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# **Sexual harassment at the workplace: A case study of the Uganda police force**

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Kyomukama Samuel

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*Dedication*

To my late mother Elna who always wanted the best for me as far as education was concerned.

AND

To my youngest daughter, Faith, who volunteered to accompany me to Harare for this course.

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## Definitions of terms

<i>Mukono gamu</i>	(Swahili) for hand with super glue
<i>Miguu gamu</i>	(Swahili) for legs with superglue
Base	Headquarters
Marching orders	A document given to a policeman/woman authorizing him/her to officially move from one unit to another.
Importing	Bringing in a woman for a one-night stint.
Pass-leave	Permission to be away from duty for one reason or another.
Available	Present in the barracks to do any emergency duty.
Orderly room	Departmental disciplinary Court
Armoury	Store where guns are kept
Deep night	Night shift (duty) commencing at 10.00 pm to 6.00 am.
<i>Panua miguu</i>	(Swahili) open legs.
The 'do'	Sex
<i>Otakula majani hapa</i>	(Swahili) you will eat grass here.
Pass-out	Formal commissioning of police officers after training.
Constable	The lowest rank in the police
<i>Kyakula yamukubwa</i>	Food for the boss.
Police gazette	A police monthly bulletin
<i>Omuseija tayangwa</i>	Literally, 'a man should never be refused', or, the advances of any man should never be rejected.
Police council	Policy making body of the police chaired by the Inspector General of Police.
Gazetted officers	Officers from the rank of inspector general of police to commissioner or assistant superintendent of police
Inspectorates	Officers of the rank of inspector and assistant inspector.
NCOs	Officers of the rank of head constable major to corporal (non-commissioned officers).
<i>Ekimansulo-(luganda)</i>	A craze of women dancing naked for an audience.

## CHAPTER ONE

### Introduction

This study examines the issue of sexual harassment in the Uganda Police Force. Sexual harassment is a term that has not yet found its way into the laws of Uganda. However it has been in existence for a long time. According to Naira Khan (1996):<sup>1</sup>

‘The sexual harassment of women at the workplace has existed as far back as when women first went out to sell their wares but it has only recently been recognized as behaviour that impedes the development and health of women at the workplace.’

A number of scholars like Nathalie Hadjifotiou, Catherine Mackinnon, Naira Khan and others have authoritatively written about sexual harassment. But broadly speaking, sexual harassment refers to the unwanted imposition of sexual requirements in the context of a relationship of unequal power. Central to the concept is the use of power derived from one social sphere to lever benefits or impose deprivations in another.

One scholar who relates sexual harassment to women in the work place is Nathalie Hadjifotiou (1983)<sup>2</sup>, who says:

‘A broad definition of sexual harassment would include repeated and unwanted verbal or sexual advances, sexually explicit derogatory statements or sexually discriminatory remarks which are offensive to the worker involved which cause the worker to feel threatened, humiliated, patronised or harassed or which interfere with the worker’s job security or create a threatening or intimidating work environment. Sexual harassment can take any forms from leering, ridicule, embarrassing remarks or jokes, unwelcome comments about dress or appearance, deliberate abuse, repeated and or unwanted physical contact, demands for sexual favours or physical assaults on workers.’

The Zimbabwe Labour Relations amendment Act<sup>3</sup> defines sexual harassment in its section 8(h) as:

‘unwelcome sexually determined behaviour towards any employee, whether verbal or otherwise, such as making physical contact or advances, sexually coloured remarks or displaying pornographic materials in the workplace.’

In her definition, Catherine Mackinnon (1979)<sup>4</sup> divides women’s experiences of sexual harassment into two forms: *quid pro quo*, where sexual harassment compliance is exchanged or proposed to be

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<sup>1</sup> Naira Khan(1996): Research and public education on sexual harassment at the workplace Report on workshop for professional and skilled women

<sup>2</sup> Nathalie Hadjifotiou (1983): Women and harassment at work. Pluto press Ltd.

<sup>3</sup> The Zimbabwe Labour Relations Amendment Act No 17 of 2002

exchanged, for an employment opportunity. The second form arises when sexual harassment is a persistent condition of work. Sexual harassment is also defined in the Sexual Harassment Regulations, 2003<sup>5</sup> of the Law Development Centre, Kampala as:

‘(1) Sexual harassment means unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men or unwelcome physical, verbal or non-verbal conduct. Conduct amounts to sexual harassment if:

- (a) the conduct is unwanted, unreasonable or offensive to the recipient;
- (b) the recipients rejection of or submission to the conduct is used as a basis for adverse decisions affecting the recipients employment.
- (c) the conduct creates a humiliating, intimidating or hostile environment.

(3) Sexual harassment may comprise a single or continuous act or omission.’

Sexual harassment can manifest itself in acts such as:

- Jeering
- Ridicule
- Embarrassing remarks or jokes
- Unwelcome comments about dress or appearance
- Deliberate abuse
- Repeated and/or unwanted physical contact.
- Demands for sexual favors
- Or outright physical assaults

In the Uganda Police Force, the first policewomen were enlisted in 1961.<sup>6</sup> These ten policewomen were employed for the sole purpose of handling women and juveniles, both as offenders and witnesses. Before that, the police force was composed of men only. The duties to be performed by women were done by matrons who were not trained policewomen. This should be seen in light of the fact that the first formal police unit was established in Uganda in 1899<sup>7</sup>(Sebutinde, 2000).

At their place of work, policewomen have been bedeviled with the problem of sexual harassment, which is a form of violence against women. This kind of violence is used as a means of intimidation of women in order to maintain them in the domestic sphere away from the working environment. The few women who have joined the public sphere like the policewomen are the exception. They have gone against societal norms and expectations. However, societal norms and expectations have changed rapidly over the years because of the changing needs of the society. Formerly, few women

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<sup>4</sup> Catherine Mackinnon(1979): Sexual harassment of working women, a case of sex discrimination, Yale university press.

<sup>5</sup> Law Development Centre: (2003) Sexual harassment regulations, 2003.

<sup>6</sup> Justice Julie Sebutinde(2000): The commission of inquiry into the corruption in the Uganda Police, Uganda Printers and publishers.

<sup>7</sup> Justice Julie Sebutinde(2000)(⊗supra) 6



used to work outside their homes, so the question of sexual harassment at the workplace could not arise. But today most women are also the breadwinners, so they have to go out there and work for a living.

This study therefore examines the prevalence of sexual harassment in the Uganda police force, the various forms that it takes and its effects on the victims and the police force as a whole.

This has to be looked at in light of the nature of police work and the operational vagaries that go along with it. Police duties are mainly operational. One leaves his or her station of work to execute some specific duties elsewhere. This may take days or weeks depending on the need. It has been the policy of the Uganda police to avoid as much as possible the deployment of policewomen on such operational duties. This is because on such operational duties the interaction of men and women is unpredictable. According to David Thomas:<sup>8</sup>, 'when you get down to more mundane levels of interaction between two adults of opposite sexes, the waters become much, much murkier'.

There has been sexual harassment reported in the British army and US navy. According to David Thomas(1993)<sup>9</sup>:

'In the summer of 1992 two cases involving British army personnel made newspaper headlines. In one, a female member of the Ulster defence regiment was sentenced to five years' imprisonment for the murder of her lover's wife. In another, a court martial found a colonel in the territorial army guilty of sexual harassment.

'Meanwhile, on the other side of the Atlantic, the US navy was having more trouble fighting harassment than it had fifty years ago fighting the Japanese. The 'Tail hook' scandal had cost the job of the secretary of the navy and prompted a 2000-page report into allegations of misconduct against male navy pilots at an annual convention.'

So it is not a strange thing that sexual harassment exists in the Uganda police force. It equally exists in other forces worldwide but the difference is that those other forces have in place mechanisms to handle it. As this study will show, we badly lack mechanisms for this in the Uganda police force.

## **Geographical location**

My study was conducted in Uganda, a landlocked country situated in East Africa. Uganda straddles across the equator. Its ethnic composition is diverse. I chose the Uganda police force because it has units spread around the whole country. But due to the constraints of time and resources, my study

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<sup>8</sup> David Thomas(1993): Not guilty, in defense of the modern man,D.T. Productions Ltd

<sup>9</sup> David Thomas:(1993)(supra) 8

was limited to Kampala urban and Bugiri rural. Even in Kampala, I chose only three police stations, namely Katwe, old Kampala and Wandegaya, out of a total of eight possible stations that I could have involved in my research. Bugiri police station is situated 150 kms from Kampala on the Kampala-Nairobi Highway but in a rural setting. Sexual harassment being a sensitive subject that touches the core of a person's being I chose Bugiri because it was the last station which I left when coming for this course, and half the district is situated on the islands of Lake Victoria. The staff were pleased to be involved in the study. When I went there they were more than willing to say all they knew about sexual harassment in my discussions with them.

I was able to access both Kampala stations and Bugiri police station without any difficulty because of the strategy I had laid of using the people I have known for some time as my entry point. The people I used in Kampala were known to me, and the ones in Bugiri were under my supervision before I left for this course. On the other hand, researching my own institution also gave me an advantage because I could penetrate the system as a serving member of the police force, something I am entitled to while I serve. This would not be possible for an outsider.

### **Statement of the problem**

Sexual harassment violates the rights of the individual to privacy. The victim is exposed to unwanted acts such as touching, fondling, kissing, patting and so on. And this makes the body of the victim public. She has nothing to hide any more.

On the other hand, sexual harassment is discrimination on grounds of sex. The victim is treated the way she is because of her sex. And this is a matter of serious concern. Sexual harassment has also proved to pose a health hazard. According to Fitzgerald:<sup>10</sup>

‘Studies by psychologists show that harassment can be a serious threat to women’s psychological and physical wellbeing, it also has medical repercussions. Sexual harassment causes anxiety, depression, headaches, weight loss (or gain), nausea and sexual dysfunction. Victims have also been found to suffer lowered self-esteem.’

Naira Khan<sup>11</sup> says that:

‘Sexual harassment like any other form of sexual victimization, functions as an agent of social control and is an expression of contempt and hostility for any woman who ventures out of the society’s acceptable role as a home maker into the public and masculine arena of the workplace.’

The Uganda police force is predominantly male (only 10 per cent women). The policewomen therefore constitute a minority. As a result, the working life of women in the Uganda police force is characterized by gender-related barriers and constraints. Women in the Uganda police force occupy lower ranks and this creates an imbalance in power relations. According to Catherine A.

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<sup>10</sup> Fitzgerald L.(1993):Sexual harassment; violence against women in the workplace, American psychologists Journal vol.48 no. 10.

<sup>11</sup> Naira Khan: (1997) research and public education on sexual harassment at the work place. Training and research centre, Zimbabwe.

Mackinnon,<sup>12</sup> 'sexual harassment, broadly defined, refers to the unwanted imposition of sexual requirements in the context of a relationship of unequal power.'

The policewomen also contend with long working hours despite their additional motherly roles. On top of all these, they experience sexual harassment and yet the Uganda police has no institutional safeguards against sexual harassment, and the police management seems to be insensitive to the issue when raised by policewomen.

### **The significance and justification of the study**

The purpose of this study is to establish how the Uganda women police officers cope in the predominantly male institution. Another objective is to identify problems faced by the women police officers in as far as sexual harassment is concerned and whether the law addresses them adequately. Finally the study aims at examining how sexual harassment impacts on their output. I will go further to suggest ways that I feel are appropriate to deal with it.

