



Gender Transformation & Empowerment

8th

ALTERNATIVE REPORT

by Civil Society Organizations on the implementation of The
Convention on Elimination of all Forms of Discrimination against
Women (CEDAW) in Uganda



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Foreword

UWONET will in this alternative report present some of the progress made and challenges that still persist relating to the promotion of women's rights and gender equality in Uganda. Its analysis arises from research it has conducted since 2011 on the progress government of Uganda has made in fulfilling its obligations under CEDAW with a specific focus especially the concluded observation by the CEDAW committee in 2010 and arising gaps and reports by members and partners in CSOs working on various articles of CEDAW.

UWONET wishes to use this opportunity to urge the government of Uganda to be at the forefront, in cooperation with other East African Governments, in the efforts to address the challenges that continue to affect women in the realization of equality and equity with men, and to support initiatives including laws, budgets, human resource needs especially at the Ministry of Gender, Labour and Social Development (MoGLSD) and other key Government institutions including the Judiciary, Police, Education and Health Sector among others. There is an urgent need for capacity enhancement aimed at addressing existing gaps in the implementation of CEDAW.

RITA .H. ACIRO LAKOR

Executive Director

UWONET

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Acronyms

ACFODE:	Action for Development
CEWIGO:	Center for Women in Governance
CEDAW:	Convention on Elimination of all Forms of Discrimination Against Women
CEHURD:	Center for Health, Human Rights and Development
CSOs:	Civil Society Organizations
CTIP:	Counter-Trafficking in Persons
DRT:	Development, Research and Training
EOC:	Equal Opportunities Commission
ELU:	External Labor Unit
FGM:	Female Genital Mutilation
FOWODE:	Forum for Women in Democracy
JLOS:	Justice Law and Order Sector
M&DB:	Marriage and Divorce Bill
MIA:	Ministry of Internal Affairs
MoES:	Ministry of Education and Sports
MoGLSD:	Ministry of Gender, Labor and Social Development
MoFPED:	Ministry of Finance, Planning and Economic Development
MoPS:	Ministry of Public Service
MPs:	Members of Parliament
NAWODU:	National Association of Women with Disabilities in Uganda
NGOs:	Non-governmental Organizations
NOTU:	National Organization of Trade Unions in Uganda
PLA:	Platform for Labor Action
TIP:	Trafficking in Persons
UBOS:	Uganda Bureau of Statistics

UDHS:	Uganda Demographic Health Survey
UNFPA:	United Nations Population Fund
UPE:	Universal Primary Education
USE:	Universal Secondary Education
UWONET:	Uganda Women's Network
UWOPA:	Uganda Women's Parliamentary Association
WDN-U:	Women's Democracy Network–Uganda Chapter

Executive Summary

The government of Uganda has made progress in legislative, programmatic and process reforms aimed at fulfilling the Constitutional provisions that actualize the Convention on Elimination of all forms of Discrimination Against Women (CEDAW). Legislative reforms include the passage of the HIV/AIDS Prevention and Control Act albeit with provisions that are discriminatory; and amendment of *the Penal Code Act which created the offence of aggravated defilement in circumstances where the offender is infected with HIV. The law also provides for compensation of the victims of defilement.*

In terms of policy formulation and implementation, government of Uganda has made progress by: making the Equal Opportunities Commission functional, passing policies to ensure that gender is mainstreamed in all government ministries, departments, agencies and in local governments. In some ministries like Ministry of Education and Sports, a gender unit has been established to oversee the mainstreaming of gender in the Ministry's policy making, programming, budgeting and monitoring and evaluation.

In Ministries and at district level, government of Uganda has put in established desks/gender focal persons to oversee the mainstreaming of gender. One of the major gaps that has remained persistent with regard to state obligation to eliminate discrimination against women is the weak enforcement of existing laws and policies. For Example, the Uganda Demographic Health Survey (UDHS) report (2011) indicated that 28 percent of women had experienced sexual violence. The Uganda Police Crime report of 2011 findings of UDHS and recorded 520 cases of rape in the country of which 269 were prosecuted¹, 7542 cases of defilement were recorded. The 2013 Police crime report also showed that defilement and domestic violence were the highest crimes in the country. Between 2012 and 2013, defilement cases reported drastically increased from 7,690 to 9,598. Despite this, sexual crimes are largely under reported while majority are not conclusively investigated². Out of court settlements in cases of defilement are common stemming partially from reliance on socio cultural dispute resolution mechanisms and also on opportunism.

1 US State Department of State, Uganda Human Rights report, 2012

2 Ibid 1

Some pertinent laws necessary for promoting equality and equity between men and women have not yet been enacted. The Marriage and Divorce Bill (M&DB) on which work began in 1965 has not been passed into law to date despite its importance in protecting the rights of women and men in marriage, property rights, inheritance and divorce. The lack of a comprehensive law on marriage and its dissolution, property rights, divorce and the family in general continues to undermine and affect the status of women. Close to twenty clauses of the Marriage and Divorce Bill were discussed and passed by the 9th parliament before it hit a snag due to various reasons including: *the information gaps among the majority of the MPs on the content of the Bill, the skewed nature of the debate that focused on the perceived demerits of the Bill, the flawed nature of the consultations held with the constituents and the scanty numbers of advocates for the Bill in Parliament. No process has ensued since, although the Bill is frequently listed on the order paper of Parliament. In addition, The Sexual Offences Bill is still before Parliament. It is hoped that the law when passed, will address the rampant sexual offences that continue to undermine the dignity of girls and women.*

Statistics illustrate the urgent need for all stakeholders to do more to address the issues relating to sexual gender based violence against women.

