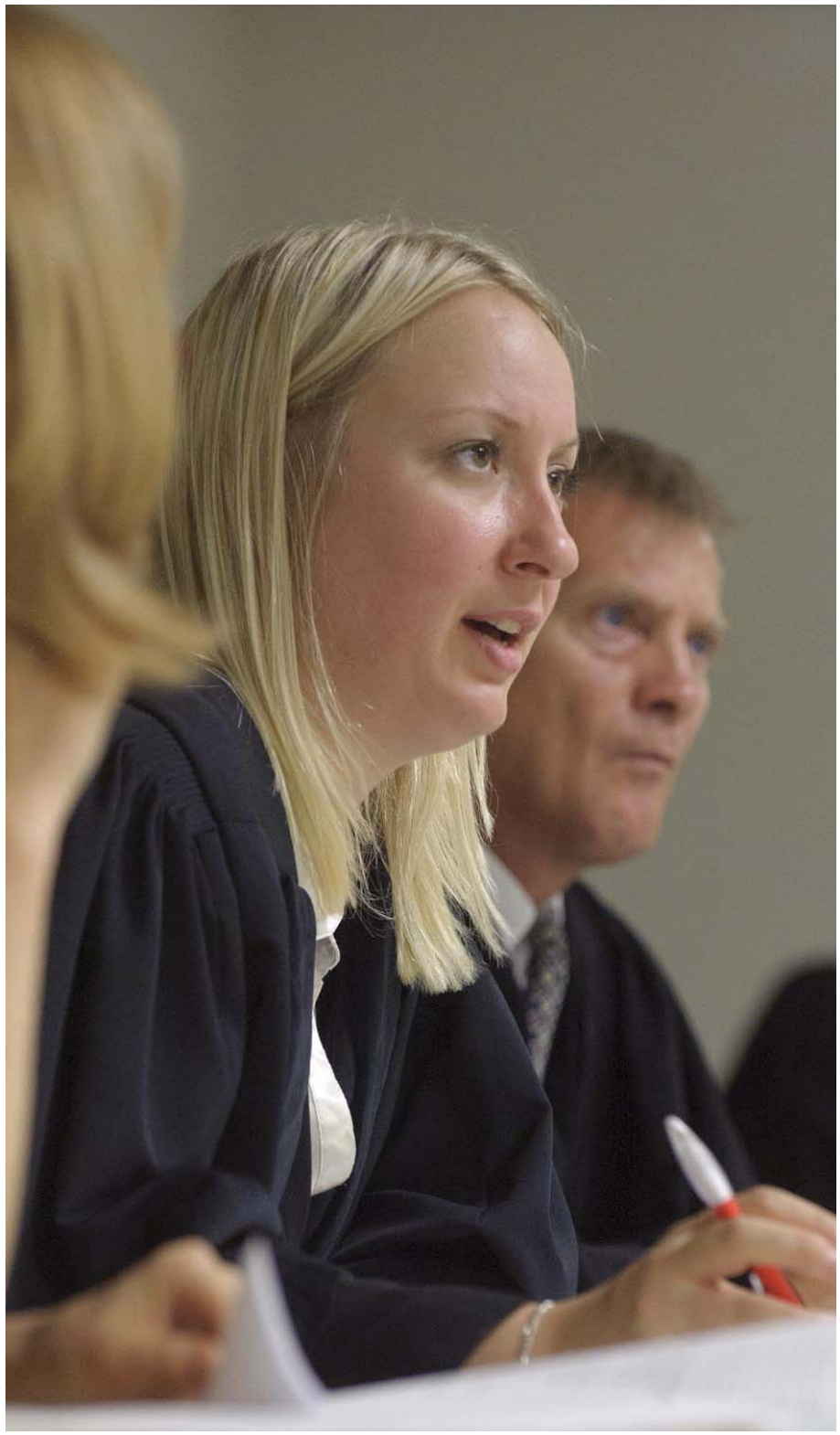
a. Access to affordable secondary and higher education;
b. Accessible and affordable vocational training and adult education;
c. Addressing social, economic and cultural practices and attitudes that hinder access to education by girl children;
d. Availability of educational institutions that are physically and economically accessible to everyone;
e. Development of curricula that address diverse social, economic and cultural settings and which inculcate human rights norms and values for responsible citizens;
f. Continued education for teachers and instructors including education on human rights and the continuous improvement of the conditions of work of teaching staff;
g. Education for development that links school curricula to the labour market and society's demands for technology and self-reliance.

- **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol, 2003)**

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa provides in article 12 for the elimination of all forms of discrimination against women, and guarantees equal opportunity and access in the sphere of education and training. It also seeks to eliminate all stereotypes, syllabuses and the media that perpetuate such discrimination. It seeks to integrate gender sensitisation and human rights education at all levels of education curricula, including teacher training.

Member states who ratify the Protocol agree to promote education and training for women at all levels and in all disciplines, particularly in the fields of sciences and technology, and to promote the enrolment and retention of girls in school and other training institutions. Article 12 confirms that:

1. States Parties shall take all appropriate measures to:
   a) eliminate all forms of discrimination against women and guarantee equal opportunity and access in the sphere of education and training;



b) eliminate all stereotypes in textbooks, syllabuses and the media, that perpetuate such discrimination;
c) protect women, especially the girl-child from all forms of abuse, including sexual harassment in schools and other educational institutions and provide for sanctions against the perpetrators of such practices;
d) provide access to counselling and rehabilitation services to women who suffer abuses and sexual harassment;
e) integrate gender sensitisation and human rights education at all levels of education curricula including teacher training.

2. States Parties shall take specific positive action to:
   a) promote literacy among women;
   b) promote education and training for women at all levels and in all disciplines, particularly in the fields of science and technology;
   c) promote the enrolment and retention of girls in schools and other training institutions and the organisation of programmes for women who leave school prematurely.

Article 13 of the Protocol guarantees social and economic rights, under which state parties are encouraged to adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities:

- to promote equality of access to employment;
- to promote the right to equal remuneration for jobs of equal value for women and men;

- ensure transparency in recruitment promotion and dismissal of women and combat sexual harassment in the workplace;
- to guarantee women the freedom to choose their occupation, and protect them from exploitation by their employers violating and exploiting their fundamental rights as recognised and guaranteed by conventions, laws and regulations in force;
- guarantee adequate and paid pre- and post-natal maternity leave in both the private and public sectors;
- recognise and enforce the right of salaried women to the same allowances and entitlements as those granted to salaried men for their spouses and children, and
- recognise that both parents bear the primary responsibility for the upbringing and development of children and that this is a social function for which the state and the private sector have secondary responsibility.

- **AU Solemn Declaration on Gender Equality in Africa (2004)**

In July 2004, the African Union (AU) adopted the Solemn Declaration on Gender Equality in Africa. The Declaration calls for the continued implementation of gender parity in the AU and at national level, the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and the protection of women against violence and discrimination. States committed to take specific measures to ensure the education of girls and literacy of women, especially in the rural areas, and to achieve the goal of education for all. States also committed to deploy all efforts to expand the gains already made in bridging the gender disparity in education and to meet that Millennium Development Goal which seeks to close the gender gap in primary education by the year 2005. They committed further to Strengthen measures to reduce women's workload, expand employment opportunities for women, and ensure equal pay for work of equal value.

- **Pretoria Declaration on Economic, Social and Cultural Rights in Africa (2004)**

State parties to the African Charter solemnly undertook in this declaration to respect, protect, promote and fulfil all the rights in the Charter including economic, social and cultural rights. By doing so, state parties agreed to adopt legislative and other measures, to give full effect to the economic, social and cultural rights contained in the African Charter. This declaration enumerates state parties' obligations with respect to the right to education and equality at work.

3.3 Sub-regional commitments

- **SADC Protocol on Gender and Development (2008)**

In August 2008, the Heads of State of the Southern African Development Community (SADC) adopted the SADC Protocol on Gender and Development, committing their governments and countries, *inter alia*, to enhancing access to quality education by both women and men and removing gender stereotypes from the curriculum, career choices and professions.

In Article 14 of the Protocol member states are committed to realising gender equality in education and training. In Article 19 states commit to the realisation of equal access to employment and benefits by 2015.

SADC Protocol on Gender and Development
Article 14: Gender Equality in Education

1. States parties shall, by 2015, enact laws that promote equal access to and retention in primary, secondary, tertiary, vocational and non-formal education in accordance with the Protocol on Education and Training on the Millennium Development Goals.
2. States parties shall by 2015 adopt and implement gender sensitive educational policies and programmes addressing gender stereotypes in education and gender based violence, amongst others.

Article 19: Equal Access to Employment and Benefits

1. States parties shall, by 2015, review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy
2. States Parties shall review, adopt and implement legislative, administrative and other appropriate measures to ensure
   a) Equal pay for equal work and equal remuneration for jobs of equal value for women and men;
   b) The eradication of occupational segregation and all forms of employment discrimination;
3. States Parties shall enact and enforce legislative measures prohibiting the dismissal or denial of recruitment on the grounds of pregnancy or maternity leave
4. States Parties shall provide protection and benefits for women and men during maternity and paternity leave.
5. States Parties shall ensure that women and men receive equal employment benefits, irrespective of their marital status including on retirement.

The binding international treaty instruments discussed above are only effective if they are ratified and domesticated by the various member states. There are some states that have still not ratified some of these treaty documents and therefore within their borders these rights cannot be claimed or enforced under the rubric of international human rights law. It is important that states ratify these treaty documents, without reservation and show a clear commitment to the realisation of the right to education for all and further the right to have that education be of a certain quality and standard.

4: The challenge of gender equality at higher education institutions

In this section, we set out the main findings from other audits conducted across Africa that give a cumulative picture of gender equality at higher education institutions.