There have not been any studies conducted on sexual harassment in the police force in Uganda. However, some studies on sexual harassment have been conducted in parliament among parliamentarians and at Makerere University, Kampala among the academic staff and students. These studies have been conducted by Dr Sylvia Tamale, a senior Lecturer at Makerere University, Faculty of Law.

The study is aimed at establishing the prevalence of sexual harassment in the Uganda police force and whether there are reporting mechanisms in place. It is also aimed at establishing the responses of the policewomen to sexual harassment. It will go on to recommend the action plan or the way forward for the police to fight sexual harassment.

The study highlights sexual harassment as a problem in the police force and begs for solutions to be found. The study is intended to stimulate the thinking of the policewomen about their rights and to indicate that sexual harassment is unacceptable in society. The police force will benefit from this study by way of data collected which will gauge how prevalent the problem of sexual harassment is and it will suggest what strategies can be employed to contain it so that the force can benefit from the improved output of the policewomen without sexual harassment.

### **The scope and limitations of the study**

The study took three months to complete. As a result, I could only cover specific police stations in the short-term. I found the institutional bureaucracy a big barrier. I asked for permission to commence my research, as I was aware of the sensitivity of the matter, but up to the time I came back to Harare, I had not been informed whether it had been granted or not.

I had to beat the bureaucracy by consulting a less senior officer who is in charge of research and planning, as to whether it was acceptable to proceed with the research despite the anomaly. He advised me to proceed and if anybody had a different view then he would come to the field and stop me.

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<sup>12</sup> Catherine Mackinnon: Sexual harassment of working women: A case study of sex discrimination, Yale university press (1979)

This strengthened my stand, having earlier received a go ahead from the chief of police himself.

I also wanted to interview one of the most senior policewomen on the matter but I failed to secure an appointment with her. When I went to make an appointment, she abandoned me in the secretary's office and went away.

### **Research assumptions**

The assumptions which guided my research were:

- 1 Sexual harassment is rampant in the Uganda police force.
- 2 Policewomen report cases of sexual harassment to the administration.
- 3 The law on sexual harassment in Uganda is inadequate.
- 4 Sexual harassment poses constraints or barriers to promotions and employment benefits for policewomen.
- 5 The police administration does not address sexual harassment.
- 6 Sexual harassment affects the quality of work by women police officers.

### **Research questions**

Arising from the above assumptions, the underlying questions explored in this study centred on the following:

- 1 Is sexual harassment rampant in the police force?
- 2 Do policewomen report cases of sexual harassment?
- 3 Is the law on sexual harassment in Uganda adequate?
- 4 What are the barriers or constraints caused by sexual harassment for women police officers?
- 5 How does the police as a department address cases of sexual harassment?
- 6 Does sexual harassment affect the quality of work of women police officers? If so, how?

## CHAPTER TWO

### **Law and literature review**

There is no legislation in Uganda which outlaws sexual harassment. However there has been an attempt to introduce sexual harassment as a legal concept by way of an Amendment Bill, (2001) to the Employment Act (219), which in its section 9 recognizes sexual harassment and provides for redress for its victims, now pending before Parliament for debate.

Individual institutions having realized the need to tackle sexual harassment as a problem, have gone ahead to put in place sexual harassment policies or sexual harassment regulations. This has occurred at Makerere university in the faculty of law where they have a sexual harassment policy (2002) and at the law development centre where they have sexual harassment regulations (2003) affecting students, academic and non-academic staff.

I will look at various laws in Uganda to see whether they have any benchmark provisions that could take care of sexual harassment.

### **The Constitution of the Republic of Uganda 1995**

The constitution provides for equality and freedom from discrimination. Article 21(1) provides that 'all persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.' So cases of sexual harassment discriminate against women because of their sex. Therefore this provision guarantees them equal protection of the law. This provision could be made use of in order to protect women against sexual harassment.

Another constitutional provision in the same vein is Article 24 which provides for respect for human dignity and protection from inhuman treatment. It is couched in the following words:

'No person shall be subjected to any form of torture, cruel, inhuman or degrading treatment or punishment.'

So sexual harassment is treatment that is deemed to be cruel, inhuman or degrading.

However, sexual harassment is not usually seen in that light and the provision is assumed to refer to state torture. This provision is also understood in relation to domestic violence rather than sexual harassment which is regarded as an infringement of privacy and security of the person.

Article 33 accords women full and equal dignity of person as men.

So with these constitutional provisions, though not specifically outlawing sexual harassment, they should be able to control it if properly enforced.

These constitutional guarantees provide a basis on which to challenge the discrimination that may be practised in the form of sexual harassment.

### **The Penal Code Act (Chapter 106)**

The Penal Code Act provides for the following as criminal offences. These acts are more related to sexual harassment though they do not mention it specifically. They are:

- Section 117 which provides for rape as a criminal offence. It states that;  

‘Any person who has unlawful carnal knowledge of a woman or girl, without her consent, if the consent is obtained by force or by means of threats or intimidation of any kind or by fear of bodily harm or by means of false representations as to the nature of the act, or in the case of a married woman, by personating her husband, is guilty of the felony termed rape.’

This is because some of the harassers’ conduct goes as far as rape itself. So if the conduct goes that far then it becomes rape, and is no longer sexual harassment.

- Section 121(1) provides for indecent assault. It states that:  

‘Any person who unlawfully and indecently assaults a woman or girl is guilty of a felony and is liable to imprisonment for eighteen years with or without corporal punishment.’
- Section 121(3) provides for insulting the modesty of a woman. It provides as follows:  

‘Any person who, intending to insult the modesty of any woman or girl, utters any word, makes any sound or gesture or exhibits any object, intending that such word or sound shall be heard, or that such gestures shall be seen, by such woman or girl, or intrudes upon the privacy of such woman or girl, is guilty of a misdemeanor and is liable to imprisonment for one year.’

This section is the most relevant to a situation of sexual harassment than any other so far considered.

- Section 143 provides for indecent practices:  

‘Any person who whether in public or private commits any act of gross indecency with another person or procures another person to commit any act of gross indecency with him or attempts to procure the Commission of any such acts by any person with himself or with another person whether in public or private, is guilty of an offence and is liable to imprisonment for seven years.’
- Section 161 provides for trafficking in obscene publication. This takes care of pornography.

## **The Police Statute No 13 of 1994**

Being the statute that governs the police force, this provides for the structure, organization and functions of the police force, a police disciplinary code of conduct and for other matters connected with or incidental to the foregoing. It does not, however, provide for sexual harassment.

But in the code of conduct, which is a schedule to the Act, Code 2(d) obliges all police officers to treat humanely all persons at their disposal without discrimination.

The interpretation and enforcement of these laws is what is lacking. However good the laws may be, if they are not interpreted properly then the evil that the law was meant to cure will remain.

According to section five of the police statute, one of the functions of the force is to protect the life, property and other rights of the individual. So if any member of the force engages in acts that amount to sexual harassment, then he is contravening this important provision which is the core of the existence of the Uganda police force.

The police standing orders, a statutory instrument made under the police statute does not talk about sexual harassment. However, under chapter 30, it provides for women police. Section two provides that policewomen enjoy the same conditions of service as other members of the force.

In section four, it provides for marriage by policewomen. The policewoman needs to apply for permission from the Inspector General of Police. However, when the policeman wants to marry, he need not seek such permission. This is discrimination on grounds of sex which is unconstitutional. Though the standing orders are no longer enforced, they are still on our law books.

## **Labour laws**

I looked at the labour laws in Uganda. These include:

- Employment Act chapter 219
- Factories Act chapter 220
- Minimum wages advisory Boards and wages Council Act chapter 221
- National Social Security fund Act of chapter 222
- Trade Unions Act chapter 223
- Trade disputes (arbitration and settlements Act chapter 224)
- Workers compensation Act chapter 225
- Pensions Act chapter 286
- Public Service Act chapter 288
- Public Service (Negotiating machinery) Act chapter 289.
- Armed Forces Pensions Act chapter 295

None of the above Acts talks about sexual harassment. And interestingly, apart from the Armed Forces Pensions Act chapter 295, all the other Acts have a provision which excludes application of the Act to members of the armed forces. For example, section six of the employment Act excludes its application to members of the Uganda Peoples Defence Forces, the Uganda police force or the Uganda prison services. Also the Workers Compensation Act, Section 2(2) excludes its application to the armed forces.

### **International human rights norms**

Uganda is a signatory to several major international human rights instruments. These instruments include the following:

- The Universal Declaration of Human Rights, UDHR
- International Convention on Civil and Political Rights ICCPR.
- Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).
- The African Charter on Human and People's Rights.

There are other international instruments agreed upon by the international community, to which Uganda is party, like the Beijing Declaration, and the Declaration on the Elimination of Violence against Women (DEVAV).

All the above instruments provide for equality before the law and equal protection of the law. They also provide for non-discrimination on the basis of sex. They go further to accord each individual the right to privacy.

However, these international instruments dealing with women have weaker implementation obligations and procedures. The institutions designed to draft and enforce them are under resourced.

Reservations to fundamental provisions are tolerated. Failure of states to fulfill their obligations is tolerated. The development of international human rights has been androcentric and privileging a masculine worldview.

The fundamental problem women face is not discriminatory treatment conferred by men, although this is a manifestation of the larger problem. Women are in an inferior position because they have no real power in either the public or private worlds, and international human rights law, like most economic, social, cultural and legal constructs, reinforces this powerlessness.

### **Other scholarly work**

Various studies have been conducted on sexual harassment both in and outside Uganda. Most of the studies are on sexual harassment at workplaces. In Uganda, Dr Sylvia Tamale conducted a study on gender and parliamentary politics.<sup>13</sup> Her core findings were that despite their political status, women parliamentarians had to contend with the issue of sex on a day to day basis. To quote her:

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<sup>13</sup> Dr.Sylvia Tamale(1999);When Hens Begin To Crow; Gender and Parliamentary Politics in Uganda, Westview Press, Colorado.



‘Not all women parliamentarians I interviewed were willing to openly discuss the issue of sexual harassment. A few told me that they preferred not to talk about it; others denied ever having been victims of it. However, further probing and couching the question in a less direct fashion almost always revealed that sex was an issue that most women legislators had to deal with on a day to day basis.’

Rebecca Kadaga (2000)<sup>14</sup> in her study on subtle hostility, found that sexual harassment against women ministers was rampant. This comes out from the following quotation from her research when one of the respondents said:

‘A male colleague asked me to go to his office to discuss about certain services for my area. When I got there, the man grabbed me and tried to kiss me...I told him, that was not what I had gone to his office to do...I left without discussing the services that had taken me there in the first place. The same respondent goes on to say; Our status does not protect us from abuse...for instance I went to visit the managing director of a utility company to discuss provision of water in my area...And I was already a minister, instead, the man made passes at me.’

It is hard to imagine but this kind of treatment is being meted to a government minister by none other than her colleagues and sometimes less powerful people like the managing director of a utility company.

Then how much worse is it for a mere police constable who has a lot at stake that can be determined by her supervisor, who is in most cases a man. It illustrates the notion of men treating women as sex objects, even at their workplace.

According to Dr Sylvia Tamale,<sup>15</sup> the issue of women’s sexuality as a means of keeping women in their subordinate positions is key to the way women are treated. She recognizes these sexual practices as a way of perpetuating women’s oppression. And these include unwelcome sexual advances, sexually motivated physical contact or verbal communication of a sexual nature.

