

No to Sexual Harassment in the Workplace!

Press Statement by the Women's Movement in Uganda

**On
20th May, 2019**

At

Chapter Four Uganda.

As women of Ugandan, we are appalled and deeply concerned about allegations in media of sexual harassment in the Ministry of Justice and Constitutional Affairs. We are therefore gathered here in solidarity with our sister Samantha Mwesigye and to demand for decisive action on sexual harassment against women in Uganda.

On 9th May, 2018, Samantha Mwesigye released a heart-breaking statement detailing her sexual harassment ordeal spanning 14 years, allegedly, at the hands of her supervisor. After seeking justice through established structures, to no avail, she was compelled to appeal to the media to give voice to her concerns.

First, we commend Samantha for the courage to speak up against sexual harassment in employment. It's no easy feat, but by speaking up, she has given courage to several women and girls to reclaim their voices and demand safer workplaces and started a movement against acceptability and normalization of sexual harassment in our workplaces.

As women of Uganda, we affirm that we believe Samantha and support her demand for justice and protection against retaliation.

Sexual harassment in employment is a human rights violation and form of Gender Based Violence that disproportionately affects female workers. It is prohibited by several laws in Uganda including; Section 7 of the Employment Act, 2006, Section 128 of the Penal Code, Cap 120 and the Employment (Sexual Harassment) Regulations, 2012.

According to the Employment (Sexual Harassment) Regulations, 2012, sexual harassment involves; a direct or implicit request to an employee for sexual intercourse, sexual contact or any other form of sexual activity; use of language whether written or spoken of a sexual nature such as unwelcome verbal advances, sexual oriented comments, request for sexual favours, jokes of a sexual nature, offensive flirtation or obscene expressions of sexual interest that are addressed directly to the person; use of visual material of a sexual nature such as display of sexually suggestive pictures, objects or written materials or sexually suggestive gestures; and or, showing physical behaviour of a sexual nature such as unwanted and unwelcome touching, patting, pinching or any other unsolicited physical contact.

Despite presence of legal provisions outlawing sexual harassment in employment, the vice remains unabated and is rarely reported for fear of retaliation and victim blaming. Also, the legal framework falls short in effectively protecting female employees as the Employment Act, 2006

puts obligation only on employers with more than 25 employees to put in place measures to prevent or investigate sexual harassment in their workplaces.

In addition, laws on sexual harassment in Uganda are not effectively implemented thereby creating a culture of impunity since perpetrators are rarely held to account. As a result, female employees prefer to remain silent and are forced to work in hostile and humiliating environments consequently impacting on their work productivity and undermining the psychological and physical well-being.

The manner in which the sexual harassment case of Samantha Mwesigye has been handled so far highlights these shortfalls, and most prominently, the fact that institutions and society at large are failing to protect and support victims of sexual harassment.

Samantha says she made several complaints (both informal and formal) which involved reporting to the Solicitor General, Attorney and his Deputy, IGG and the Prime Minister, yet she received little to no semblance of justice.

On 14th May, 2019, the Ministry of Justice released a statement that attempts to absolve them of any blame, claiming to have taken ‘every effort to address the allegation through the established structures’, however, it should be noted however that;

1. Samantha lodged a formal complaint with the Solicitor General in December 2018, no committee was set up until February, 2019. Regulation 11(d) of the Employment (Sexual Harassment) Regulations, 2012 requires that the Sexual harassment committee respond to complaints within **14 days** from the date of lodging the complaint and make recommendations to management for appropriate action. No reasons have been given for the delays.
2. While it is alleged that a committee on sexual harassment was set up by the Ministry in February, 2019, there is no evidence that the committee held any formal sitting. And if it has, the complainant wasn’t notified which is contrary to the Law.
3. The Ministry has made no mention of measures (if any) taken to guarantee that Samantha’s alleged abuser doesn’t interfere with the judicial process given the power he wields by virtue of being the Chair of the Disciplinary Committee and Deputy Solicitor General in the Ministry. The law recommends that at any time during the investigations, the person alleged to have harassed is temporarily transferred, reassigns or be sent on leave pending the completion of the investigations. None was done in Samantha’s case.

Given this absurd unfolding of events, we the women of Uganda therefore demand that the Ministry of Justice and Constitutional Affairs;

1. Treats Samantha's complaints with the urgency it merits;
2. Establishes a committee to investigate the complaints of sexual harassment;
3. Ensures that the composition of the committee is gender sensitive;

4. Ensures timeliness, impartiality, discretion, confidentiality and the right to privacy of the complainant in the investigations;
5. Ensures that complainant is protected from victimization and retaliation;
6. Explores ways of meaningfully engaging or deploying the complaint in a department where she feels safe;
7. Asks the accused to step down pending the completion of the investigations;
8. Prioritizes establishing a zero tolerance policy on sexual harassment in the workplace.

And, if it is found that the accused is guilty of misconduct, he must be dismissed and prosecuted in accordance to the law.

We also call on Government of Ugandan to;

1. Revise Regulation 13(2) of the Employment (Sexual Harassment) Regulations, 2012 Regulation to scrap out the option of temporary transfer of persons accused of harassment pending the completion of the investigations. The provision is problematic as it overlooks the danger the accused might pose to the new station of duty.
2. Revise the law on sexual harassment to (a)include comprehensive steps and measures to prevent and respond to sexual harassment in the workplace: (b) remove limitation on the number of employees required before an employer can put in place measures to prevent or investigate sexual harassment in their workplaces; (c) clearly describe the procedure through which an employee can file a complaint of sexual harassment; (d) emphasise full confidentiality to prevent and address retaliation that could arise from reporting cases of sexual harassment.
3. Ensure regulation on sexual harassment in the workplace is strongly implemented, including ensuring that grievance mechanisms are responsive to victim's needs.
4. Conduct regular training of relevant stakeholders, including judicial officers, police, and prosecutors to build their capacity on how to effectively respond and handle cases of sexual harassment.
5. Conduct regular audits of workplaces to assess, examine and capture the extent of sexual harassment in the workplace, respond to sexual harassment complaints, address root causes and devise ways to build healthy and safe working environments where women can thrive.
6. Conduct sensitization programmes to empower employees with knowledge on the reporting procedures.

The sexual harassment case of Samantha Mwesigye against Gashibakire Christopher creates an opportunity for the Ministry of Justice, and in deed Government of Uganda to clean their houses and take decisive action on sexual harassment against women and work towards creating safe workplaces where women can thrive.

Enough is enough.

For God and My Country .