In order to help determine the focus of the audit tool, research was conducted on the state of gender relations at higher education institutions. Inspiration was also drawn from the gender audits undertaken by a number of academic institutions. Various views have been given on the prevalence of inequality at higher academic institutions. For example in South Africa, less than 30% of the senior managerial positions in universities are generally occupied by women, with most women holding administrative positions (White *et al*, 2011: 180). Those women that do make it into leadership positions are commonly employed in positions that relate to student welfare, human resources, and other aspects of administrative and support work deemed to benefit from a 'feminine touch'. This bias is arguably related to women's conventional domestic and nurturing roles within the family. Professor Cheryl de la Rey, the Vice-Chancellor and Principal of UP, has revealed that the percentage of female students decreases with the level of study, and participation is also skewed by field of study and at UP, men comprise 58% of PhD students and 57% in the science, engineering and technology fields (Institute for Women's and Gender Studies: 2010).

What follows below is a brief summary of the results of gender audits conducted at various higher education institutions across Africa.

Those women that do make it into leadership positions are commonly employed in positions that relate to student welfare, human resources, and other aspects of administrative and support work deemed to benefit from a 'feminine touch',

4.1 Higher Education in Senegal

A gender audit was conducted at Cheikh Anta Diop University in Senegal, and policy documents were used as a starting point to determine which areas lacked a gendered approach. The documents revealed that there was an invisibility of women within the heart of the university, especially in decision-making processes. Although policies were gender-neutral, they did not assist in the empowerment of women, which was also reflected in the underrepresentation of women in leadership positions in faculty, as well as in student structures.

The gaps revealed by this policy analysis provided a basis for the researcher to investigate further issues of gender inequality and underrepresentation at this university. This clearly emphasised the importance of a policy analysis in the overall audit of any institution of higher learning (Diaw, 2007: 10).

4.2 Higher Education in Ghana

An institutional culture survey was conducted at the University of Ghana, which was found to have a *traditional hierarchical structure.* This extended from the curriculum to administration, with those subjects with a greater male presence viewed as holding more importance and prestige, and a heavy male presence amongst the most senior influential academics. Women at this institution found it hard to reach positions of seniority which impeded their career growth (Tsikada, 2007: 36).

As academics, women were expected to contribute towards research as much as their male counterparts, but were also still expected to fulfil their domestic roles and to continue to be the primary caregivers in the family. The additional role played by women in the family was generally not considered by the university when promotions and recognition of academics were given. Furthermore, as was the experience at the University of Ghana, many academic institutions do not provide any allowances in their policies or employment contracts for women in the role of caregiver (e.g. day care facilities or family responsibility leave) (Tsikada, 2007: 36).

4.3 Higher Education in Zimbabwe

A study at the University of Zimbabwe revealed that women were mainly viewed first on the basis of gender (by being female) and only secondly, as academics. Research was conducted in the senior common room and in the social science tea-room. It was found that the tea-room was run by junior women staff members, fostering their domestic and care-giving roles and further stereotyping the divide between men and women in the university. Although this could be interpreted as having a negative impact on gender relations between the men and women in faculty, the tea-room was actually a place where junior women were able to network and foster relations with more senior academics. Young men found it a useful place for securing information, support and mentoring, usually from the older males. The casual nature of tea-room interactions allowed married young women to interact with men without experiencing problems relating to sexual decorum (Gaidzanwa, 2007: 75).

Also investigated was the University of Zimbabwe's ability to provide adequate security and protection to students working late at night on campus, and whether there were infrastructural mechanisms to ensure the prevention of (and proactive responses to) sexual harassment. Another form of sexual harassment investigated was what is colloquially termed 'sexually transmitted grades', a common phenomenon in southern African educational institutions where male lecturers generally target young women for sexual favours in exchange for grades (Gaidzanwa, 2007: 70).

4.4 Higher Education in Nigeria

An audit was conducted amongst some religious student groups at Nigerian higher education institutions, to discern the role that gender plays amongst students in a social setting. The same study also focused on social student bodies on campus and residence halls, to obtain students' thoughts on gender and gender roles in the university. It was found that many religious groups (both Muslim and Christian) perpetuated gender stereotypes, often justified by religious beliefs. It was further found that most students prescribed to the stereotypical roles of men and women, and women were not expected to act in leadership roles within organisations. There was no evidence of women promoting women, and women would actually promote the interests of men in order to obtain favour in their various groups (Ango, 2011: 26).

There are many cultural, religious and societal belief systems that suppress women and attempt to force them into traditional roles which do not promote gender empowerment. Such practices come to the fore when gender audits are conducted on students. Such data usually serves as a starting point on which to base further investigations on gender relations. At higher education institutions, these statistics can serve as a tool to indicate which areas have more gender unequal relations and thus require specific focus (Odejide, 2007: 51).

4.5 Higher Education in South Africa

A study was undertaken in 2004 at the University of Pretoria to establish the gendered nature of its institutional culture, as well as to discover the position of men and women within the university, and to determine how friendly gender policies were. The study revealed that gender equality had not been achieved within the university. The report went further to highlight specific areas of concern, with levels of inequality varying across faculties. For example, the Faculty of economics and management sciences had achieved great advances towards equality, highlighting that changes, once motivated, can occur at a rapid pace. However, despite the presence of more women in the faculty, most senior positions (professor / associate professor) remained occupied by men, with women occupying lower positions.

Inequality was also found to persist in other areas such as: The finding that men had a greater propensity to produce publications in accredited journals, which made them better candidates for promotion.

There were also differences in perceptions of the roles of women and distribution of workload which contributed towards different lived realities for women and men employed at the university. It was suggested that open discussion and acknowledgement of the differences would benefit gender relations within UP (Welpe, Henderson, Thege & Wilken, 2004).

A study was undertaken of South African universities in 2008 to determine the extent to which gender issues were included in the curriculum. Researchers undertook

a database search for gender-specific words in the courses offered by various universities. Searches for items such as 'women', 'gender' and 'sexualities' were conducted on all the curricula. The results were that most of the gendered courses were found in the humanities and social sciences faculties. Where a lecturer had an interest in feminism or an advocacy past, subjects tended to have more of a gendered approach.

Lecturers who did not include a gendered approach cited issues such as workload and research goals as impeding their ability to expand the subject to mainstream gender concerns. Many academics were aware of taking a gendered approach in what they teach. However, while they were committed to gender issues, they felt that they lacked the expertise and professional training to make it happen to a high and meaningful standard (Bennett & Reddy, 2007: 54).

The same study also revealed that many of the curricula which did include a gendered dimension did so in a manner that perpetuated traditional gender stereotypes. Courses that included the terms 'women' or 'gender' or 'sexuality' tended to relate to topics fitting stereotypical roles of men and women. For example, in the law faculty, gendered studies tendered to appear in areas such as family law (the law of marriage, divorce and custody), criminology (the study of crime) and human rights (sexual and reproductive rights, and the rights of children). In the health sciences, the role of gender was typically included in the following departments: nursing, obstetrics and gynaecology, urology, public health, family and community health.

While a few courses tried to expand the notion of gender as a concept, these were not the standard approach indicating therefore that gender was not a concept which had been highly explored at universities (Bennett & Reddy, 2007: 54).

4.7 Conclusion

The studies above indicate that having a sufficient proportion of women visible within a university is not only an important factor in promoting equality at an institution, but also presents a model for students at the institution.

It is highlighted further that understanding what areas perpetuate gender stereotypes can provide a platform for advocacy and gender audits. There is therefore a need to look at the ways in which gender is presented to university staff and students, to ensure that the relationships fostered between men and women at university are positive and encourage the empowerment of both sexes.

Given the importance of including gender in teaching, it is also important to audit the extent to which gender is mainstreamed into the curriculum, regardless of the faculty. Altering the content of such courses to address gender could be a means to promote gender in faculties where women's issues are not generally seen as relevant, such as engineering, sciences and information technology.

5: Developing the Gender Audit Tool

5.1 Introduction

With democracy in South Africa came a need to transform society to reverse the lingering effects of apartheid as embodied in the South African Constitution, which promotes the rights to equality, dignity and freedom. Universities have been acknowledged as a site for transformation and as a source for future leaders. UP, like all other universities, should therefore be committed to a transformation of its demographic profile and institutional culture, and to increase diversity through inclusion. This includes the elimination of discrimination on the basis of sex, gender and sexual orientation.

South Africa adopted a human rights based approach to the realisation of gender equality, as entrenched in the Bill of Rights of the Constitution of South Africa and other legislative enactments. The Higher Education Act 101 of 1997 was enacted in an attempt to redress discrimination of the past with regards to access to higher education. It realises the need to ensure representation and equal access and to promote the constitutional values of equality, dignity and freedom in institutions of higher education.

Other states that have not adopted the same approach may be best served by realising the transformational needs of any higher education institution are ultimately guided by human rights, and for that reason should adhere to the regional and international principles set in order to realise gender equality in access to education.

UP, like all other universities, should be committed to a transformation of its demographic profile and institutional culture, and to increase diversity through inclusion.

5.2 The Institutional Culture Survey

In 2011 UP undertook an Institutional Culture Survey, a necessary initiative in understanding transformation at the institution and charting the way forward. The Institutional Culture Survey aimed at providing a clear view of the university's institutional culture as perceived across different staff and student groups, and focused on:

- those aspects that did and did not contribute to an inclusive and enabling environment within UP,
- key challenges and hindrances to achieving greater inclusivity and enablement across UP,
- the desired UP culture which is intended to be inclusive and enabling in nature,
- the specific areas of strength and risk with regard to the current institutional culture,
- how the current institutional culture impacts on the transformation processes at UP,
- how the current institutional culture should be addressed as part of the overall transformation plan of UP, and
- how the culture of UP impedes the achievement of the university's vision of being a world-class institution of excellence for teaching, learning, research and community engagement, with a value-driven organisational culture that provides an intellectual home for the rich diversity of South Africa's academic talent.