Naira Khan (1996)<sup>16</sup> has written a lot on the subject in the Zimbabwean context and all her publications are based on research conducted at workplaces. In one of her publications (1996) she discusses the subject at length drawing references from various literature on the subject, both from in and outside Zimbabwe. Of importance to this study is her analysis of the law of sexual harassment in Zimbabwe. She finds the law that is in place in Zimbabwe is not sufficient.

This situation is not different from the scenario in Uganda where even the labour laws say nothing about sexual harassment at the workplace. Even the Amendment to the Employment Act that was tabled in the year 2001 is still pending debate in parliament to date.

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<sup>14</sup> Rebecca A. Kadaga(2000): *Subtle Hostility, An insight into workplace related Harassment of women in the Ugandan cabinet*; A dissertation submitted in partial fulfillment of the requirements of a Diploma in women’s Law of the University of Zimbabwe.

<sup>15</sup> Dr. Sylvia Tamale(1999) (supra) 13.

<sup>16</sup> Naira Khan (1996) (supra) 1

Mawire (1995)<sup>17</sup> conducted research on sexual harassment with particular reference to women working in the private sector. He analyzed the legal position in Zimbabwe. He found that merely being someone's subordinate in the employment hierarchy signifies vulnerability. However according to the study Kadaga conducted in Uganda you need not be a subordinate for sexual harassment to be meted out to you. You merely need to be a woman, no matter what position you hold.

Many feminist scholars have written extensively on the subject, especially on sexual harassment at workplaces, while others like Connie Guberman and Margie Wolfe (1985),<sup>18</sup> Loraine Gelsthorpe and Allison Morris (1990)<sup>19</sup>, and many others address sexual harassment as part of a wider problem of violence against women.

I also reviewed the video on sexual harassment, named 'The culture of silence' (2003) by David Batema,<sup>20</sup> which was premised on sexual harassment at the workplace, and how women observed the culture of silence. The headmaster, called Mr. Stadium, who was supposed to supervise a student teacher on practice, instead said that the only thing he needed to let her pass her practical was for her to have sex with him. The student found it hard to report this as it was her culture to keep silent on matters of sex.

This culture of silence is no different in Uganda, where matters of sex can only be discussed behind closed doors in bedrooms and in the absence of all others except the man and woman. In the advent of the AIDS pandemic in Uganda, all the people were advised through the media and other means to be open when discussing issues of sex. They have tried to open up but there is still some reluctance to discuss sex openly.

All the above indicates how men treat women, particularly at the workplace. Men have been socialized to believe that women are there for them and whether women are higher in the employment hierarchy or not, they are only objectified as sexual objects and nothing more. However, it is even worse for a woman who falls lower in the employment hierarchy. So this indicates not only how widespread the problem is but also its effects on the victims' social, economic and psychological development. The problem is trivialized by patriarchal societies so that it goes unrecognized and not legislated against. Merely to be someone's subordinate in the employment hierarchy signifies vulnerability.<sup>21</sup>

The Law Development Centre, passed sexual harassment regulations in 2003 which, according to the contents list, provide for the following:

Part I Preliminary matters:

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<sup>17</sup> J.Mawire(1995):A study of sexual Harassment as it affects women in formal employment in Zimbabwe. With particular reference to women working in the private sector. a Dissertation submitted in partial fulfillment of a Diploma in Women's Law of the university of Zimbabwe.

<sup>18</sup> Connie Guberman and Margie Wolfe(1985); No safe Place; violence against women and children, Women's Press, Ontario.

<sup>19</sup> Loraine Gelsthorpe and Allison Morris(1990):Feminist Perspectives in criminology, Open university press, Great Britain.

<sup>20</sup> A video produced in Women, Law reform and social Justice class on Legal information dissemination(2003)

<sup>21</sup> ILO: Combating sexual harassment at work, Digest vol 11 1/92 at page 8

- Short title
- Commencement
- Interpretation
- Definition of sexual harassment
- Sexual harassment
- Application
- Categories of sexual harassment
- Prohibition of retaliation

#### Academic freedom

- Frivolous or false accusations
- Confidentiality

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- Service on alleged harasser
- Rules of procedure
- Up-held complaint
- Dismissed complaint
- Where one of the parties to harassment is an outsider
- Monitoring
- Penalties
- Appeals

So, according to the contents of the regulations, sexual harassment is defined and what conduct amounts to sexual harassment prescribed.

However, according to David Thomas<sup>22</sup>, whoever is designated to determine whether conduct amounts to sexual harassment matters because conduct of two different people which is similar and directed at one victim may not amount to the same thing depending on whether the victim likes the person conducting himself towards her like that or not.

The regulations prohibiting retaliation are a good safeguard that protect victims. The regulations also prohibit making frivolous, vexatious or false accusations, by making it a disciplinary offence.

What I see as a landmark provision in these regulations is the protection of confidentiality of the victim. It provides an assurance to the victim that she is not likely to be victimized for reporting.

The regulations provide for a sexual harassment committee whose role is to enforce the regulations. It also provides for the form in which the complaint will be lodged. It takes care of the investigating

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<sup>22</sup> David Thomas (supra) 8

procedures to ascertain whether the complaint is true or false before action can be taken. The regulations also provide for rules of procedure for the sexual harassment committee. The committee will determine their own rules to govern them. It was found necessary to provide for further monitoring of the harasser, whether the complaint is upheld or dismissed.

Finally, it provides for the penalty on conviction and the appeal procedure.

These regulations are a good basis to begin from where there is no legislation about sexual harassment, as pointed out earlier, and it would be a good idea in the police force to begin with the regulations.

Makerere University, Faculty of Law introduced a Sexual Harassment Policy and Guidelines in 2002, which cover the following, among other things:

- Introduction
- Definition
- Prohibition of retaliation
- Sexual harassment vis-à-vis academic freedom
- Confidentiality
- Frivolous, malicious and false accusations
- Implementing organ
- Guidelines for complaints
- Remedies
- Appeals

The definition of sexual harassment is very important because it provides for what conduct is deemed to amount to sexual harassment. In the same vein it provides some examples of sexual harassment which are not exhaustive.

The policy prohibits retaliation. This assures the victims of sexual harassment of some institutional protection. According to my research, the biggest barrier to women reporting sexual harassment is this retaliation or revenge. If the victims are assured of no retaliation as a policy, they will more easily come forward and make reports.

The policy also ensures the confidentiality of the complaint. This was found to be another barrier that when others learn of a person reporting they will isolate her and consider her a trouble causer.

Frivolous, malicious and false accusations are prohibited by the policy.

A Faculty Sexual Harassment Committee (FASHC) is the implementing authority. The policy also provides for the guidelines of lodging complaints. In these guidelines it is advised that sexual harassment should be documented in the minutest detail, so that when the need arises, the victim will be in a position to prove her case without difficulty. The written account should include the date, time and place of each incident, the behaviour involved in the incidents, the victim's response to it, and the names of any witnesses to it.

The policy provides for remedies and an appeals procedure.

There are sections of the law that I cited from the Penal Code Act. Among these, section 121(3), which prohibits insulting the modesty of a woman, is more relevant and akin to sexual harassment. However I still strongly believe that sexual harassment should be provided for specifically rather than shrouding it amongst other provisions, where it may not easily be enforced.

## CHAPTER THREE

### Methodology

#### Grounded theory

Grounded theory as a key to women's law research is a process in which data, theory, lived realities of women and perceptions about norms are constantly engaged with each other to help the researcher decide what data to collect and how to interpret it. The interaction between developing theories and methodology is constant as preliminary assumptions direct the data collection and then the data collected, when analyzed, indicates new directions and new sources of data.<sup>23</sup> For instance, in the light of my findings from the data collected, I had to keep rephrasing my assumptions rather than being a slave to the assumptions as framed before going to the field.

As part of the grounded theory I had to evaluate my assumptions and research questions as formulated, with data I was collecting in the field. I discovered that policewomen were not reporting cases of sexual harassment as I had earlier presumed while framing my assumptions. So this assumption could not stand in view of my findings in the field. I therefore had to triangulate the data to the assumption in order to answer the question of why policewomen were not reporting cases of sexual harassment to the administration.

I first did a library search both for legislation and other writings on sexual harassment but was not able to trace any legislation in Uganda which talks about sexual harassment. It only exists as an Amendment Bill to the employment Act (2001). I then had to ground my research in the lived realities of policewomen, by going to interview them to get firsthand information on what they ordinarily experience.

I was armed with my research assumptions which I wanted to put to the test with the realities of the women. However I had to first sound out the administration to gauge what their views on sexual harassment were.

I went to the Inspector General of Police and introduced my subject of research. He was very interested in the subject matter and hoped that the data gathered during the research would be of assistance in addressing the issue of sexual harassment.

I had prepared a questionnaire to use in the field but when I reached there I found that I needed to get the women to tell their stories without interruption, so I had to discard the use of the questionnaire and listen to the women with little interruption. This is how the grounded theory worked for me.

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<sup>23</sup> Bentzon A. W. et al (1998) **Pursuing Grounded Theory in Law: South-North Experiences in Developing Women's Law** Tano Aschehoug, Oslo Norway

## **Legal centralism**

This was my starting point, which is from the standpoint that state law or state recognized and enforced law is the most important normative order and all other norm creating and enforcing social fields in situations and mechanisms are illegal, insignificant or irrelevant.<sup>24</sup>

This was because I was testing the legal instruments that are in place and those that do not exist, to find out whether the law in place addresses the issue of sexual harassment or not, and, if not, what the way forward should be.

## **Legal pluralism**

Legal pluralism presupposes the existence of other normative orders with the ability to generate and enforce rules.

Having no mechanisms of reporting sexual harassment in the police force creates a legal void and the community on their own devise means of handling it. This affects the position of women, and this study will explain why policewomen do or do not report cases of sexual harassment.

It should be pointed out at the outset that sexual harassment is perpetrated by men against women. However this does not mean that the reverse does not occur.

## **Methods of data collection**

I had intended to capture my data using a questionnaire for my key informants but when I reached the field, I found that this would not work and I therefore let the women tell their stories with minimum interruption, only when asking questions for clarification or keeping on track.

I arranged my research in such a way that I would capture the voices of the women before interrogating the system to see how it responded to issues of sexual harassment as raised by the respondents. This is a bottom-up approach.

However I was equally aware of the fact that sexual harassment is a very delicate issue that no person finds easy to discuss with strangers. So I had to strategize and find the most appropriate entry point into the personal and private lives of my respondents.

Being a member of the Uganda police force from February 1982 to date, and having joined from the lowest rank of constable and gone through the ranks to my present rank of superintendent of police, gave me an advantage of knowing a substantial number of the policemen and women, both in the lower ranks and high ranks, some of them to the level considered personal where there exists a high degree of confidence between us. This, I calculated, would enable us to discuss openly even matters considered private like sexual harassment.

It was through such people known to me personally that I would obtain the other respondents' confidence. This worked for me very well in the stations around Kampala. I was able to trace a respondent I had worked with in 1983 and had known her since then. By the time I traced her, she was living in the Katwe area having been dismissed without any cause.

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<sup>24</sup> Bentzon A.W. et al(1998) : Pursuing Grounded Theory in Law: South-North Experiences in Developing Womens Law. Tano Aschehoug, Oslo Norway.

I also traced another officer at Old Kampala whom I had known from 1983. Through her I was able to access other respondents and they discussed their predicaments with me without any fear.

This was in essence positioning myself as a gender activist researcher.

### **Group discussions**

At Wandegeya, a police station in Kampala, I used the liaison officer whom I had known from 1983 and then accessed the respondents, who were able to tell me the stories of their lives in the Uganda police force, with regard to sexual harassment.