Looking at the report of the Institutional Culture Survey, the following is evident:

- The wide scope of the survey (including all students and staff) did not allow an in-depth consideration of various aspects that constitute 'transformation.' Potentially important aspects were excluded from the scope of the study owing to its sheer magnitude. Although the report states that race was not the main or only focus of transformation, there seems to be an over-reliance on race, with many references made to race and few to gender and other factors.
- The survey was geared towards the collection of data to contextualise the transformation agenda of UP. As important as such data is there was no critical analysis of underlying relations between the groups of people that constitute the university body, an important aspect to investigate if the development of a transformed and inclusive culture is to be realised. The survey therefore lacked concrete and strategic suggestions on how best to encourage transformation within the University.
- Although little mention was made of gender, there were some dimensions in the study that made express mention thereof and provided sex-disaggregated data such as 'management style' (dealing mainly with how people experienced the person to whom they reported). However some dimensions that might have had a different impact or gendered consideration did not provide gendered data, such as 'employment equity.'

Department of Institutional Planning,
***Awareness of Sexual Harassment Policy at UP*, 2011**

The Legal Service Department conducted a market survey study to investigate the awareness levels of students of the policy and procedures in the institution. The main objective of the study was to determine to what extent students of the University of Pretoria are aware of the sexual harassment policy and to explore the students' knowledge and attitudes towards the sexual harassment. In the research study, emphasis was placed on the following issues:

- the knowledge of students regarding the UP sexual harassment policy,
- the perceptions of students regarding sexual harassment, and
- students' own experience regarding sexual harassment.

The research project was also designed to determine whether specific student groups experienced sexual harassment differently.

The survey revealed that the majority of students (78%) are not aware of the sexual harassment policy. Only 21 % of the students indicated that they know about it.

92% of students know what sexual harassment means. Only 7% of the students indicated that they do not know what it entails. A majority of students do not know how to access the policy or how to lodge a complaint. It was interesting to note that more students were aware of the social assistance available for persons exposed to sexual harassment than the sexual harassment policy itself. While only 22 % of the students knew about the policy, 38% of students indicated that they know that social assistance is available. Almost 60% of the students also knew that the sexual harassment complaints are dealt with in utmost confidentiality. Students are more likely to lay sexual harassment charges against workers, professors or lecturers, and fellow students and to a lesser extent to fellow students and boyfriends.

One respondent mentioned "… incidents have occurred where harsh language was used and there was screaming towards staff, especially women," pointing to the gendered nature of harassment …

- Under the dimension 'drivers of inclusive and enabling culture' was the sub-topic of harassment. This was presented mainly along racial lines, and the gendered nature of harassment was largely ignored. There was no in-depth consideration of sexual harassment, which is a gendered phenomenon globally. One respondent mentioned "… incidents have occurred where harsh language was used and there was screaming towards staff, especially women," pointing to the gendered nature of harassment and thus an aspect worth exploring further.
- The executive accepted in its summary of the Institutional Survey that the survey had revealed a resistance to transformation at UP, an admission worth investigating in a more focused study. It was further accepted that there seemed to be a narrow understanding of what transformation was and a failure by respondents to view transformation at UP in a broad and comprehensive sense.
- The biographical data revealed that most of the respondents were women. However, women are not a homogenous group and vary on the basis of race, position, language, etc. The majority of the respondents in the survey were white, and there was, therefore, a gap in the dominant narrative of the survey. Little mention was made of other gendered groups such as members of the LGBTI community. This therefore limited the study in terms of its investigation of issues such as non-discrimination and inclusivity.
- Non-discrimination was disaggregated on the basis of race but not in terms of gender, which is still a source of widespread discrimination in South Africa. Also noteworthy is the fact that the staff levels least concerned about discrimination were deans and deputy directors, who were generally male.
- The dimension "valuing differences in people" relates to affirmative action, and yet it was not disaggregated on the basis of sex. The report noted that all staff members respected each other across gender lines, but a more detailed analysis reveals that fewer females than males expressed the view that staff members respect each other across gender boundaries, indicating very different perceptions.

In the Institutional Culture Survey, only 48.9% of the respondents surveyed (who were women) were satisfied with career advancement opportunities, which linked with affirmative action and the encouragement of the development of previously disadvantaged groups such as women. This is a gendered aspect which could merit further attention.

5.3 Examining gender issues at UP

The Institutional Culture Survey was designed to focus on aspects of institutional culture, including behaviours and processes which did or did not contribute to an inclusive and enabling environment. While certain aspects of the survey aimed at identifying discrimination on the basis of gender, the broad nature of the survey limited provision of an accurate picture of the extent to which UP had entrenched gender equality and, indeed, addressed LGBTI needs.

It was therefore considered timely to reflect on the extent to which UP had made progress in terms of international and regional standards for the elimination of gender discrimination, as reflected in Chapter 3, and to compare progress made at other African higher education institutions. We proposed to pilot a gender audit tool at UP to identify how its policies and programmes incorporated gender issues and its capacity to address gender issues in planning and implementation. The pilot further incorporated investigating the capacity of the University to develop and implement a strategy for the participation and empowerment of women, and constraints at the University in the realisation of equal rights and opportunities for women.

A related aspect considered was the treatment of lesbian, gay, bisexual, transgender and intersex (LGBTI) people, who face discrimination on the basis of their gender identity or presentation.

In the long term it is hoped that the tool will contribute towards the entrenchment of gender equality in African universities and the acceptance of the value of gender equality by university graduates, the future leaders of Africa.

5.4 Desktop survey

Using the Institutional Culture Survey of 2011 as our starting point, the study undertook a desktop survey to determine:

- what gendered differences in responses were provided in relation to various aspects of the Institutional Culture Survey,
- unacknowledged experiences of harassment, and
- silences in the Institutional Culture Survey about naturalised systemic aspects of gendered location, assigned status and possible discrimination.

5.5 Piloting the Gender Audit Tool within the University of Pretoria

5.5.1 Aims

The aims of this undertaking included:

- to develop and pilot a gender audit tool at UP,
- to enable other educational institutions across Africa to practically envision the application of this gender audit tool within their own contexts, and
- to arrive at a proposed gender audit tool that could be disseminated to partner universities and other institutions of higher learning across Africa.

This audit tool was therefore not designed simply to audit UP and to compute general results, but rather, was developed so that it could be disseminated more widely and used in other higher education contexts. The Pilot, therefore, does not focus on the entire university but strategically questions certain aspects of the university culture and employs a targeted methodology geared towards the realisation of this focused goal.

5.5.2 Scope

For purposes of piloting the tool and illustrating its application we carried out key interviews with representatives of the various focus areas listed below. The pilot applied parts of the tool primarily to the CHR (e.g. management and governance, curriculum content), but other aspects of the tool that were more relevant to the whole university were applied at the broader institutional level (e.g. student life, human resources).

After consultation and research, and with the assistance of a gender expert, six sites for investigation were chosen. These were based on various gender audits previously carried out at higher education institutions across Africa. The six areas were:

a) ***Management and governance***. Since this is where all major decisions are made about how the university should be run, it was important to investigate gender relations at this level to determine the culture of the university and the gender climate.
b) ***Institutional culture***. "Culture is a pattern of shared tacit assumptions … learned by a group as it solves its problems of external adaptation and internal integration, that has worked well enough to be considered valid and, therefore, to be taught to new members as the correct way to perceive, think, and feel in relation to those problems… It results in what is popularly thought of as the 'way we do things around here'" Schein (2009: 27).
c) ***Policy review***. The policies which determine how the university is governed are important to investigate in terms of their gender application. Gender policy is an instrument for change at all levels of university functions, and for addressing the root causes of gender inequality and the subtle ways in which they are sustained within university practices.
d) ***Teaching and research***. It is important to consider the extent to which teaching and research perpetuate or challenge gender stereotypes.
e) ***Student life***. It is crucial to investigate the social aspect of the university experience for students, including residences and their role in the reproduction of gender roles, as well as how gender relations play out in student societies. We also considered student governance structures and their responsiveness to issues of gender equality.
f) ***Human resources***. recruitment, promotion, and affirmative action/employment equity processes, and the extent to which they were gender sensitive was investigated. Also investigated was whether women and men enjoyed equal access to opportunities in the workplace, and to what extent the workplace valued diversity and was accommodating of and responsive to such diversity.

5.5.3 Methodology

The study employed three main methods of data collection. Although listed chronologically, some of these processes ran concurrently.

• **Desk review**

The desk review had several components:

- A **background study** placed the audit in context, examining gender relations at higher education institutions and the legal obligations that bind states to ensure gender equality in all spheres, including education.
- A **literature review** identified previous gender audits, from which lessons for this audit were drawn. This helped to more effectively delineate the scope and anticipate challenges, as well as to adopt best practices with respect to methodology.
- A **document review** included a review of university policies and other documents (such as annual reports, strategic plans, vision, mission and publications that might give an indication of the gender climate).
- A **statistical analysis** was conducted of available gender-disaggregated data, including employment equity reports with demographics across staff and student structures.

• **Focus group discussions**

Focus group discussions (FGDs) were held amongst university staff members such as lecturers and researchers, and also with students in residences and student societies. The areas of investigation served as a guide for the FGDs, led by a facilitator and documented by an administrator.

• **Key informant interviews**

Key informant interviews were held with university staff and with students in leadership. The guiding questions were fashioned along the same format as for the FGDs, but narrowed down to specific areas.

5.5.4 Compilation of result and report

The results of the processes mentioned above were compiled into a draft report, which was then reviewed and finalised.

6: A Gender Audit Tool for higher education institutions

The tool described below is a guide for examining gender relations at higher education institutions. It is hoped that it can serve as a baseline for regular gender audits at higher education institutions. The tool should be regarded as a flexible instrument to be adapted to specific institutional needs.

As previously mentioned, the tool covers six areas which we regard as key fields for investigation:

- management and governance
- policy review
- institutional culture
- teaching and research
- student life, and
- human resources.

NOTE: How to apply the Gender Audit Tool

- It is important to secure interviews and focus group discussions to assist in the application thereof.
- Use the tool as a guide in conducting interviews and in the focus group discussions. The questions in the tool should therefore be posed to the various identified key informants and the focus groups constituted.
- The scoring outlined in the tool is not the main aim of the tool; it is merely a tracking system to have a general feel of how the university fares on the gender equality scale set out in this tool. It can be used as a baseline for further audits that may be conducted to highlight what improvements have been made at the institution and what areas need more focus as determined through the lens of this particular Gender Audit Tool.
- It should also be noted that the Tool need not be applied in its entirety. It is possible to apply certain sections of the Tool at a time, for example only the section under management and governance if this is the chosen area of focus at the time.

A. Management and governance
(9 key questions, maximum score = 30)

The main objective of questions in this section is to determine to what degree management and various governance structures reflect and promote a culture of gender sensitivity and equality.

Key questions and supplementary questions

- In each key area, we list **core questions**, which we would encourage any higher education institution which wishes to conduct a gender audit to answer. These questions are highlighted in **bold**.
- A list of *supplementary questions* follows the core questions (these are shown in *italics*). We believe that answering these questions will add further depth to, and enrich, the audit process.
- Key questions have suggested scoring in brackets following each permissible choice for each question. Hence each section has a maximum attainable score on core questions, indicated at the start of each section. A maximum score for all sections would, therefore, denote an institution that is fully attentive to all gender and LGBTI issues. We believe that in the current academic context, this is highly unlikely for any institution.
- The scoring system is not intended as a means for comparing academic institutions in terms of gender competence. Rather, the scoring is intended as a means to enable an institution which repeats the gender audit over time, to obtain a rough indication of progress made in addressing gender and LGBTI issues. We hope that the proposed tool that follows may be revised with repeated use, and refined over time to become a more useful means to advance sensitivity to gender.

1. What proportion of senior management are women?

a. 0% (0)
b. 1-10% (1)
c. 11-20% (2)
d. 21-30% (3)
e. 31-40% (4)
f. 41-50% (5)
g. More than 50% (6)

2. What proportion of middle management are women?

a. 0% (0)
b. 1-10% (1)
c. 11-20% (2)
d. 21-30% (3)
e. 31-40% (4)
f. 41-50% (5)
g. More than 50% (6)

3. Carefully consider at what point the most important decisions in the institution are taken. What proportion of the membership of these important decision-making bodies are women?

a. 0% (0)
b. 1-10% (1)
c. 11-20% (2)
d. 21-30% (3)
e. 31-40% (4)
f. 41-50% (5)
g. More than 50% (6)

Supplement: Should there be more than one of such bodies consider the weighted average of these bodies to determine what percentage is representative of women. This method should be applicable throughout the rest of the survey should the category demand the investigation of more than one subject under a cumulative consideration.

4. **Are there specific targets for the promotion of gender equality and the empowerment of women, reflected for example in strategic plans?**
   a. Yes (1)
   b. No (0)

   Supplementary question: What progress has been made in meeting these targets?
   a. No progress
   b. Limited progress
   c. Good progress
   d. Substantial progress

5. **Are there institutional initiatives to promote education and training on the importance of gender equality?**
   a. Yes (1)
   b. No (0)

   Supplementary question: How important or effective are these initiatives in realising their goals?

6. **On average, how often are issues relating to gender raised for consideration by decision-making bodies?**
   a. Never (0)
   b. Annually (1)
   c. Six monthly (2)
   d. Three monthly (3)
   e. Monthly or more often (4)

7. **How often are LGBTI concerns raised for consideration by decision making bodies?**
   a. Never (0)
   b. Annually (1)
   c. Six monthly (2)
   d. Three monthly (3)
   e. Monthly or more often (4)

8. **Are gender equality objectives reflected in budget allocations?**
   a. Yes (1)
   b. No (0)

   Supplementary question: For example are there institutionally funded initiatives geared towards gender equality that are reflected clearly as part of the annual budget?

9. **Are gender equality objectives reflected in extra-budgetary allocations?**
   c. Yes (1)
   d. No (0)

   Supplementary question: Are there arrangements made to periodically fund projects geared towards the realisation of gender equality outside of the wider institutional annual budget?

B. Policy review
(14 key questions, maximum score = 14)

The questions in this section enquire whether or not the institution has the policies necessary to advance gender equity and to protect women, as well as whether policies take into account LGBTI rights.

1. Does the institution have a gender equity policy?

a. Yes (1)

b. No (0)

Supplementary questions:

1.1 Is the gender equity policy distributed and widely known?

a. Yes

b. No, what can be done to ensure wider distribution?

1.2 Is there evidence that the gender equity policy is being implemented?

a. Yes

b. No, what can be done to ensure better implementation?

2. Does the institution have specific policies to accommodate diversity (including LGBTI diversity)?

a. Yes (1)

b. No (0)

Supplementary questions:

2.1 Is the policy on diversity distributed and widely known?

a. Yes

b. No, what can be done to ensure wider distribution?

2.2 Is there evidence that the policy on diversity is being implemented?

a. Yes

b. No, what can be done to ensure greater implementation?

2.3 Is there a noted resistance to dealing with gender equality and diversity (including on sexual orientation) noted within the institution?

a. Yes

b. No

2.4 How is this resistance displayed?

2.5 How is this resistance dealt with, if at all?

3. **Are there policies and procedures in place to deal with reported cases of sexual harassment?**
   a. Yes (1)
   b. No (0)

4. **Is the sexual harassment policy distributed and known among staff?**
   a. Yes (1)
   b. No (0)

5. **Is the sexual harassment policy distributed and known among students?**
   a. Yes (1)
   b. No (0)

   Supplementary question: If no, what efforts can be made for the policy to be wider distributed and known amongst both staff and students?

6. **Are cases of sexual harassment often reported?**
   a. Yes (1)
   b. No (0)

   Supplementary questions:
   6.1 Which office is responsible for dealing with issues of sexual harassment?
   6.2 Are there disaggregated statistics available on the number of cases reported?

7. **Are cases of sexual harassment managed according to policy?**
   a. Yes (1)
   b. No (0)

   Supplementary questions:
   7.1 What is the procedure for reporting cases of sexual harassment?
   7.2 How many of the reported cases are followed through to completion? What have been the outcomes of such cases?

8. **Does the policy framework of the institution provide special protection to women, including students, such as during pregnancy?**
   a. No (0)
   b. Yes (1)

   Supplementary questions:
   8.1 Are there other identifiable measures for special protection? Including also protection for LGBTI?

9. **Does the policy framework of the institution enable appropriate health care services, including wellness and HIV/AIDS programmes, appropriate to the needs of both women and men?**
   a. No (0)
   b. Yes (1)

10. **Does the policy framework of the institution condemn all forms of violence against women and have in place special measures to protect women from violence, to prevent gender-based violence, and respond to and support women who experience violence?**
    a. Yes (1)
    b. No (0)

11. **Does the policy framework of the institution condemn violence against members of the LGBTI community, and provide support for LGBI individuals who have experienced violence?**
    a. Yes (1)
    b. No (0)

12. Does the policy framework of the institution enable appropriate structures to monitor, evaluate and report on indicators for gender equality at the institution?

a. No (0)

b. Yes (1)

13. Does the policy framework of the institution remove barriers to equal education of women, including pregnant women, married women and women with disabilities?

a. No (0)

b. Yes (1)

14. Do dress codes exist that engender stereotypes in terms of gender or sexuality?

a. No (0)

b. Yes (1)

Supplementary question: How do dress codes accommodate variations in terms of presentation of gender and sexuality?

Other supplementary questions on policy:

Does the policy framework of the institution enable women to participate and lead in student societies, committees and the representative student council?

a. Yes

b. No

Do institutional policies use homophobic language offensive to LGBTI persons?

a. Yes

b. No

If so, provide examples of use of such homophobic language, and consider what can be done to change such practices.

Does the policy framework of the institution prohibit practices that promote prejudice against and stereotyping of women and men?

a. Yes

b. No what steps can be taken to prohibit such practices?

How does the institution understand gender? Do institutional policies and strategic objectives show gender as concerning women only, or as concerning both sexes and the relations between them?

a. No, what can therefore be done to foster a clear institutional definition of gender?

b. Yes

C. Institutional culture
(10 key questions, maximum score = 10)

The aim of this section is to investigate the gendered nature of the institutional culture. Is it conducive to the realisation of gender equality, and does it exhibit respect for LGBTI individuals?

1. **Does the institutional culture provide an environment that is accommodating of various interests? Does this environment make it possible to achieve these interests?**
   a. Yes (1)
   b. No (0)

   Supplementary question: If yes, how does the institution do this? If no, how can this be fostered in your institution?

2. **Does the institution take active steps to illustrate a realisation of diversity and respect for differences?**
   a. Yes (1)
   b. No (0)

   Supplementary question: What steps have been taken to move diversity and difference beyond policy?

3. **Does the institution exhibit a culture of gender sensitivity that is particularly cognisant of the structural factors that underlie sex-discrimination?**
   a. Yes (1)
   b. No (0)

   Supplementary question: How does the institution show gender sensitivity? If no, what steps can be taken to better foster gender sensitivity?

4. **Does the institution show a commitment to the realisation of gender equality through policy and practice including training on gender sensitivity and the dangers of discrimination?**
   a. Yes (1)
   b. No (0)

   Supplementary question: How does the institution show its commitment to gender equality?

5. **Does the institution demonstrate gender sensitivity in terms of avoidance of sexist language, sexist jokes and sexist images by staff and / or students?**
   a. Yes (1)
   b. No (0)

   Supplementary questions:
   5.1 How does the institution deal with the use of sexist language, jokes and images by staff or students?
   5.2 Have there been any disciplinary measures for people found to engage in such conduct?

6. **Does the institution provide space to individuals who want to organise and meet, based on other aspects of their identity (such as gender, ethnicity, and sexual orientation)? Without prejudice?**
   a. Yes (1)
   b. No (0)

7. **Does the institution acknowledge and support people who do not fit traditional gender roles (such as LGBTI individuals)?**
   a. Yes (1)
   b. No (0)

   Supplementary question: How is acknowledgement and support of LGBTI individuals shown? Is sexual orientation a prohibited ground of discrimination at the institution?

8. Have there been noted uses of homophobic language by staff members or students (i.e. language offensive to LGBTI persons)?

a. Yes (0)

b. No (1)

Supplementary questions:

8.1 Is there a disciplinary measure for the use of homophobic or other discriminatory language?

8.2 Have any people been brought before such measures for use of ho mophobic language?

9. Are disciplinary measures in place to deal with individuals found to be engaged in bullying, harassment or sexual discrimination?

a. No (0)

b. Yes (1)

10. Does the institutional culture reflect a commitment to fighting inequality?

a. Yes (1)

b. No (0)

Supplementary question: What active measures have been taken to show such a commitment?