At Bugiri police station, the situation was different because that was where I served immediately before I began this course, and the staff was very willing to co-operate with me if their contribution could be of any help to me in obtaining data for my course, which they were very proud to identify with. So I rang the district police commander and asked him to mobilize the policewomen and some men for me. The turn-up was so overwhelming and while I had planned to conduct a one to one interview, I discarded the idea and organized a group discussion. The discussion was from 10.00 am to 2.00pm and we were able to exhaust the subject matter of our discussion in a free atmosphere.

Having captured the voices of the women, my supervisor discovered from the collected data that they were not stating strongly what their recommendations for the way forward were. So I had to retrace my steps and capture their recommendations before moving on to the administration to get their ideas on issues raised by my respondents.

When I commenced my second stage of interviewing the administrators, my hope was to capture the voice of the Assistant Inspector General of Police, in charge of criminal investigations, the department where I fall, as the most senior woman in the whole police force. I went to her office to fix an appointment to interview her. I found her engaged with another person in her office. I requested her secretary to inform her as I wanted to see her. The secretary communicated the message to her, and she came back to tell me that the boss had said that I could wait for her to finish with the person she had in the office.

I waited at the secretary's office for an hour. After that, the person she was seeing, who happened to be one of the staff members came out. She followed him and I stood up and saluted her. She answered me but continued on her way out. So I asked the secretary whether I was meant to continue waiting as she had been informed. She told me that the boss had left for Entebbe and she would be back the next day.

I felt so devastated, but I could not give up. After all, there were other senior policewomen who were willing to participate in my research and I dropped the idea of interviewing her. Up till now I have not understood why she was very unwilling to be interviewed by me.

However, in her place, I interviewed one woman commissioner of police and one woman assistant commissioner of police. They are in charge of non-human resources and planning training respectively.

Sometimes it pays to side-step the bureaucracy but it poses a high risk to the researcher. I found it relatively easy to research my own institution on a very delicate issue like sexual harassment.



Of course others in positions of responsibility tried to discourage me, but I was not moved since they were not my target group. My target groups were the women police officers who were experiencing sexual harassment. The method of penetrating the system through someone I knew worked very well for me. Though the subject was very delicate, as you are aware that matters of sex in African culture are surrounded by a lot of myths, we had common ground to start from, then could venture into the subject. The confidentiality was established first and I gave my respondents the assurance that their identities would not be disclosed since the people they were complaining about are still serving officers and in positions of responsibility. However, a few of the perpetrators have since retired or have died.

My respondents were very open to me and I let them tell their stories with minimal interruption when I would put some questions to them for classification of some points.

### **Key informants**

When it came to interviewing the administrators, I looked for key informants whom I believed to have knowledge on the matter under research. I found them very co-operative and ready to tell me what they knew about sexual harassment in the police force.

I had an elaborate interview with the Inspector General of Police, Major General Katumba Wamala who came out strongly with his views about sexual harassment and what he felt was the way forward. The others were the woman commissioner and assistant commissioner.

I interviewed three male commissioners, one of whom is the commandant of a mobile police patrol unit, another the director of training and one who is in charge of legal affairs.

I also interviewed two male senior superintendents of police. One is the secretary to the police council and the other the commandant of the police training school. I interviewed two women superintendents, one in charge of the child and family protection unit and the other the officer-in-charge of the criminal investigations department at Old Kampala.

I interviewed two men superintendents and one retired superintendent. One is district police commander, Bugiri and the other district police commander Mukono.

I interviewed one man assistant superintendent and one woman cadet assistant superintendent.

I also interviewed one woman inspector, one man inspector and one man assistant inspector.

I equally interviewed a senior lecturer in the faculty of law of Makerere university, who is well versed in issues of gender and a chief magistrate who is a women's rights activist.

**Table 1: Respondents categorized by rank**

<b>Rank</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
Inspector general of police	1	0	1
Commissioner of police	2	1	3
Assistant commissioner	0	1	1

Senior superintendent	2	0	2
Superintendent	3	2	5
Senior asst. superintendent	0	0	0
Asst. superintendent	2	2	4
Inspector of police	1	1	2
Asst. inspector of police	1	2	3
Sergeant	1	3	4
Corporal	1	7	8
Police constable	0	21	21
OTHERS	1	1	2
TOTAL	15	41	56

The categorization of my respondents is illustrated in the table above.

Interviewing my supervisors was quite challenging but they were very encouraging and supportive. My supervisors were often engaged on urgent security duties which left them little time to see me. But eventually they found time and accommodated my interviews.

### **Qualitative and quantitative methods**

I interviewed both men and women respondents from within and outside the police to understand what the lived realities of the policewomen are and what others say about sexual harassment. My interviewees outside the police were key respondents who were conversant with sexual harassment, like Dr Sylvia Tamale, a senior lecturer at Makerere university, and a renowned gender activist both in Uganda and elsewhere. I also interviewed David Batema, otherwise known as ‘sister’ Batema because of his gender activism.

I counted the numbers of my respondents to get the quantum of the responses.

### **Review of documents**

I visited libraries, registries and archives in search of documents about sexual harassment cases and research papers on the subject.

### **Passive observation**

I observed the body language of the respondents during my interviews with them. This was to try to ascertain whether they were telling me the truth or not. This posed difficulties given the fact that I was at the same time recording the responses in the form of notes.

### **Reliance on the skills of interrogation**

I relied on my skills of interview and interrogation that I have acquired in my service as a police officer. This is ordinarily done without use of either questionnaires or question guides. One only needs to keep focus on the issues at hand and what one intends to get from the respondent. This

involves posing questions and the answer determining the next question, called the 'next question technique'.

### **Limitations and problems**

Time and resources were not on my side and as a result I could not conduct the research throughout the country which I would have liked.

There were a lot of bureaucratic hurdles to contend with, like securing official permission to conduct the research which was not easy.

Another issue was securing necessary appointments with the relevant officials. Though this did not appear as a big problem, at some point it became one. I failed to secure an appointment with one of the most senior female officers in the police force who in my view had some knowledge about sexual harassment. The experience was quite devastating but I eventually got over it, and looked for other respondents to fill the gap.

It was sometimes necessary to side-step the bureaucracy but of course that has its high price in the form of the risk that one is taking in light of the sensitivity of the matter being researched.

## CHAPTER FOUR

### Findings

While my research revolved around the research assumptions and research questions, I found the research assumptions limiting when presenting my findings. The assumptions were on the prevalence of sexual harassment, whether women report, the inadequacy of the law, the constraints posed by sexual harassment, how the police administration deals with sexual harassment and how sexual harassment affects the work of policewomen.

While presenting my findings around the assumptions, there remained unanswered questions which I felt could be addressed separately. These emerging issues include the following:

- the consequences of refusal to comply with sexual harassment;
- the nature of duress used,
- the punishment or retaliation for non-compliance; and
- why men harass.

So these themes will be addressed in addition to the assumptions.

‘Sexual harassment is distinct from flirtation, flattery, requests for a date, and other acceptable behaviour occurring in the workplace or the classroom. It is missing the elements of choice and mutual agreement that exist in a normal relationship. Sexual harassment also differs from other forms of harassment that do not involve conduct of a sexual nature.’<sup>25</sup>

The core themes were wider and more detailed than the research assumptions and will afford wider coverage of my research findings. I have refused to be a prisoner to my assumptions and have broken out of the straightjacket – which is what the grounded theory of research is all about.

#### **The prevalence of sexual harassment in the Uganda police force**

As I set out to establish the prevalence of sexual harassment in the police force, I embarked on the exercise of interviewing the policewomen themselves. But before going to the women, I had to inquire from some officers and gauge the response of the people in administration. When I told one of the senior officers what I was researching about, this is what he had to say:

‘The question of sexual harassment is merely being blown out of proportion. There is no such thing as sexual harassment against policewomen – policewomen use those claims as a cover-up for their inefficiency. They are very lazy and they don’t want to work.’

After that encounter, I wondered whether sexual harassment existed in the Uganda police force as a problem. This was a very key question in my mind because unless it is identified as a problem, no steps can be taken to address it.

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<sup>25</sup> Naira Khan(1996) (supra) 1

My doubts were dispelled when I talked to the acting commissioner in charge of legal affairs in the Uganda police force. He told me how the problem was manifesting itself and how they were handling it. He emphasized that it rarely comes in the form of a complaint of sexual harassment. Instead it usually comes in the form of a woman officer applying for early retirement and when the matter is put under scrutiny, it is discovered that the cause is sexual harassment by officers in supervisory positions.

I had expected to capture the statistical data of any reported cases of sexual harassment from this office because it is the one which heads the complaints desk, but to no avail. I was informed of only five cases so far handled, from Entebbe , Jinja, Lira, Gulu and Kaberamaido.

This illustrates that policewomen do not report cases of sexual harassment or that cases of sexual harassment are non-existent. This presupposition will be proved or disproved by this research.

I set out to trace the victims in the above cases but I was only able to access the one from Entebbe. However, I got an overview of the nature of complaints from the acting commissioner. To understand the plight of policewomen, let us look at how they are distributed by rank:Table 2 Strength of Uganda police by rank as by August 2003

<b>Rank</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
Inspector general of police	1		1
Deputy inspector general	1		1
Assistant inspector general	3	1	4
Commissioner	8	1	9
Assistant commissioner	32	1	33
Senior superintendent	48	1	49
Superintendent	90	8	98
Senior assistant superintendent	2		2
Assistant superintendent	165	5	170
Cadet assistant superintendent	53	12	65
Inspector	352	3	395
Assistant inspector	592	85	677
Head constable major	2		2
Head constable.	3	1	4
Station sergeant	14		14
Sergeant	636	176	812
Corporal	1576	185	1761
Police constable	8082	879	8961
<b>TOTAL</b>	<b>11660</b>	<b>1398</b>	<b>13058</b>

This table shows how men and women of the Uganda police force are distributed by rank from top to bottom to indicate whether there are women in decision making positions or not. The ranks go in

descending order from inspector general of police, as the highest rank to police constable as the lowest. Responsibilities also go in that descending order.

Out of the total number of 1398 women in the police force, 1241 are non-commissioned officers. Only 157 are commissioned officers. This means approximately 11 per cent of the women are officers.

**Table 3: Categorization by rank**

	<b>Males</b>	<b>Females</b>	<b>Total</b>
Gazetted officers	403	32	435
Inspectorates	944	128	1072
Non-commissioned officers	2231	365	2596
Constables	8082	879	8961
Total	11660	1398	13058

The men and women of the Uganda police force are categorized into four groups as follows:

- 1 Gazetted officers – these include the Inspector General to cadet assistant superintendent of police. There are 403 males and 32 females.
- 2 Inspectorates – these include inspector and assistant inspector. There are 944 males and 128 females.
- 3 Non-commissioned officers – these include head constable to corporal. There are 2231 males and 365 females.
- 4 Constable – the lowest rank. There are 8082 males and 879 females.

### **The Entebbe case**

This is a case where the respondent was dismissed from the police without proper cause. She had worked in the police for over 29 years and she left without any benefits. I identified the respondent from the legal office. She contends that she started experiencing sexual harassment right from training school. And the experience continued until she was dismissed. When she refused to make love to the director of training, she was discontinued from the pilot training course which she was doing. She said that she was sexually harassed by more than ten men in the entire service. This made sexual harassment extremely prevalent.

From the total number of 40 women interviewed, 30 of them contended that they had experienced sexual harassment at the place of work. This comes to 75 per cent of the respondents. Among the

15 men I interviewed 12 were aware that sexual harassment occurs in the police force. This is 80 per cent of the male respondents.