D. Teaching and research
(11 questions, maximum score = 29)

Knowledge is the main product of universities and this section questions whether the type of knowledge passed on through teaching and research fosters a sense of gender accountability and fairness.

1. Is accurate information conveyed about a broad range of cultural values, life experiences and the diversity within cultures?

a. No (0)
b. To a limited degree (1)
c. More often than not (2)
d. Generally (3)

Supplementary question: Provide examples of how information about diversity is conveyed.

2. Do the teaching and research activities undertaken by the institution adopt a human rights culture?

a. No (0)
b. To a limited degree (1)
c. More often than not (2)
d. Generally (3)

Supplementary question: Provide examples of how a human rights culture is reflected.

3. Are causes of sexism in the national, regional and international contexts explored and challenged?

a. No (0)
b. To a limited degree (1)
c. More often than not (2)
d. Generally (3)

Supplementary questions: Provide examples of how causes of sexism are explored and challenged? If not, what can be done to explore the causes of sexism?

4. Is there promotion of critical thinking and diversity through teaching and research?

a. No (0)
b. To a limited degree (1)
c. More often than not (2)
d. Generally (3)

Supplementary questions: Critical thinking refers to innovation and a refusal of the status quo. Is this promoted as a general institutional theme? How do the various departments comply?

5. Are issues of gender, gender inclusiveness and gender equity discussed in classes?

a. No (0)
b. To a limited degree (1)
c. More often than not (2)
d. Generally (3)

Supplementary questions:

5.1 Give examples if any, of how gender, gender inclusiveness and gender equity are discussed in classes.

5.2 If they are not, can any changes be made so that such discussions occur?

6. Are issues of gender, gender inclusiveness and gender equity reflected in research?

a. No (0)
b. To a limited degree (1)
c. More often than not (2)
d. Generally (3)

Supplementary question: Give examples of how gender, gender inclusiveness and gender equity are reflected in research.

7. Have guidelines been developed to deal with gender bias in content, language and illustrations of course materials?

a. No (0)
b. To a limited degree (1)
c. More often than not (2)
d. Generally (3)

Supplementary questions:

7.1 Are there examples of such guidelines?
7.2 Are these guidelines enforced?

8. To what extent are stereotyped images of gendered activities and occupations challenged?

a. No (0)
b. To a limited degree (1)
c. More often than not (2)
d. Generally (3)

Supplementary question: Provide examples of stereotyped images of gendered activities and occupations being reinforced (or challenged).

9. To what extent does the curriculum reflect LGBTI concerns?

a. No (0)
b. To a limited degree (1)
c. More often than not (2)
d. Generally (3)

Supplementary questions:

9.1 Are there examples of reflection of LGBTI issues and concerns in the curriculum?
9.2 If not, what can be done to encourage such a reflection?

A SUGGESTED SUPPLEMENT FOR CONDUCTING A GENDER AUDIT ON AN ACADEMIC CURRICULUM

1. **Identification of stakeholders**: Who are the decision makers? (These are the persons who are responsible for the content and direction of the module). Are the stakeholders well versed in issues of gender? How gender-sensitive are stakeholders in relation to the needs and interaction of the different genders with the course material and the different teaching methods? Did the stakeholders undergo any formal training with regard to gender mainstreaming?
2. **Teaching methods**: What is the main method of teaching? Which method do students of different genders interact with and respond better to?
3. **Data collection:** If questionnaires are used for data collection, do they employ gender-sensitive questions?
4. **Course content**: Does the content highlight gender differences? Is the content equally representative of the different genders?
5. **Student participation**: How is student participation measured or assessed? Is it aligned to the goals of the module/course? Is the data for student participation segregated according to the different genders?
6. **Best practices:** What are the current efforts made at gender equality? How can they be fostered and institutionalised? Which organs/departments are responsible for the continuity of best practices?
7. **Institutionalisation:** Is gender equality one of the stated outcomes of the course/module? How can the stakeholders be recruited and galvanised into promot ing gender equality?
8. **Challenges**: Does the institutional image and heritage foster gender equality or not? How can this be challenged or changed?

10. Are efforts made to engage in gender-neutral language in teaching materials and classes, where relevant?

a. Yes (1)

b. No (0)

Supplementary questions:

1.1 Why is it important to have such neutrality?

1.2 Under whose initiative are these efforts made if any?

1.3 If not, how can better efforts be made for gender neutrality?

11. Are learners provided with gender-neutral assessment methods that do not stereotype males and females along traditional lines?

a. Yes (1)

b. No (0)

Supplementary questions:

11.1 Provide examples of such gender-neutral assessment method if any.

11.2 If not, what can be done to ensure that such assessment methods are included?

D. Student life
(15 questions, maximum score = 29)

This section investigates students' experience of gender and of LGBTI discrimination or affirmation. It specifically focuses on how students interact with student governance structures and within societies, including residences.

1. Are there social and cultural practices inculcated in the university student culture that may lead to gender stereotyping?

a. No (3)
b. To a limited degree (2)
c. More often than not (1)
d. Generally (0)

Supplementary question: Provide examples of such social and cultural practices leading to gender stereotyping.

2. Are there aspects of student life that devalue LGBTI individuals or others who do not fit gender stereotypes?

a. No (3)
b. To a limited degree (2)
c. More often than not (1)
d. Generally (0)

Supplementary question: Provide examples of how aspects of student life devalue LGBTI individuals and others who do not fit gender stereotypes.

3. Has unfair discrimination been experienced on the basis of any of the following factors?

3.1 Gender?	experienced (0)	not experienced (1)
3.2 HIV status?	experienced (0)	not experienced (1)
3.3 Physical ability?	experienced (0)	not experienced (1)
3.4 Nationality?	experienced (0)	not experienced (1)
3.5 Gender presentation?	experienced (0)	not experienced (1)
3.6 Sexual orientation?	experienced (0)	not experienced (1)
3.7 Religious affiliation?	experienced (0)	not experienced (1)
3.8 Socio-economic background?	experienced (0)	not experienced (1)
3.9 Race?	experienced (0)	not experienced (1)

Supplementary questions:

3.1 How was such discrimination dealt with?
3.2 Are there any disciplinary measures in place?

4. Do students from different groups integrate/mix socially in faculty, on campus and in social situations?

a. No (0)
b. To a limited degree (1)
c. Often (2)

Supplementary questions:

1.1 Where does this integration take place?
1.2 Are there any university led initiatives that provide a platform for social integration?

5. Do initiation practices for first year students take place?

a. Yes (0)
b. No (1)

Supplementary questions:

5.1 Is such initiation experienced by any students as humiliating or reducing their human dignity?
5.2 Does initiation contribute to gender stereotyping? Provide examples.

6. Are students of different traditions, language, background, race, etc, accommodated at the University and is there sufficient inclusivity for all?

a. Yes (1)
b. No (0)

7. Do students feel that the university is adequately inclusive and provides a culture that allows them to flourish and realise their aspirations, such as through career counselling, and the provision of emotional support services etc?

a. Not at all (0)
b. To some degree (1)
c. Mostly (2)

8. Are students held accountable for their discriminatory or offensive behaviour?

a. Yes (1)

b. No (0)

Supplementary questions:

8.1 How are students held accountable for their behaviour?

8.2 Are there disciplinary procedures and who administers such processes?

9. Are there sufficient opportunities for students to involve themselves in governance and to influence decision making both socially and academically?

a. Yes (1)

b. No (0)

Supplementary question:

9.1 What are these opportunities?

9.2 And if none exist what can be done to foster such a culture?

10. Do student governance bodies reflect a culture of gender sensitivity and align themselves with the realisation of gender equality?

a. Yes (1)

b. No (0)

Supplementary questions:

10.1 Is gender equality a policy in the constitution of these bodies?

10.2 Is there equal representation of men and women in their structures?

11. Do student governance bodies involve themselves in accommodating the needs of LGBTI students?

a. Yes (1)

b. No (0)

Supplementary question: Have such bodies taken active steps to demonstrate such accommodation?

12. Do student bodies encourage the greater participation of women in their decision making processes?

a. Yes (1)

b. No (0)

Supplementary questions:

12.1 How do they go about this?

12.2 Is there a specific gender quota?

13. Do student bodies encourage the use of gender-sensitive language and discourage the use of language that is discriminatory, disrespectful or insensitive based on gender or sex?

a. Yes (1)

b. No (0)

Supplementary question:

13.1 How do they do this?

13.2 How is it enforced?

14. Do major student events and student societies cater for students from diverse backgrounds, including female and LGBTI students?

a. Yes (1)

b. No (0)

15. Do all students – including women, LGBTI students and other groups – feel safe in and around the institution?

a. Yes (1)

b. No (0)

Supplementary question:

15.1 How are students made to feel safe?

15.2 What security measures are in place to ensure safety on campus?

15.3 Are such measures mainly preventive or reactionary?

F. Human resources
(18 key questions, maximum score = 19)

The main questions in this area are whether the recruitment processes and employment policies in place are such that they cultivate a positive gender environment in the institutional workplace.

1. Are recruitment, interview and selection practices free of gender bias?

a. Yes (1)
b. No (0)

Supplementary question: Describe these processes and indicate at which point gender could be an influencing factor and the measures taken to ensure that the process is bias free.

2. Is there an affirmative action policy in place at the institution?

a. Yes (1)
b. No (0)

Supplementary questions:
2.1 What is the importance of such a policy?
2.2 Is the policy clearly communicated throughout the institution?
2.3 Is the policy enforced?

3. Are promotion practices generally free of gender bias?

a. Yes (1)
b. No (0)

Supplementary questions:
3.1 Describe the promotion process at your institution.
3.2 Are there other factors that could affect promotion practices and cause them to be discriminatory?