One of the respondents described an instance when she caught the officer-in-charge *in flagrante delicto* in his office making love to one policewoman. She explained thus:

‘I received urgent information on V.H.F.(very high frequency) to relay to the O.C. When I went to his office, I found the door was ajar, I pushed it and entered, just to meet him making love with a policewoman on the floor. I was shocked and turned back and closed the door.’

Another respondent, when asked about the prevalence of sexual harassment in the police force had this to say:

‘I held a seminar for policewomen in Masaka and Kampala. Most of the policewomen said that they were experiencing sexual harassment from their bosses.’

A male respondent had this to say about sexual harassment:

‘Sexual harassment exists at all levels and especially where the men have supervisory roles.’

So most of my respondents were agreed that sexual harassment is prevalent in the police force.

### **Forms of sexual harassment**

According to Naira Khan,<sup>26</sup> ‘it was only in 1980 that sexual harassment was defined in the United States. The Equal Employment Opportunities Commission issued its guidelines on sexual harassment which stated as follows:

Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1 Submission to such conduct is made either explicit or implicit a term or condition of an individual’s employment.
- 2 Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals;
- 3 Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may take the following forms:

- Remarks of a sexual nature
- Repeated requests for a date, whistles, and staring can be mild forms of harassment.

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<sup>26</sup> Naira Khan;(1996): (supra)1

- Sexual propositions not directly linked to employment and unwanted physical contact of a sexual nature
- Sexual propositions linked to job enhancement or job threat.
- Unwanted physical conduct of a sexual nature
- Sexual assault.

Most of the women respondents said that sexual harassment starts as a sexual advance. The rejection or acceptance of these advances determine exactly what happens to the victim. These advances are being made by someone in a position of power over another with less power. These advances are usually classified as follows:

#### **Quid pro quo or ‘this for that’ or ‘something for something’**

This is the most rampant form. It amounts to sexual blackmail. It is abuse of power to obtain sex. This is because submission or rejection is used as a basis for employment decisions such as deployment, promotions, salary increment or even whether one retains the job or not. Quid pro quo involves implied or expressed promises of reward for complying with sexual solicitations or demands or implied or expressed threats or reprisal or actual reprisal for failure to comply with sexual demands. Thus the victim is in a vulnerable position. Quid pro quo harassment can only be committed by someone with the power to give or take away an employment benefit.

One respondent narrated to me how she was called to her boss’s office and the boss said this to her:

‘I can do anything for you, I can promote you, I can transfer you wherever you want, but first, I have to enjoy myself with you.’

In other words, in return for accepting my advances or demands, your situation will be changed for the better.

Another respondent said that sexual harassment starts when the man becomes a corporal and he gets policemen and policewomen under his supervision. And he says that sexual harassment starts like advances for love and when the policewoman objects, she is threatened and her conditions of service made very difficult.

#### **Hostile or poisoned environment**

This is discrimination against individuals on the basis of sex or gender by creating an intimidating, hostile environment. It is always set into motion by the acceptance or rejection of the advances made. When the sexual advances are rejected, then the harasser ensures that he makes the working environment of the victim very hostile. Carole J. Sheffield in *Analyzing gender: a hand book of social science research*<sup>27</sup> refers to this as sexual terrorism:

‘Female terrorism is the system by which males frighten and by frightening dominate and control females.’

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<sup>27</sup> BERTH B. Hess and Mofra Marx Ferree(1987) *Analyzing gender a hand book of social research*. Sage publications California.



Sexual harassment refers to a wide range of coercive and intimidating behaviour that reinforces the basic fears of women by implying the ultimate use of force.

I found examples of this form of harassment in my research.

One of the respondents was called to her boss's office and, in front of other people, was told thus:

'I want to read a bible to you...you are very proud for nothing and all the vaginas are the same. They discharge blood every month....and since you refused to marry me, you will never be promoted.'

This was at the central police station but I caught up with the respondent at Katwe police station, where she was working at the time of my research.

Another respondent observed that once policewomen reject the advances of policemen, they are threatened, their conditions of service made very difficult and they are sidelined in the way of deployment. A respondent who had a problem with one of her bosses had this to say:

'He would call me to his office and try to force me and intimidating me and show me that he is my boss and therefore has to sleep with me.'

One respondent was paraded before a gathering of policemen and asked by the director of training thus:

'Why do you leave all these men in the police and go out to look for the longest penis from a civilian.'

This was after the respondent had rejected the advances of the director and he learnt that she was befriending a civilian. Both the civilian and the respondent were arrested and detained. They were not told what offence they had committed but after two days they were released with no charges brought against them.

## **Consequences of refusal**

The consequences of refusing the sexual advances by people who have supervisory roles has been pointed out as the key factor that contributes to the non-reporting of sexual harassment cases. The consequences are so dire that no respondent wanted to think about them. They include housing, deployment, promotions, remuneration, transfers and most of all, whether one retains the job or not.

### **Housing**

This is one of the most important problems the police have to contend with. The housing structures in use today were constructed as long ago as 1937. There has been no deliberate policy of continuing the construction of housing as the force expands. This means that the housing facilities can no longer cope with the rising numbers of police personnel in the force. All the structures in existence today are bursting at the seams because they are holding more than ten times the capacity they were intended for.

For example, Nsambya barracks, the biggest police barracks in Uganda, was constructed in 1937 to accommodate 600 police officers but was by 1996, accommodating 7,390 officers. This means that units meant for single officers are now shared and every available space occupied. Some of the structures occupied were meant to be toilets and others, mortuaries.

Because of the bad situation as described above, obtaining official accommodation is seen as a privilege, not a right. Married men share houses with bachelors, women share houses with men, and so on. The officers in charge of accommodation take advantage of the scarcity to exploit the policewomen who come to units as new staff.

One respondent had this to say about housing:

‘When I reported to the new station I was given a house by the O.C. Barracks with a hope that I was not married. When I brought my property, accompanied by my husband, he came and offered to help carry the property into the house. My husband wondered why, and I tried to explain to him but he couldn’t understand.’

The officer continued to make sexual advances like inviting her for outings but she insistently refused. This was in spite of coming to learn that the policewoman was married. I managed to interview one harasser who once worked as O.C. Barracks and this is what he had to say:

‘Yes, I harassed one by befriending her while in the police training school. She rejected my advances. Later she was transferred to the station where I was O.C. Barracks. She was accommodated in a mortuary until she came and made good her name. Then I gave her a house.’

Of course housing goes to the core of the dignity of a woman. If the woman does not enjoy that privacy that goes with the housing, then her dignity and privacy are at stake. This applies equally to men.

Sometimes the officers follow policewomen into their quarters to continue what they have started in the office. There are no regulations in relation to policemen visiting policewomen. They are like other visitors but the way they conduct themselves makes the difference. As a respondent said:

‘A cadet assistant superintendent came to my house at 9.00 pm and found me with my husband who was a civilian. He asked me to prepare him water for a bathe. I told him that I am not supposed to give him water because I am not his wife. Then he asked me; ‘Don’t you know that I am your boss?’ I was very embarrassed before my husband but I had nothing to do.’

## **Deployment**

This is done by the officer in charge of duties. He makes programmes for all the staff. Policemen or women are deployed in shifts. The first shift commencing at 6am to 2pm, the second shift from 2pm to 10pm, then the third shift from 10pm to 6am. The fourth shift relieves the other shifts. It works when the other shift is on its day off. To do his job properly, the officer has to be fair to everybody. But surprisingly, officers want to take advantage of other people and deploy them unfairly.

The one example I encountered in my research was a policewoman who worked on the deep night shift (10pm to 6am) without change for over three months. The officer one day visited her. He asked her how work was proceeding and she told him it was okay then he said:

‘How can you be okay when you are working at night throughout. Do you like working at night?’

She told him that she thought it was the procedure. He then said:

‘If you want to be deployed properly, *panua miguu yako*; I want to tell you that I will be coming here to sleep with you.’

One male respondent highlighted this by saying that if the supervisors want to know whether sexual harassment occurs in their stations or not, they have to carefully observe the way policewomen are deployed.

‘They are all the time sidelined in the deployment while others are deployed where they receive ‘payment’, there are those who are not, because they refused to comply.’

Others are deployed separately from their spouses so that the harassers can get access to them. One respondent said:

‘My boss deployed my husband at Masafu and me at Malaba so that he could get access to me.’

One policeman who is married to a policewoman recounted how he was posted differently from his wife. And whenever he would go to visit her, his wife’s boss would intimidate him. He had this to say:

‘My wife showed me a love letter which her boss wrote to her saying that even if she has insisted to stick to a recruit, her work depended on him.’

The other women are given tasks which are exclusively for men. For example, city patrols on motor vehicles, guard duties and riot control.

### **Promotions**

Promotion is one of the weapons supervisors use as a way of pressing for their sexual demands from the weak policewomen. All the respondents talked to were of the view that promotions are tied to whether the policewoman is compliant or not. It comes out very clearly when one captures the real voices of the women like the following; policewoman X said that she was told by her boss that:

‘You have refused your promotions by refusing to go out with me. I can do anything for you. I can promote you, I can transfer you any where you want but I must first enjoy myself with you.’

Another policewoman I interviewed lamented as follows:

‘The fact that I have persistently refused to comply with the sexual demands of my bosses could have contributed to my not being promoted for such a long time.’

Another policewoman had the following to say about promotions:

‘I applied for promotion and I was called for an interview before our management committee. I was asked questions and answered them satisfactorily. Then the district police commander told me that I have qualified, I can go. Then the officer-in-charge CID who had been making advances of a sexual nature called me back and started quarrelling and telling everybody on the panel how I don’t want to work. When the names of promotions came mine was missing.’

Yet another respondent had this to say:

‘Of course other officers tell you point blank that since you have rejected their advances, you will never be promoted.’

There is an argument by the administration that the procedure for promotions have been streamlined and the decision is no longer a one man issue but a matter for a management committee at every police station. But as indicated by the above respondent, an individual can influence the management committee and drop your name even when the committee is fully convinced that you qualify for the promotion. The most bizarre thing is where the victim complies because of the promise made to her. Like one respondent said:

‘When I was on probation, an officer asked me for love and he promised me a good position in the police and a good place to work. He never fulfilled any of his promises. I complied but under duress.’

A good position in the police would indicate some form of elevation or promotion. When I was interviewing a retired police officer, this is what he had to say on senior policewomen and sexual harassment:

‘Senior policewomen cannot assist anybody in regard to sexual harassment, more so the junior policewomen, because they went through the ranks as a result of being girlfriends to senior police officers who propelled them through the ranks without them having any visible competence.’

I wanted to find out from the policewomen themselves, the ones I asked concurred with the observation of the retired police officer and they pointed it out as one of the reasons why they are not very keen at reporting cases of sexual harassment, more so to the senior policewomen.

This now complicates the matter of sexual harassment even further. Where senior policewomen are not of any help to their juniors, it makes matters worse. It is a sign that policewomen have completely lost any confidence in their senior colleagues. Therefore regaining this confidence would require a lot of sensitization and mobilization.