4. Do staffing advertisements indicate that the institution is an equal opportunity employer?

a. Yes (1)
b. No (0)

5. Do selection strategies and hiring practices facilitate the recruitment of women?

a. Yes (1)
b. No (0)

Supplementary question: How is the recruitment of women facilitated?

6. Are men and women paid equal wages for equal work?

a. Yes (1)
b. No (0)

7. Are there opportunities for personal development of female staff, and are such opportunities known and easily accessible?

a. No (0)
b. Yes (1)

8. Do women have access to informal and formal networks such as mentorship and networking forums?

a. Yes (1)
b. No (0)

Supplementary questions:
8.1 How are women able to access these networks?
8.2 Is it institutionally organised or socially amongst staff members?

9. Is the career appraisal process substantively equal and not merely equitable?

a. No (0)
b. Yes (1)

10. Does the career appraisal process take into account the differences between men and women, and the hindrances that could encumber one group and not the other?

a. Yes (1)
b. No (0)

11. Are career development initiatives at the institution gender sensitive?

a. Yes (1)
b. No (0)

12. Do career development initiatives at the institution facilitate the employment of LGBTI individuals?

a. No (0)
b. Yes (1)

13. Is there a balance within the institution between men and women regarding decision making?

a. No (0)
b. Yes (1)

14. Is there a balance within the institution between men and women regarding delegation of work?

a. Yes (1)
b. No (0)

15. Does the institution accommodate for other responsibilities outside of the work place (e.g. part-time work, maternity/paternity leave)?

a. Yes (1)
b. No (0)

16. Does the institution provide child-care and crèche facilities for staff members?

a. No (0)
b. Yes (1)

17. Does staff training take account of the need to promote gender equity?

a. Yes (1)
b. No (0)

18. Do the terms of reference for all posts require gender sensitivity and or gender expertise?

a. Always (2)
b. Sometimes (1)
c. Never (0)

7: Piloting the Gender Audit Tool: Findings and recommendations

This section highlights the main outcomes of the pilot of the Gender Audit Tool at the CHR and with key informant participants across the university, in order to illustrate how one would go about applying this tool in specific contexts.

7.1 Findings

The findings below are the findings from our pilot of the tool:

7.1.1 Management and governance

An application of the Gender Audit Tool to the CHR indicated that the management and governance structures of this unit were not proportionally representative in terms of gender. The main governance structure is the Executive Committee, which is composed of four members, three of whom were male and one female. There is also an External Advisory Board made up of six members, two of whom are female. At the highest levels of CHR governance and management, there is therefore an underrepresentation of women with only 25% female representation at the Executive Committee and 33% female representation on the Advisory Board.

At the mid-management level, the CHR is made up of eight active units (Freedom of Expression and Access to Information, Advanced Human Rights Short Courses, Business Human Rights and Extractive Industries, Gender Unit, Human Rights Clinics, Moot Court, Gender Unit, Human Rights and Democratisation in Africa). Of these units only two are headed by women (Gender Unit, and Freedom of Expression and Access to Information). This is an indication, therefore, that women remain under-represented at this management level with only 25% representation.

It is therefore clear that at the management and governance level of the CHR, there is little representation of women as shown by the numbers. It can be argued that at this unit, the sites of decision-making remain overrepresented by men. Although the root causes of such under-representation may be due to a variety of factors, the numbers show a balance in the favour of men and there is therefore a need to investigate further the causes of such representation.

7.1.2 Policy review

The sample pool of the CHR in terms of policies is very small. For this reason we considered all the university policies, since as a department within the university the CHR is bound by the various policies and frameworks in the university. There are also no specific policies that only apply to the CHR, and for this reason we focused on institutional policies. The main question considered was whether the policies of UP promote, protect, respect and fulfil the rights of women and men to gender equality and non-discrimination in education?

The following policies were accessed on the university's website and the staff intranet:

- internally-focused policies: student policies, staff policies and university governance policies, and
- policies on engagement with external stakeholders.

To this end, an application of the gender audit tool indicated that there is a low coherence with international human rights standards, and higher coherence with national and sector regulatory frameworks (see *Appendix* for more details). The standards set by the sector are also lower than national and international standards.

None of the policies of UP recognise that gender issues permeate all aspects of education, an oversight that needs to be rectified. There is also no recognition of intersectionality, i.e. that various forms of discrimination interact on multiple and simultaneous levels. For example, the policy on unfair discrimination based on race, as well as the policy on students with disabilities made no reference to gender. This is also a matter that needs to be rectified; perhaps a gender equality policy is required to specifically address gender stereotyping and other expressions of gender inequality.

Despite the existence of the Transformation Forum, and its obligation in terms of the Higher Education Act to advise the university on gender, race and disability policies, UP has no gender policy or structure within the administrative system (for example, in a form that is similar to the Disability Unit). A gender unit could be mandated to monitor and evaluate gender main-

streaming and social justice within the university. The university would therefore benefit from a gender policy, with a specific office to realise the provisions of this policy.

7.1.3 Institutional culture

> "When investigating gender relations at any institution/organisation it is important to highlight the positive as well as the negative aspects of transformation. It is important to highlight the positive and create alternate stories of gender transformation. Stories of advanced growth due to femininity are but one example, and these stories are many within the context of UP. We must consider further what has been done with that position of power? Do women who have experienced advanced growth due to their femininity assist other women through mentorship and other such initiatives?" (Key informant interview – Professor, Education)

From the results of the institutional culture survey, as well as an application of the audit tool to the CHR, and some interviews and group discussions for the supplementary questions, it was clear that the university still has some way to go in the realisation of its transformational goals. Although some attempts have been made to tackle the mainly exclusive culture of the University (as described by students and some staff members), the university is still seen as a predominantly "Afrikaans institution" and those that do not fit the mould feel excluded and out of place, and struggle to fit in. There is, therefore, integration in terms of policy but it has not translated into practice (see chapter 5 for more details on the institutional culture of the university).

However, a focus on the CHR reveals that the institutional culture is seen as inclusive and welcoming. All of the staff members interviewed indicated that because of the diversity of staff and students, individuals never felt excluded. For that reason the Centre obtained a better rating in terms of institutional culture. Nevertheless, this may not ring true for all departments at the university, and there is therefore a need for further investigation.

7.1.4 Teaching and research

> "The main area of focus in this respect is what kind of student do we produce? What kind of student leaves the university? Have they acquired any sensitivity? What of their learning experience? Ultimately we must ask if they are changed by their interactions at the university and how do these experiences differ between faculties?" (Key Informant Interview-Professor, Law)

According to a professor in the UP Faculty of Law, there seems to be a focus on certain areas of study owing to more funding being available for these areas of research from the National Research Foundation. There is, therefore, a tendency to focus on science and technology areas, which have been determined to be critical by the Department of Higher Education. What of those other areas that are significant but not considered critical?

There were some interesting trends in post-graduate study in the UP Faculty of Education. The theses had a more gendered focus and were inter-disciplinary, tackling issues surrounding reconceptualising the family (with a focus on same-sex partners) and academic motherhood, indicating a turn in the nature of research and, by

extension, teaching within this faculty. There were also gender-specific courses provided at the post-graduate level, the point at which students could specialise.

According to a Professor in the Faculty of Education, education is generally a feminised profession, but that does not mean that as a whole it is particularly gender sensitive. Gender considerations in the curriculum are dated and not entirely reflective of current debates on gender mainstreaming. There is a module on gender and higher education, but it is not yet off the ground as there is difficulty in manoeuvring the technical hurdles associated with the introduction of a new module.

A focus on the CHR shows that it has three Master's Programmes, as well as a programme offering Advanced Human Rights Short Courses. The Master's Programme on Human Rights and Democratisation in Africa demonstrates an awareness of the importance of gender considerations. Apart from a week focused purely on gender, gendered aspects of the various themes are considered throughout the programme. The same could be said for the LLM/MPhil in Multi-disciplinary Human Rights, which also has a theme focused solely on gender and considers the gendered aspect of the various study themes throughout the course. The dissertations published by the students of the CHR cover a range of issues, but touch on gendered aspects of various human rights themes. The Masters Programme in Trade and Investment Law, however, does not seem to have a specific gender focus, and does not consider throughout the semester the possible gendered impact of the various themes of study. There is, therefore, a need for further consultation in this respect.

Initially, the Advanced Human Rights Short Courses at the CHR only focused on gender in the courses that specifically tackled gender issues such as the Gender Equality Course (now the Role of Men and Boys in Gender Equality). However an audit of this program conducted by a former researcher of the CHR found that upon closer consideration, most short courses failed to acknowledge that more often than not, most areas of study in human rights have a gendered aspect. It was therefore recommended that more attention should be paid to bringing out more clearly the gendered nature of discrimination and various human rights violations and the need to highlight these in the short courses. Owing to these observations, the Advanced Human Rights Short Courses were amended to include gender as a component in every course offered.

7.1.5 Student life

In the first instance, it was found that students are not aware of the university's transformation objectives and therefore do not look out for the efficiency of such initiatives at the university.

Most students interviewed did not find the university to be encouraging gender insensitivity, but drew attention to certain residence practices that could be seen to be promoting certain stereotypes of male and female roles. Highlighted were the practices of *serrie* and serenade, which according to students, rewards female residences with accolades depending on how "sexy" their performances are. Female residences that failed to comply seldom advanced far in this competition. Comments such as "You should have taken your clothes off!"

had been levelled against those who refused to conform to the required "sexual role" for female residence participants.

Students at the same UP female residence said that although attempts had been made in their residence to be inclusive and accommodating, more could be done to welcome students who were not familiar with South African culture. More effort especially needed to be made with respect to language and inclusivity, with less Afrikaans being spoken in official residence contexts, for the benefit of those who were not Afrikaans.

There was also a need to be more open with students, to be clear and transparent, and to explain the reasoning behind different cultures, which would enable students to be more willing to participate and to feel more included.

Residences seemed to struggle with issues of sexual identity and some instances were reported of discrimination on the basis of sexual orientation. There was also the issue of being pregnant in residences and the requirement for pregnant students to move out in their 32nd week of pregnancy as outlined in the TuksRes Guide, the official university document on residence affairs. Although justified on the basis of convenience and availability of personal care for pregnant students, it might also be seen as a basis for discrimination.