## **Remuneration**

Much as policemen and policewomen are supposed to receive equal pay for equal work, the research shows that there are other factors which influence how much money policewomen are paid. First of all, apart from the monthly pay, there are kinds of work that are done which attract allowances. The supervisors are the ones who determine who does the special duty or not. One of the respondents recounted her ordeal where all the forty people in her department would go for special duty and only her name would be missing from the list because she had rejected the advances of her boss. Her refusal meant she would not be entitled to jobs that attract the special allowance. This happens in every unit of the police because there are tasks which are done that attract allowances. The supervisors are the ones who determine who does the tasks. If one is not in good books with the supervisor, then certainly one will not be delegated to do those tasks. These can be in form of guard duties, escort duties and so on. The case in point is the policewoman who was forced to work for fifteen months without pay because her pay officer had misinformed police headquarters that she had been transferred to another station. This now puts the policewoman at a terrible disadvantage and it may compromise her dignity in order to make ends meet. There was no justification whatsoever to stop the pay of the working policewoman. And once this came to be known, the officer should have been dealt with summarily and should have been dismissed. But nothing was ever done to him. This took place in Soroti.

## **Transfers**

While going to the field, I was aware of the requirement that if a policeman was married to a policewoman, as a matter of policy, to keep the family in harmony, they should be transferred to as near each other as possible, and if it is practicable then to the same unit. This was according to police standing orders.

What I found in the field was the reverse. One of the respondents had this to say:

‘At police headquarters, bosses peruse files of married policewomen and they transfer them away from their husbands.’

I had no reason to disbelieve him because I have a brother who retired from the police and his wife is a policewoman. One time he was transferred to Lira, about 250kms away and his wife remained in Kampala. One of the respondents said :

‘They do this so that they can access the policewomen and have good quality time with them.’

One respondent, who had a problem with her boss because of rejecting his advances was transferred to the districts of Tororo, Mbale, Iganga and Mbarara within six months. The question posed here is how does the police benefit from such transfers other than increasing the cost of maintaining the policewomen in the police.

The police as an institution has to spend money on transport of the policewoman and her property. This is supported by one respondent who had this to say:

‘I have observed it happen where a policewoman rejects advances and then the officer either transfers her or her husband so that he can access her by separating the couple.’

Another respondent had this to say:

‘I was working at Malaba border post. My boss found me there and asked me to sleep with him but I refused. When he went back to the base, two days later, a police bus arrived with a message of transfer back to base. I was the only person transferred. I loaded by things on the bus and came back to base.’

On the other hand, most of the policewomen apply for transfers as one of the escape routes through which they can run away from the people who are harassing them. More than half of the policewomen who apply for transfers are actually trying to run away from their harassers.

One respondent had this to say on the issue:

‘I convinced our director of medical services to examine me and certify that on medical grounds, I could no longer serve in the band section. He did so and I was transferred as a result.’

This indicates how desperate the policewomen can be in view of the fact that they are under pressure and yet they do not want to lose their jobs. So they devise other means of countering a situation they consider to be unfairly tilted against them.

Another one is the policewoman in Soroti, who almost got raped by her officer-in-charge of the station, had this to say:

‘I felt so angry, I rang my husband and asked him to come immediately, I told him that if he delayed he would find me dead. I was ready to kill myself. He also came quickly and I told him that if he is unable to secure a transfer for me I would kill myself. He asked me what had happened but I could not tell him. I only cried.’

The husband was a police officer and was able to secure the transfer for her.

### **Nature of duress used**

Most of the policewomen talked to described various forms of duress that are exerted on them in order for the harasser to achieve his aim. They talked of being promised promotions as one of the ways the harasser aims at achieving his goal. Others are promised a good posting or deployment. But the most important point to note is that the policewoman is put in a situation where it becomes difficult for her to decide otherwise.

Other respondents said that the policeman does not even tell you clearly what he wants. He calls you to his office and tells you substantially nothing. He calls you again and again but still tells you nothing. One respondent said:

‘The biggest problem is that the policemen who sexually harass you will not tell you what they actually want from you. They will push you in a corner and leave you with little or no alternative. They take it as if they are demanding sex from you by right.’

Another one said:

‘My boss didn’t expressly say exactly what he wanted, but he created a very hostile working environment for me.’

The above quotes indicate that harassers can use subtle pressure to accomplish what their hearts desire.

One of the most interesting responses I got was from a 24 year old policewoman. When I asked her whether she has ever experienced sexual harassment, she said:

‘I have not yet experienced sexual harassment by policemen but I can see it coming soon.’

This is a sign that someone is pressing hard on her. Though it might not be called sexual harassment now, but eventually it is going to be that.

Another respondent said that the officer in charge of duties would ask you to sleep with him before deploying you. If you refused, he would deploy you to work at night. This is quid pro quo type of harassment. Bearing in mind that sexual harassment is often not or not only about sex or sexual attraction but is also about power. It involves abuse of power by a person with greater power over someone with less power. There is no wonder that such instances occur.

## **Punishment**

Punishments for non-compliance with sexual demands by the supervisor of the policewomen usually come in different forms and different degrees of severity. They range from outright dismissals to mere warnings. But they are not meted out openly that it is because of non-compliance. They usually find fault disguised as punishment for misconduct or indiscipline.

The respondents talked of being charged in orderly rooms on concocted charges. That is used as a starting point. The person one is contending with is sending a signal that: ‘I can determine your fate.’ Others have been tried and dismissed, while others have been tried and given other forms of punishments that are laid down in the police code of conduct.

There is one policewoman who was tried because she went out of Uganda with her boyfriend to the chagrin of her boss, whose advances she had rejected. The matter came to the attention of the inspector general of police and the proceedings were halted. She was transferred to another unit where she is doing well. Others are punished by being transferred to police posts where no policewomen ever worked because of harsh conditions. Others are evicted from police houses as if they have ceased to be in the police.

One of my respondents lamented that what makes the problem tricky is that the harasser is the one who is in position to determine your fate in one way or the other. He is your supervisor and you will

interact with him on a daily basis whether you like it or not. He will give you directives to follow, even if in your view they are not justified. When you point out that they are not justified, then you will have disobeyed lawful orders which is a disciplinary offence.

And the cycle continues.

### **Cases of policewomen sexually harassing policemen**

I tried to establish whether senior policewomen in supervisory positions also harass policemen under their command. I failed to get any junior policemen to come out openly and say that they were sexually harassed. When interviewing Dr Sylvia Tamale, who is a senior lecturer at Makerere university-Kampala and a women's activist, she told me that power imbalance is the basis on which sexual harassment thrives. That if the women get the power through status, numbers or age, they can also sexually harass men. In other words, men can also be victims of sexual harassment. I traced a retired police officer who narrated to me two cases of senior policewomen that were sleeping with their drivers. I also looked up an officer, who is my friend and whom I knew to have had an affair with a senior policewoman. When I asked him whether that relationship should be classified as sexual harassment, he told me that he could not respond to that question.

However men cannot come out openly and accept that they are sexually harassed. This is because of the way men are socialised. It nevertheless does not mean that because men have not talked about it therefore it does not exist. This is an area which requires further research.

### **Effects of sexual harassment**

The most obvious costs of sexual harassment are work-related, psychological and health related outcomes. In the United States, it was found that 50 per cent of women who filed a complaint were fired and half of the remainder resigned due to the stresses of the complaint process or the harassment itself.

The impact of harassment on the physical and mental health of women has been well documented. The literature indicates that women who have been harassed report intensive stress-related physical symptoms:

- Gastro-intestinal disturbances
- Jaw tightness and teeth-grinding
- Headaches
- Inability to sleep (insomnia)
- Weight loss
- Nausea
- Lethargy and tiredness



Emotionally women are said to suffer from fear, depression, anxiety, feelings of humiliation, helplessness and anger.

Sexual harassment creates an unfriendly, intimidating and offensive workplace. It can lead to:

- Absenteeism – you stay away from work to avoid the harasser or because you feel sick;
- Lack of motivation and lack of loyalty. For example you do not perform at your best because you think your boss who is harassing you does not deserve your best work;
- Poor concentration;
- Late arrival;
- Lower standards of work;
- Higher staff turnover as workers resign rather than continue to suffer harassment at work.

Sexual harassment has far-reaching effects. These could be physical, emotional social and financial implications.

Women reported cases of sleeplessness, change in appetite, headache, stress and stomach disorders. Others reported emotional stress like self-blame and guilt, blaming themselves for what was happening. Some felt distressed most of the time and experienced mood swings. Others felt depressed and anxious and others experienced fear, irritability and anger.

One of the respondents told me that she never used to drink but because of sexual harassment and the hostile environment at her place of work, she took to heavy drinking of alcohol so that she could get some sleep. Most of all, it affects policewomen's output at the place of work.

There is frequent absenteeism and lack of concentration.

Sexual harassment has socio-economic effects on the Uganda police as an institution but the effect extends further to the whole society. The wellbeing of the policewomen is manifested in the orderly way they handle their assignments. But if they cannot do that because they have been adversely affected by sexual harassment, then the institution loses.

As pointed out earlier, the victims of sexual harassment will lack concentration at work, and therefore there is a corresponding decline in their output. One of the respondents had this to say:

‘I never used to drink but the situation of sexual harassment forced me to start drinking heavily because of the stress I was going through. I even found it very difficult to concentrate at work.’

The fact that one lacks concentration and eventually is constantly absent, puts a financial burden on the system. The institution will be paying for what it is not getting. Sexual harassment also inhibits the woman's own development in her career. As a result, she cannot advance in her position and therefore her social standing suffers greatly. She cannot as a result, exploit her full potential in her career. As a result, she becomes withdrawn. As pointed out, the silent culture now takes over, as was depicted in the video previously discussed. The video clearly brought out how the silent culture operates. Sexual harassment also imposes a burden in form of the health costs and counselling

services. This puts a burden on the economy. This is because of conditions caused by sexual harassment which may need to be redressed, like mild lunacy, mental torture, trauma, absent-mindedness, unregulated cycles (monthly periods) passing on the frustration, anger, reprisal, to other parties not concerned with the sexual harassment at all. The women may not be going for counselling as of now, but eventually they will find it a necessity. After all, it is the 'culture of silence'.

### **Whether the policewomen report sexual harassment or not**

The findings on this theme are that policewomen do not report sexual harassment to the police administrators. This is because police administration has not put in place mechanisms for reporting and because of how they have been able to handle the very few cases that came to their attention.

The policewomen are of the view that even if one reported a case of sexual harassment, it would just be brushed aside and no action would be taken. This now endangers the woman further since she would still remain answerable to the supervisor she complains about.

This was brought home clearly when I asked a woman assistant commissioner of police what she had to say about sexual harassment. She had this to say:

'Policewomen do report cases of sexual harassment in order to cover their inefficiencies.'

When I interviewed a male commissioner who sits on the police council, he told me that whenever the issue of sexual harassment is raised in the council, it is always brushed aside as a non-issue.

With the cultural upbringing of our people, where matters of sex are taboo and cannot be discussed in the open, the policewomen find themselves in a fix and usually obey the culture of silence they are socialized in.

When I was talking to the inspector general of police himself he said that there is a very serious culture of silence in the police that hinders even policemen themselves from coming out and saying what they feel. It is even worse for policewomen.

He went on to say that formerly whenever the inspector general would go for a country tour, his regional police commanders would select 'juicy, young, and beautiful policewomen' to sleep with him. It was like a silent policy and endorsed by the institution. He would therefore have no moral authority to question any other person doing what he does. However, things have now changed for the better and there is a political will on the part of the administration to take corrective measures and face sexual harassment as a new challenge that requires a new approach.

The above scenario reminded me of an incident when our head of state visited Fort Portal, an outlying district and they arranged young girls who would sexually entertain him. He condemned the practice in the strongest terms possible. But this is an indication that culturally, it is acceptable. There is a saying in Rutoro, one of the local languages in Uganda that *omuseija tayangwa* meaning that a man's advances shall not be rejected.

In the absence of clear mechanisms of reporting, some policewomen have devised their own ways of coping with the situation.

One of my respondents said that once her boss harassed her persistently, she would go slowly to his wife and say:

‘Hey, your husband is acting in a funny way. He has been asking me for sex.’ So the wife would take it from there.’

And she told me that it always worked for her. I considered this to be a good innovation, since most of the harassers are actually married.

Another respondent said that she once told her boss who was persisting with his demands that since both of them were married, they should go together to his home and inform his wife so that in case they stay out late, then she should not worry. Then from there, they should go to her home and inform her husband that she is going out with her boss, so that if she delays there, he should not worry. The man said that she was a lunatic and left her alone.

### **What is the official position?**

I was privileged to interview the inspector general of police who confirmed to me that sexual harassment in all its forms is condemned by the police administration. However, he went on to say that while there are specific offices that have been handling cases of sexual harassment of women members of the public, the police as an institution had not been looking at policewomen as a special group. The offices he mentioned were the family protection unit, community liaison offices, and police public relations officers. He cited the case of a cadet assistant superintendent of police from Jinja where her boss wanted to fraternize with her and when she rejected his advances, he started monitoring her until he fixed her in a disciplinary case whereby she went to Kenya with her boyfriend and her boss charged her in a disciplinary court.

When it came to the attention of the administration, they were able to intervene and diffuse the situation. The woman cadet assistant superintendent had applied for early retirement and when inquiries were conducted, it was discovered that the source of the problem was sexual harassment. She was then transferred from Jinja and she is now doing very well in another station. However, the boss is still in Jinja and no action has been taken against him. I learned that the issue of sexual harassment was raised in the thirteenth police council meeting that sat in October 2002. As a result, a subcommittee of the police council was set up to look at sexual harassment of policewomen critically and recommend the way forward.

I was able to interview the woman commissioner of police who was chair of this subcommittee. She informed me that apart from sexual harassment, the subcommittee was supposed to look at other issues that affect women in the police. For example, the small number of policewomen in the force, how policewomen are deployed, excluding them from some departments like MPPU (a paramilitary police), air wing, driving, and so on, their maternity roles, facilities and equipment, lack of gender awareness, poor attitudes, and the necessity to establish a women’s desk in the police.

The subcommittee reported their findings to the fourteenth police council meeting held in December 2003. Their findings were that sexual harassment in the police was rampant and that the current provisions related to sexual harassment were too insignificant to be able to deter offenders. It was recommended that the offence of sexual harassment should be made a disciplinary offence and included in the police statute specifically.

On the recommendations of the subcommittee the police council resolved that a women's desk be re-established. This is because it once existed and was phased out without reason. In her words, the woman commissioner said that phasing out the women's desk was like 'throwing away a child with the bath water'.

### **The legal void**

The law in Uganda does not specifically address the question of sexual harassment. This creates a vacuum and any person with any complaint about sexual harassment feels disabled, and helpless.

However, taking a cue from the sexual harassment policy of the Faculty of Law of Makerere University and the sexual harassment regulations of the Law Development Centre I am convinced that every department has the capacity to put in place rules and regulations that govern its people once there is a will. This will require identifying the problem first and going out to look for a lasting solution.

### **At what point are women most vulnerable?**

Policewomen are most vulnerable at the time when they have just joined the Uganda police force. They are young, single and inexperienced in matters of the world.

The majority of my respondents said they faced sexual harassment from the training school and a few years in the service. The requirement is that before joining the police, you must be between the ages of 18 years and 25 years. You must be single and not have produced a child. The driving force at this stage is to get a career and job. This makes the women more vulnerable. So after getting the job, there is nothing that can stand in their way.

**Table 4: The age and frequency of the respondents**

<b>Age</b>	<b>Frequency of age</b>
20-25	4
26-30	5
31-35	20
36-40	13
41-45	7
46-50	6
Above 50	1
Total	56

The majority of my respondents were in the age group of 31-40 years, which constitutes about half of the total number of all my respondents.

It should be noted that at this stage the material needs of the policewomen are many and the pay they receive may not be enough to start them off as independent individuals. Even merely buying a pair of bed-sheets is seen as a way of coming nearer to her and sexually harassing her.

Others don't have any permanent boyfriend so they may think that the advances may be a starting point for a longer lasting relationship.

It came out clearly that women who joined the police after university did not face as much sexual harassment as those who joined after completing ordinary level. So the standard of education played a role because after university, they start at the rank of cadet assistant superintendent, which is a supervisory rank.

### **Why do men harass?**

Men are socialised from childhood to believe that they are always the ones who make the first move in matters of sexual relationships. This was said by one of my male respondents. Whether ones approach amounts to sexual harassment or not is determined by the recipient's interpretation.

According to David Thomas:<sup>28</sup>

'When you're a man, you never know until you've tried. We live in a society in which men are supposed to initiate sexual or romantic activity.'

Sex as earlier mentioned, is taboo that is hardly discussed in public in most African families. It is because of this that matters of sex are always shrouded in a lot of myths.

According to Nathalie Hadjifotiou:<sup>29</sup>

'The continuation of sexual harassment at the workplace is supported by a number of myths:

- Sexual harassment is nothing more than the normal and natural sexual interest existing between women and men. If they work together, innocent flirtation is inevitable.
- Women like to be flattered about their appearance and expect the men they work with to take notice of them.
- Work needs to be brightened up by a few jokes and games. Women who do not appreciate a laugh are spoilsports or suffer from sexual inhibitions.
- Women who are harassed have clearly asked for it by the way they dress and behave. Any woman who is not interested can easily say so.
- If women are harassed, it is only those with personal problems who are unable to deal with the situation themselves.

As a consequence of these myths victims of sexual harassment may feel guilty about their reactions to behaviour that other people consider trivial, and ashamed to tell anyone in case they are blamed for encouraging the harasser.'

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<sup>28</sup> David Thomas(supra)

<sup>29</sup> Nathalie Hadjifotiou (spra)

According to David Thomas<sup>30</sup> (*Not guilty, in defence of the modern man*):

‘At work, sexual electricity sparks creativity.’

According to the same author:

‘In 1991 an American appellate court ruled that the test of harassment was whether a ‘reasonable woman’ would be concerned by the behaviour under examination. This effectively suggests that harassment is harassment wherever a woman considers it so.’

So it is not a specific conduct that amounts to sexual harassment but whether the victim reads it as such.

But, as with many issues in the sexual harassment debate, the fact that there are not mirror images of misbehaviour between one sex and another, does not mean that there are not traits in women that are not equivalent to, if not the same as those in men.

The way men are socialized, they are expected to make first advances. According to David Thomas (*Not guilty: in defence of the modern man*) the very same behaviour which in a man whom they find attractive is seen as being acceptable, not to say compulsory, is regarded as harassment coming from a man in whom they have no interest.

The same author goes on to say that ‘we live in a society in which men are still supposed to initiate sexual or romantic activity.’

The common belief that a woman’s ‘no’ means in fact ‘yes’ is supported by the claim that women like to play hard to get, and that by saying no, they encourage the man to try even harder.

I asked one policeman why policemen harass policewomen and this is what he said:

‘Policewomen were recruited in the force to service the sexual needs of the policemen.’

This is obviously false but it portrays how patriarchal our societies are. In other words he takes it as if it is by right that a policeman gets sexual satisfaction from policewomen. Of course, this is not the official position but clearly explains why policemen behave as if they have proprietary rights over policewomen. As a result of that, they don’t even respect the policewomen who are married.

Of course the conduct of policemen towards policewomen in as far as sexual harassment is concerned, contravenes the primary role of the police force as stipulated in section 5(1)(a) of the police statute. It provides that the functions of the force, among others, is to protect the life and property and other rights of the individual. So by sexually harassing the policewomen, the policemen are not protecting other rights of the individual.

According to the police standing orders which in reality no longer apply because the instrument was challenged in the Uganda human rights commission as being unconstitutional, a policewoman was required to apply to the inspector general of police for permission to marry. Then her intended husband would be vetted, to ascertain that he did not have a criminal record. The procedure was intended to safeguard policewomen from being married to known criminals. Then the

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<sup>30</sup> David Thomas(supra)

accommodation of the man would be inspected to ascertain that where the policewoman was going to live was secure.

These standing orders are in abeyance but not repealed as such. They are said to be discriminatory against the policewoman contrary to the constitution. This was a result of the human rights commission. It is expected a follow-up to this decision which is to have them repealed will be done.

There is also a code of conduct as a schedule to the police statute. This code does not provide for sexual harassment as a disciplinary offence. It is highly recommended that this be provided for with a stiffer punishment. The standing orders do not provide for sexual harassment either.

I was able to look at the training curriculum. What I observed was that apart from the general human rights, there is no provision for gender as an essential subject. I was told by the commandant of the police training school that the coverage of the human rights module is very general and it is allocated too short a time to afford it any in-depth analysis of the subject.

Policemen in supervisory positions are responsible for sexual harassment. They are able to get away with it because of the legal void mentioned earlier. The absence of the law condemning sexual harassment leaves victims with no alternative.

According to Alice Armstrong (1998)<sup>31</sup> 'there is no one to whom to report and no structure to deal with a complaint of sexual harassment'.

However the law is the most symbolically powerful tool we have at our disposal, according to Loraine Geisthorpe and Allison Morris(1990):<sup>32</sup>

'Since it is the absence of the law, the lack of application of the law or the selective enforcement of law which has created cultural climate in which particular behaviour is condoned then the law has an important and symbolic function to play.'

Cases where women have taken action are very few but corrective measures have been taken as a result. Like the case of Jinja cited earlier, where a woman cadet assistant superintendent was being victimized by her boss because she had rejected his sexual demands, the administration intervened and she was reinstated. In the case of Kaberamaido the policewoman who had been unfairly dismissed was reinstated. In the case of Gulu the administration intervened and the officer was interdicted pending disciplinary proceedings. The case of Lira was investigated and it was found that the complaint was frivolous and vexatious and was dropped. The case of Entebbe is still going on.

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<sup>31</sup> Armstrong(1998)(supra)

<sup>32</sup> Loraine Geisthorpe and Allison Morris(1990): *Feminist Perspectives in criminology*, Open University Press, Great Britain.

## CHAPTER FIVE

### **Recommendations and action plan**

Given the detailed stories I got from the respondents, I wanted to know what they thought was the way forward or how sexual harassment could best be dealt with. They gave me very strongly worded recommendations which, given their experiences, were justified. However I also read other research so far conducted on sexual harassment, especially at the workplace. My recommendations therefore will sum up what the respondents said, what the researchers found and what I perceive as the way forward.

I will capture my recommendations and action plan through the following themes:

- Further research,
- Law reform,
- Awareness campaigns
- Lobbying and advocacy
- Boosting the numbers of the policewomen in the force,
- Building confidence amongst policewomen,
- Establishing a reporting mechanism,
- Welfare and counselling services,
- Suggestion boxes,
- Punishment,
- Naming the perpetrators, and
- Removal of victims from harassers.

According to Naira Khan (1996)<sup>33</sup> some specific steps need to be taken in case one experiences sexual harassment for purposes of proving ones case when need arises. They are:

- 1 Keep a record of all sexual harassment incidents. Write down the following:
  - Date, time and places
  - Who else was present, and saw or heard anything;
  - What was done or said to you.

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<sup>33</sup> Naira Khan



This record will help to remind you of the details of the incidents and help you prove your case. If you need help, ask someone to make notes for you.