For some students life in residence was an ideal living and social situation, while for others it could create a platform on which to be judged or discriminated against, because of their sexual orientation. A gay student who lived in a male residence told the student newspaper *Perdeby* that he was never completely open about his

More effort especially needed to be made with respect to language and inclusivity, with less Afrikaans being spoken in official residence contexts, for the benefit of those who were not Afrikaans speaking.

sexuality in residence because he witnessed the discrimination against gay students first hand:

> … it wasn't an ideal environment … For others, being in a same-sex residence has never been a problem … if you have accepted who you are and embrace it then it makes it easier for you fellow residents to accept you ('Coming out in res', 8 March 2011, *Perdeby*).

According to another student, quoted in the same article, there were certain homophobic people in residences who were vocal about the way they felt. The student claimed that he had been referred to in derogatory terms while he still lived in residence.

A senior student at a UP residence was suspended from a university residence after allegedly assaulting a first-year resident earlier that month.

> "The Director of Residence Affairs and Accommodation … confirmed that his office received proof of unacceptable 'initiation practices' on a first-year … resident by one of the senior students. According to another senior resident … the first year provided photographic evidence of the assault and presented it to the house father who then informed residence affairs" (excerpt from *Perdeby*, 27 August 2012).

With respect to societies and student governance bodies, there does not seem to be any specific requirements for gender representation and some governance bodies achieved greater representation than others. For example, the Constitutional Tribunal has 3 male members out of a total of 10 indicating that in this instance gender parity operates on the reverse and for this tribunal perhaps greater parity should be the aim.

The University Constitution for Student Governance makes no particular mention of gender parity save for its Bill of Rights, which entrenches equality and prohibits discrimination on the basis of gender. There is no indication of the requisite composition; however there seemed to be parity in the Student Representative Council, with 5 of the 6 portfolios filled by women. However, the Executive Committee had at the time, only 1 female out of the 4 indicating that at the helm of power, representation was not equal.

7.1.6 Human resources

In terms of staff composition at the CHR, there was equity in the number of male and female employees, out of the 16 full-time employees, nearly 50% are female. However as previously mentioned, their levels of seniority do not reflect equal representation at the decision-making level.

Nontheless, this does not apply across the entire university:

> … at UP, there exists an affirmative action and employment equity plan. There are also specific targets that have been set with respect to staff and student composition along more egalitarian lines. There is also an external recruitment agency contracted to specifically source affirmative action candidates. There is also a recruitment office that 'head-hunts' suitable candidates for positions that open up, in some cases positions are specifically set out as affirmative

> action positions and are filled as such. However, it is noted that the numbers still do not reflect these efforts and there is a need to deeper investigate the root causes of inequality at this institution (Key Informant Interview with HR representative, UP).

It was also found that at UP, when positions were allocated as affirmative action posts, the advertisements expressly indicated this. On the other hand, whether such advertisements reached the targeted audience may be questioned due to the print media chosen. This was perhaps a structural impediment to the realisation of equity goals set by the university that needs to be revisited moving forward.

With respect to induction, a university staff member shared her induction experience and highlighted that overall it was not positive:

> "First of all I struggled to locate the building because the directions I was given and this big campus completely threw me off guard. When I finally found the building after stopping students along the way I could not find which office to report to because the lay-out of the buildings was even more confusing than the campus map. When I finally found where I was going I was made to sit for an hour doing nothing. Nobody spoke to me or explained what I needed to do, until the HoD passed by and saw me and finally found out why I was there and managed to assist. By which time my whole morning was gone…" (Key Informant Interview, Staff member, HR Department)

According to another university staff member, there was an absence of platforms that allowed women to express areas of frustration, resulting in what was described as "docile women" in an oppressive culture of male domination, and disenchantment with university systems.

At UP, human resource practices have transformed significantly on paper, and on that level there had been much development. However, there remains an entrenched culture, carried from the past that plagues the university; a culture of superiority of one group over another and the "othering" of the "non-status quo". There is therefore a great deal of work that needs to be done to move from ideology to practice, but this needs to be taken up by management and filtered down throughout the rest of the institution.

The university employment equity reports reveal that women occupy lower positions within the institution and that higher occupational levels remain occupied by men. This is a matter for further consideration although there are some departments that differ, with more women represented in the higher occupational levels, such as some departments in the Faculty of Education. A professor at the faculty reveals that this may be because education has generally been seen as a feminised area of study, and there is therefore now a drive to encourage men to join the faculty in order to realise greater parity.

7.2 Promising interventions

Based on the findings of the research, four possible sites of intervention were seen as likely to be helpful in addressing gender issues at the university, and may be replicated at other institutions as a starting point in the realisation of gender equality:

- The Strategic Plan of UP outlines the main goals the university hopes to achieve by 2025. Although there is no explicit mention of gender equality in this document, it has much potential to entrench these values as an institutional imperative. This document highlights the university's plan with respect to a certain number of goals and it is important that gender is a leading consideration in this respect.
- The UP has an Institutional Core Committee for Transformation, established to steer the transformation process at the institution. Once again, it does not have a specific gender focus but is a key platform in realising the goal of gender equality within the university. For this reason, the Core Committee could be tasked to include gender and LGBTI issues and thus ensure a holistic approach to transformation and planning.
- The university hosted a series of transformation workshops under the title *Re-a-bua dialogue for change* workshops, organised by the university's Transformation Office. The project name derives from the Tsepedi term for "We are talking". The initiative aims to create a forum for open dialogue for employees and students on issues of transformation, diversity and equity. Employees who have attended the *Re-a-bua* sessions have given positive feedback and have regarded the initiative as a useful instrument for colleagues to engage with each other. This is an intervention worth considering, in order to assist higher education institutions to make any gender equality agenda inclusive and more likely to succeed.
- The university residences host a stereotype reduction and value workshop during orientation week for all new students to the residence. This is a good mechanism to foster acceptance of difference and diversity in this space, and is an option worth considering outside of the residences sphere.

7.3 Concluding Remarks

Universities and other institutions of higher learning must take steps to ensure that they are not themselves reproducing the problem of gender inequality and injustice within their own institutional systems, policies and procedures. Gender inequalities persist in African universities, both in the institutional profiles, in their cultures, and in their core business of teaching and research. Thus, it is incumbent upon African universities to take gender seriously in all aspects of institutional development and staffing, planning and service delivery.

It is therefore incumbent upon universities to produce people equipped to advance national policy agendas, including those to promote gender equality. Universities are also expected to generate knowledge that is not constrained by gender biases and assumptions, and it is for these reasons that gender (in) equality must be an imperative in all higher education institutions. The audit process creates a picture of people's perceptions and understandings of gender in their university, provides a forum for discussing gender issues, and develops an action plan for gender integration in the university's programs and practices. The Gender Audit Tool and Pilot study above offer an illustration of how one would go about questioning gender relations at higher education institutions. It is hoped that this tool will be adopted by other African institutions of higher learning in order to investigate to what extent gender relations are taken into account in their contexts.

The research and findings presented above highlight the key areas of concern in an African context along six general themes. In the departments that it was applied, this tool was useful in highlighting the promising interventions, effective practices, and critical areas of concern with respect to the realisation of gender equality at the university along these six themes. This is a definitive step towards greater gender sensitivity and equality at the university and we hope that this tool will be disseminated and accepted as widely as possible to enhance greater equality within African higher education institutions.

Challenges faced in Piloting the Gender Audit Tool

- As the Gender Audit followed an Institutional Culture Survey at UP, it was initially difficult to convince University Management that such an audit was necessary. However, once we explained the focus of the audit, and highlighted some of the gaps in the Institutional Culture Survey, Management was very supportive.
- Developing a tool wide enough to adequately cover the main areas of concern, but still focused enough to be of substantive value, was a tricky exercise. The areas we selected were not comprehensive, but may serve as a starting point for other academic institutions as they represent the main sites of interaction at a University.
- After clearing the initiative with Management, we still needed to obtain consent for the study from the university Ethics Committee, which caused an unanticipated delay. In retrospect we should have factored in more time to circumvent the administrative responsibilities that accrue to a participatory study such as this.
- A project of this magnitude requires sufficient time for planning and execution. The CHR had less than two years to develop and pilot a new tool for a new area. Yet the limited time available compelled us to be innovative and to develop a modest method for investigating gender relations at higher education institutions in Africa.
- The CHR undertook the study with minimal human capacity: a lead researcher, an assistant researcher and a consultant and for other audits it would be beneficial to consider a larger audit team, with a contact person in each unit that will form a part of the audit process.

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The Employment Equity Act No. 55 of 1998.

The Higher Education and Training Act 101 of 1997.

The Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000.

Appendix:

Development of a Policy Analysis Instrument for Human Rights Institutions in Africa

1. Introduction

A range of human rights audit instruments are available. However, in this case, there is a need for an illustration of how human rights instruments can be used to assess the policy commitments of an institution to eradicate gender-based discrimination and to promote human dignity, equality and freedom by means of gender mainstreaming. The University of Pretoria, as a higher education institution, is used to pilot the instrument and to reflect on the generalizability thereof.

2. Instrument development

The instruments used for the policy analysis are based on instruments developed by UNESCO, the WHO and guidelines for reporting under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (WHO, 2011).

The instrument consists of two parts. Part 1 of the instrument is diagnostic, and Part 2 of the instrument is remedial, in that it contains recommendations based on the diagnostic assessment.

For the *diagnostic* (Part1 of the instrument), the selected policies were benchmarked in terms of three sets of criteria in order to place the study within a legal framework and determine to what extent the policies highlighted comply with legal (international and national) standards:

(1) Coherence with *international human rights standards* for gender equality (CEDAW)
(2) Coherence with *national equality law* (PEPUDA: Promotion of equality and Prevention of Unfair Discrimination Amendment Act 52 of 2002)
(3) Coherence with education *sector frameworks*:

a. Higher Education Act 101 of 1997
b. Higher Education Act : Institutional Statute of the University of Pretoria of 2012
c. Education white paper 3: A Programme for the Transformation of Higher Education
d. Higher Education South Africa. 2009. 'Hesa Strategic Framework For The Next 10 Years: Pathways to a Diverse and Effective South African Higher Education System'.
e. Sector Position Paper On The Report Of The Ministerial Committee On Transformation And Social Cohesion And The Elimination Of Discrimination In South Africa's Public Higher Education Institutions, HESA March 2010.