2 Do not blame yourself. In general society tends to view sexual harassment as playful or natural male behaviour. And often women tend to blame themselves for somehow encouraging or causing men to behave badly. As a result you lose confidence and self-respect.

3 Ask for support – if you have co-workers, they can often help you by talking to him or simply letting the harasser know that they do not approve of his treatment of you. Talk to a sympathetic co-worker, or member of management you trust or contact the gender co-coordinator, your union, or employees' association or the sexual harassment officer if your workplace has one. Such informal intervention is often very effective.

4 Confront the harasser. There are two ways of doing so:

- a) Informally. Ask a witness to accompany you as you speak to the harasser. Speak directly, tell him or her that you do not like his or her behaviour and that you want the offending behaviour to stop.
- b) You can also write a letter to the harasser asking him or her to stop.

According to Dr. Sylvia Tamale, earlier referred to:

‘Part of the sensitization of the policewomen should teach them how to keep records each time any incident of sexual harassment occurs.’

### **Further research**

The research on sexual harassment of policewomen by policemen should be conducted countrywide to cover all the police stations in Uganda. Having seen how sexual harassment affects the output of policewomen, it is necessary that this matter is investigated thoroughly, so that there is no doubt left in the minds of the administration that it is crucial that this problem be addressed as a matter of urgency.

According to many of my respondents, this is the only way to convince the administration that sexual harassment is a big problem and it requires urgent steps to control. Although some administrators already know that sexual harassment is a real problem, it is a small number, and as such there is need for empirical data, that can only be supplied by research, to put the case succinctly. One of the officers I interviewed had this to say:

‘When we met the women, they said that male officers harass them. I believed what they were telling us and I sincerely believe that sexual harassment is a real problem. Those cases do exist on the ground.’

Another senior officer when asked what he thought was the best way to tackle sexual harassment as a problem in the police force, had this to say:

‘Researchers like you should conduct extensive research about the problem of sexual harassment, so that you can bring it into the limelight. This is the only way we can address it as an urgent matter.’

This is a clear indication that given the chance to lobby the police administration, there is hope that a clear case for further research can be made.

This research on the other hand will send positive signals to the policewomen that although they are facing sexual harassment as a problem, the administration is doing something to alleviate their situation. This is one way of building confidence in the minds of policewomen who feel helpless at the moment. The research should also include the way civilian women who use police services are treated by policemen in as far as sexual harassment is concerned.

There is a case I learned of during my research, where a woman complainant was sexually harassed by the policeman who was detailed to handle her case. She eventually got pregnant, and the matter was being handled departmentally.

There is another case which involved an alien who had been arrested and detained for illegal entry into Uganda. When her girlfriend went to see the officer who was handling the case of her boyfriend, the policeman asked the girl to accept to have sex with him so that the boyfriend could be released. The girl reported the matter to the authorities and the officer was dealt with. He was tried in the orderly room and reverted to another branch of the police.

This shows that where there is interaction of people, there is likely to be friction. So what society has to do is to prepare itself to see how to deal with the inevitable conflicts.

Where the administration is willing to enforce the discipline of personnel, things will always move in the right direction. It should be remembered that policemen are people who come from the wider society and therefore will always mirror society.

### **Law reform**

This will require examining the current law to see what it provides. As said earlier, the law in Uganda does not provide for sexual harassment either as a disciplinary offence or a criminal offence. This has created a legal void in as far as sexual harassment is concerned. That is why even mechanisms of reporting are not in place.

I would suggest an amendment to the Penal Code Act. The definition section should introduce the following:

- 1 'Sexual harassment' means unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men or unwelcome physical, verbal or non-verbal conduct.
- 2 Conduct amounts to sexual harassment if:
  - (a) the conduct is unwanted, unreasonable or offensive to the recipient;
  - (b) the recipient's rejection of or submission to the conduct is used as a basis for adverse decisions affecting the recipient's employment or academic work; or
  - (c) the conduct creates a humiliating, intimidating or hostile environment.
- 3 Sexual harassment may comprise a single or continuous act or omission.

A new section should be introduced after section 122 and will be section 122A, and will read as follows:

Any person who does any act or makes any omission that amounts to sexual harassment commits an offence, and on conviction shall be liable to imprisonment for fourteen years.

The police statute should be amended to reflect sexual harassment as a disciplinary offence in the code of conduct, which is a schedule to the police statute. The Disciplinary Code of Conduct is provided for under Section 45 of the statute:

1) There shall be a Disciplinary Code of Conduct which shall be the basis for disciplinary control of the police officers and other persons employed in the force under this statute.

3) The minister may, in consultation with with the inspector general of police, by statutory instrument, amend the code.

So, to amend the code, I will not need to lobby parliament, because the minister can by statutory instrument, amend the code and introduce sexual harassment as one of the disciplinary offences and provide a stringent punishment for it. The code should also

describe what conduct amounts to sexual harassment, so that there is no doubt left in the minds of all concerned, about what is meant by sexual harassment.

I propose introduction of 'sexual harassment' as a term in the definition section 2, where sexual harassment will be defined.

Then introduce a sub-section (1)(b) to section 14 of the code to read as follows:

'Behaving in a scandalous manner will include sexually harassing policewomen officers of lower ranks than the officer. Any person convicted of sexual harassment shall be liable to reduction in rank as a first offender and to dismissal on a subsequent conviction.'

Code 14 of the police statute in its present form provides as follows:

14(1) A police officer who behaves in a scandalous manner unbecoming of a police officer, commits an offence.

(2)A police officer who behaves in a cruel, disgraceful, indecent or unnatural manner commits an offence and on conviction shall be liable to reduction in rank or dismissal.

According to the police standing orders, chapter 30, paragraph 4 provides for the requirements of a policewoman when she wants to marry. She is required to seek for permission from the inspector general of police before doing so. Although I was told that the standing orders no longer apply because they were found to be unconstitutional on the grounds that they were discriminating against policewomen on the basis of their sex, I would like to see them repealed and struck from the law books. Merely leaving them on the law books and saying that they don't apply is not good enough.

## **Awareness campaigns**

These should be conducted countrywide to alert the policewomen to their rights and to let them know that sexual harassment is conduct that is not acceptable in the community such as the police force which is the custodian of law and order. It will show the policewomen that while they keep law and order and enforce individual rights of others, their own rights also need to be respected. Even policemen need to know, through these awareness campaigns, that policewomen have rights which need to be respected. They will also learn of the serious consequences that go with the proven conduct of sexual harassment. This can be done through seminars, conferences and addresses by people who have knowledge of the subject. However, the different units can use the unit training team that exists at every police unit to do this. It would be assisted by the police liaison office, the family protection unit, and so forth.

The police in every unit hold one meeting every week to check on the smartness of the staff, update them on current issues, and to learn about the problems the unit faces. In the training school, this meeting is called the commandants' parade. But at units in districts, it is called the district police commander's parade. All units should make use of this weekly meeting to highlight the need to address sexual harassment.

## **Lobbying and advocacy**

This needs to be done at two different levels. First at the level of police administration or even at inspector general's level who is the chair of the police council. But it can be extended to other members of the police council. This will be done specifically for two issues: to reintroduce a department of senior woman which used to exist earlier on at every unit but was just disbanded with no reason. This will be able to deal with issues of sexual harassment and other matters related to women.

The second issue which I will be lobbying the police council for is to introduce a sexual harassment policy in the police force. The police council is the body which formulates policies for the police force. So this will be in line with their duties.

Secondly, I will need to lobby the parliamentary committee on morality and *ebimansulo* (stripteasers) to press the house to consider introducing sexual harassment as a criminal offence. But this can be done through any other members of parliament. To make one's case, one should be armed with the results of the country-wide research on sexual harassment, presenting facts and figures. Once they are convinced then they can move government to amend the penal code. I will also need to lobby the police administration to introduce gender training in the teaching curriculum of all the training schools. However, senior officers who may not be in a position to come back for training in the training schools can be sensitized, as a matter of urgency, through seminars and conferences. These seminars and conferences can use resource persons who are knowledgeable on gender issues. We do not lack them in Uganda.

However, I recommend that the inspector general of police has one police officer in every in-take of the Women's Law Centre, so that a good number of officers will become enlightened about gender

issues and gain insight into the subject. Unfortunately, even senior police women are not gender sensitive because they lack insight into the matters of gender.

### **Boost the numbers of policewomen in the force**

I advocate for an increase of recruitment of policewomen as a matter of policy. This will boost their numbers from the present 10 per cent to 30 per cent within the next five years. This is in line with national gender policy which requires all sectors to have at least a third of the workforce as women.

This can be achieved by encouraging affirmative action in the recruitment. For example where the minimum qualification for recruits is two principle passes at `A' level, the affirmative action could put the minimum qualification for girls as one principle pass. It is also a constitutional requirement under Article 180(2)(b) that one third of the membership of each local government council shall be reserved for women. So applying it in the police will just be enhancing what is already provided for.

### **Other measures**

#### **Building self-confidence in policewomen**

This is very important because without that confidence, policewomen lose the sense of their own worth and cannot work properly. One of the reasons why they don't report cases of sexual harassment is because they lack that confidence. Boosting the confidence of policewomen is a process but once it has been embarked on, then it can be undertaken step by step, by coming closer to the women or closing the gap between the lowest ranked officer and the highest ranked officer. The administration needs to show them that they care and can listen to them.

#### **Establishing a reporting mechanism**

It is vital that a reporting mechanism is put in place. This can only be possible after establishing where the nearest calling point is to be situated. Is it at the police headquarters, regional headquarters or district headquarters? Once this is settled then the mechanisms can be put in place.

Suppose one is not brave enough, can the woman make her report anonymously? The officer to handle those complaints must keep the identities of the complainants secret or else the repercussions of reporting could result in a lot of backlash.

#### **Welfare and counselling services**

The welfare department should be strengthened to be able to provide counselling services to the victims of sexual harassment. The welfare department is staffed by people who are qualified in social sciences so this should not pose a problem.

#### **Suggestion boxes**

This is one way of keeping reporters anonymous. All units should maintain suggestion boxes, where policewomen who fear to come out openly and report can take this chance and report their

cases through the suggestion boxes. The officer to handle such cases should keep their identities anonymous.

### **Punishment**

The punishment for sexual harassment should be made a strong deterrent. The minimum action should be reduction in rank and the second offence should attract dismissal from the force. This will make sexual harassment very unattractive and people will be discouraged from doing it.

### **Name perpetrators**

The harassers' names should be published in the police gazette which is a monthly bulletin run by the police. This exposure will discourage people from indulging in sexual harassment.

### **Removal of victims from harassers**

The victims should always be removed from the immediate supervision of their harassers. This can be done in either of two ways. The victim can be transferred to a new station or the harasser can be transferred himself, whichever is most convenient. This can be done pending the trial of the harasser after establishing by investigations that it is true the harassment occurred.

### **Conclusion**

Sexual harassment is a problem not only in the Uganda police. It is a woman's problem world-over. The fact that it lacks a legal definition exacerbates the situation even more. That means that society has not recognized it as a problem as such, therefore has not embarked on a path to find a lasting solution to it. It is taken as a normal phenomenon that occurs between interacting adult males and females at their workplace. This requires changes of attitudes of both men and women.

There is also need to have a law that addresses it. The law that prohibits discrimination on the basis of sex and ensures equality between men and women is already in place. It would only be taking them a step further for the benefit of women so that they can also develop without any fetters. It is necessary to legislate against sexual harassment.

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