For the *recommendations*, (Part 2 of the instrument) the UNESCO principles for gender mainstreaming in higher education were used (UNESCO, 2012).

3. The pilot study

In order to determine if the policies of UP promote, protect, respect and fulfil the rights of women and men to gender equality and non-discrimination in education, the following policies were accessed on the University's website and the staff intranet:

(1) Internally-focused policies: Student policies; Staff policies; University governance policies;
(2) Policies on engagement with external stakeholders.

The selected policies are listed on the right.

4. The diagnostic

Low coherence	Moderate coherence	High coherence	Not specified

INTERNALLY FOCUSED POLICIES

	Student policies		General policies
1	Policy on performance and development management of academic staff	10	Code of conduct on the handling of sexual harassment
2	Policy, procedure and guidelines applicable to the recruitment, selection, appointment and promotion of support staff at the UP	11	Whistle-blowers policy
3	Policy on performance and development management of support staff	12	Policy on unfair discrimination based on race
4	Policy on societies	13	Health and safety policy
5	Policy on organised student life	14	General regulations and rules 2014 (B)
6	Policy on Day Houses		
7	Student complaints protocol		
8	Policy on students with disabilities		
9	Policy on student leadership development and training		

EXTERNALLY FOCUSED POLICIES

15	Policy on Service Providers
16	Community engagement policy (draft)

ASSESSMENT QUESTIONS derived from the CEDAW	**Coherence with international human rights standards on gender equality (CEDAW)**	**Coherence with national standards on gender equality (Bill of Rights)**	**Coherence with higher education sector standards on gender equality (HESA)**
1. Are the university's policies clear on the definition of unfair discrimination against women, fair (positive) discrimination, equality and equity?		**Partially: Misconduct is defined in terms of S9 of Bill of Rights.**	
2. Does the university in its policy framework condemn and sanction unfair discrimination against women?			
3. Does the policy framework of the university embody non-sexism and equality of women and men?			
4. Does the policy framework of the university enable appropriate measures to ensure full development and advancement of women?	**No gender-specific measures.**		
5. Does the policy framework of the university enable measures aimed at accelerating of equality between women and men?		**The University fully complies with employment equity requirements as well as in the recruitment of staff and students.**	
6. Does the policy framework of the university prohibit practices that promote prejudice against and stereotyping of women and men?		**Protection is limited to sexual harassment.**	
7. Does the policy framework of the university enable measures to suppress the exploitation of women and all forms of trafficking in women?			
8. Does the policy framework of the university enable women to participate and lead in student societies, committees, representative student council?	**Not gender specific; inclusivity and non-discrimination are principles of some policies**		

	Coherence with international human rights standards on gender equality (CEDAW)	Coherence with national standards on gender equality (Bill of Rights)	Coherence with higher education sector standards on gender equality (HESA)
9. Does the policy framework of the university enable measures to ensure that women represent the university internationally and take part in the work of international organisations?	**Gender blind. No prohibition on women's participation, also no enabling measures.**		**Not specifically mentioned.**
10. Does the policy framework of the university ensure that women have opportunities to access scholarships and other forms of grants?		**Ring-fenced funding is available through the National Research Foundation.**	
11. Does the policy framework of the university remove barriers to equal education of women, including pregnant women, married women, women with disabilities and women with HIV?	**No gender-specific policy or enabling measures.**		
12. Does the policy framework of the university enable employment equity by removing barriers to women's employment on all levels at the university?		**According to the employment equity plan.**	
13. Does the policy framework of the university provide special protection to women, including students, during pregnancy?	**The UP complies with the BCEA for staff. Rules for students allow for special examination upon submission of proof of condition. No specific measures for pregnancy.**		
14. Does the policy framework of the university enable appropriate health care services, including wellness and HIV&AIDS programmes appropriate to the needs of women and men?	**The Centre for the Study of AIDS on campus provides information, and the student health centre provides services Counselling services are also available on campus.**		

	Coherence with international human rights standards on gender equality (CEDAW)	Coherence with national standards on gender equality (Bill of Rights)	Coherence with higher education sector standards on gender equality (HESA)
15. Does the policy framework of the university ensure equality of employee benefits for women and men?	**No differentiation between benefits for women and men.**		
16. Does the policy framework of the university enable girls from rural areas to enrol at the university?	**The university recruits students from urban and rural areas, and provides bridging and special programmes.**		**Not specifically mentioned.**
17. Does the policy framework of the university ensure that women are treated equally to men in disciplinary hearings and grievance procedures?	**No gender-specific measures in place. An accessible (female) protection officer ensures fairness.**		**Not specifically mentioned.**
18. Does the policy framework of the university condemn all forms of violence against all women and have in place special measures to protect women from violence, to prevent gender-based violence, respond to and support women who experienced violence.	**The Code of Conduct on the handling of sexual harassment as well as the whistle-blowers policy provides protection. No gender-specific mention of protection from gender violence. Security and counselling services are available on campus.**		
19. Does the policy framework of the university enable gender awareness-raising among students and staff?	**The Institute for Women's and Gender Studies, as well as the CHR conduct gender awareness programmes, although not funded by the university.**		
20. Does the policy framework of the university enable appropriate structures to monitor, evaluate and report on indicators for gender equality at the university?			

5. PROBLEM ANALYSIS

A summary of the analysis is presented below:

	Low coherence	Moderate coherence	High coherence	Not specified
International human rights standards	11	6	2	-
National standards	5	9	6	-
Sector standards	8	4	5	3

There is a low coherence with international human rights standards, and higher coherence with national and sector regulatory frameworks. The standards set by the sector are also lower than the national and international standards. The following extract from the *Sector Position Paper on the Report of the Ministerial Committee on Transformation and Social Cohesion and the Elimination of Discrimination in South Africa's Public Higher Education Institutions* (HESA March 2010) provides a succinct summary of the problem:

"Despite institutions being capable of generating sophisticated analyses concerning the raced, gendered and classed nature of society there remains an enormous gulf between analysis and practice. To turn this around there is a need to begin to pay attention to the myriad small ways in which raced, classed and gendered norms continue to inform practices ranging from orientation programmes, residence meals, sporting celebrations, welcoming gatherings, entertainment activities, decor, curricula, library hours, transportation, class times, meeting times and any number of other details. it is in the minutiae that privilege and dominance are perpetuated and it is thus also at this level that it is necessary to be willing to engage with, contest and question 'normal', day-to-day, business-as-usual practices."

6. RECOMMENDATIONS FOR COMPLIANCE

Coherence with UNESCO Principles for Mainstreaming Gender in Higher Education

PRINCIPLE	COMMENTS
I. Recognition Do the institutional policies recognise that gender issues permeate all aspects of education?	The Higher Education Act of 2007 expresses the desirability to promote human dignity, equality and freedom, to redress Past injustices and to restructure and transform programmes and institutions. The HE sector position paper reiterates the need for recognising gender in all aspects of education. None of the policies of UP recognises that gender issues permeate all aspects of education. This should be rectified.
II. Diversity and intersection Are the policies and programmes responsive to the diverse gender needs of women and men?	There is no recognition of intersectionality. For example, the Policy on unfair discrimination based on race as well as the Policy on students with disabilities makes not reference to gender. This should be rectified.
III. Equality (of outcomes) Are specific initiatives, policies and programmes, in place to promote and protect gender equality and the human rights of women and men?	The General Rules and Regulation of UP (2014, Section B) defines misconduct in terms of an infringement on the human rights of people as reflected in the Bill of Rights (which includes Section 9 on equality), and set out disciplinary processes to deal with such misconduct. The Whistle-blowers policy sets out measures for reporting of misconduct and protecting of complainants. The Code of Conduct on the handling of sexual harassment protects women and men of all sexual orientations. A gender equality policy is required.
IV. Equity Are specific measures that favour the most disadvantaged groups designed to eliminate disparities between the sexes, sexist-stereotypes and discrimination?	The UP Statute (2012): The Institutional Forum shall advise the Council and the Executive on the formulation of race and gender equity policies. An Employment Equity Policy exists (not analysed) in terms of the Employment Equity Act; and a Policy on unfair discrimination based on race exists. The policy, procedure and guidelines applicable to the recruitment, selection, appointment and promotion of support staff at UP, as well as the Policy on performance and development management of support staff, support the achievement of equity and diversity. Policies for students also state inclusivity as a principle. A gender policy is required to specifically address gender stereotyping, amongst other things.

V. Empowerment and agency	
Does the policy recognise the need for individual and collective empowerment for women and men?	Currently, the university does not recognise the need for individual and collective empowerment of women and men. A gender audit is required to inform the university's gender policy.
VI. Participation and parity	
Does the policy enable equal participation and acknowledgement of women and men as agents of change in the institution?	The Transformation Forum of UP provides a platform for participation. The composition requirements of certain committees of UP stipulate a quota for women's representation. Women's excellence is reported in the research and other reports of the University. No targets are set for participation and parity on the levels of Council, Senate and Faculty Boards. This can be addressed in the University's gender policy.
VII. Partnership	
Does the policy create an environment that empowers and benefit both sexes?	No evidence of gender aware policy to create an enabling environment for partnership and equal gender relations. This can be addressed in the university's gender policy.
VIII. Social justice	
Does the policy contribute toward transformation of the institution coupled with actions to eliminate gender inequality in order to be truly effective?	Despite the existence of the Transformation Forum, and its obligation in terms of the Higher Education Act to advise the university on gender, race and disability policies, UP has no gender policy and no gender structure within the administrative system (similar to the Disability Unit). This unit would be delegated responsibility to monitor and evaluate gender mainstreaming and social justice within the university. The university's gender policy can provide for this.

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