In line with the Constitutional provisions on affirmative action in Art 32(1) of Uganda's Constitution, and Article 78 (2), district women's MPs representation in parliament will be reviewed in 2015. There have been calls by some sections of the population and legislators particularly male MPs to introduce a two term limit for all district women MPs on affirmative action. The proposal has been opposed by women MPs under their caucus the Uganda Women's Parliamentary Association (UWOPA) and national women organizations and majority of their members under the umbrella of the Women's Democracy Group³ because the proposal is contrary to Article 21 (3)⁴ of Uganda's Constitution. In addition, if the provision is adopted, many seasoned district women MPs who have added value to enhancing the legislative roles of Parliament and ensured that gender sensitive legislation are passed and Parliamentary practices adhere to principles of equality will be affected. It will

3 Women's Democracy Group comprises of five national women's organizations including: Action for Development (ACFODE); Center for Women in Governance (CEWIGO); Forum for Women in Democracy (FOWODE); Uganda Women's Network (UWONET) and Women's Democracy Network-Uganda Chapter (WDN-U)

4 Article 21 (3) of Uganda's Constitution states that: "For purposes of Article 21, to discriminate means to give different treatment to different persons attributable only or mainly to their respective descriptions by sex...."

also further affect Parliament because of the loss of experience and expertise that some of the women MPs have gained over the years and provided to Parliament. Women MPs on affirmative action will be at a disadvantage to their male and female MPs on directly elected seats who will not be affected by the proposal and will therefore gain from having MPs who serve for more than two terms thereby gaining experience in conducting business in Parliament. If the proposal on term limits for women MPs on affirmative action is adopted, it will further encourage the population to call for a reduction in the numbers of female MPs many of whom may not match the expertise of their directly elected peers who may have served for more than two terms thereby acquiring the required experience. In addition, a proposal to place term limits may make women MPs target workers who will be aware that they will only serve for two terms and therefore concentrate on achieving personal interests.

With regard to the women councils at local government levels, provision for their existence remains on paper with many existing vacant positions on the councils and lack/limited funds for implementing activities. In addition the women councils like the youth councils, still have to be brought in line with the multiparty system of governance. Laws need to be made by Parliament to make youth and women councils to operate within the multiparty system of governance to expand on freedom of association.

In line with the National Gender policy (2007), sector ministries have developed gender mainstreaming guidelines and specific gender commitments in various sector investment plans aimed at achieving gender equality and women's empowerment. The Ministry of Public Service in April 2011 developed guidelines for mainstreaming gender in human resource management in the public service. Gender focal persons have been appointed by the Ministry of Public Service and local governments to coordinate and report on gender mainstreaming in the ministries and local governments where they have been posted⁵. Ministry of Public Service is required to submit a report on gender mainstreaming in public service to Ministry of Gender, Labour and Social Development (MoGLSD) by August 31 of every year.

However, the following challenges continue to hinder gender mainstreaming efforts including: at the national level, failure to follow guidelines for mainstreaming gender by the line ministries has resulted into uncoordinated gender mainstreaming efforts. Lack of indicators for monitoring and evaluation has made it difficult to assess impact attributable to gender mainstreaming efforts in a number of sectors for example in the road sector. In addition, gender focal persons who have been posted to oversee gender mainstreaming in various ministries and local governments and to report on progress being made have other responsibilities and are not properly resourced to employ the number of staff required to make them effective. The only ministry

5 Ministry of Public Service (2014)

which has adopted a gender unit is the Ministry of Education and Sports. This has eased their work in monitoring and reporting on gender. In addition, according to the Ministry of Public Service, the gender focal persons rarely submit reports thereby making it difficult for it to report to the MoGLSD⁶.

At local government level, despite some progress made, there is still limited availability of gender disaggregated data for effective program design, lack of standard gender analysis tools and, as a consequence, many programmes implemented at that level do not necessarily address women's priority concerns. In addition, implementation of gender mainstreaming at local government is still weak; given that resources are rarely allocated to implement gender mainstreaming initiatives. Analyzing policies passed to assess adherence to gender equality is still a challenge⁷.

Regarding access to education, there is an increase in net enrolment of 88.8 percent for boys and 82.3 percent for girls in 2000 and in 2014 it is at 97.2 percent for girls and 96.3 percent for boys⁸. Despite the attainment of gender parity in enrollment at primary level education for boys and girls, the drop out rates are very high. Drop out of girls' from school is increasing due to teenage pregnancies 34 percent, poverty 28 percent and engagement in sex 11 percent⁹. Fewer girls than boys sit for Primary Leaving Examinations with 55 percent boys and only 42 percent females in 2010 and performance at 59.7 percent boys and 53.7 percent girls in 2013¹⁰.

The Ministry of Education and Sports working closely with Ministry of Gender and other stakeholders has developed a draft National Strategy and Plan of Action on Violence against children in schools (2015–2020). The Ministry of Education and Sports has formulated a number of policies to enhance gender equality in schools.

At Secondary school level, there was an Increase in percentage of girls to total enrolment from 635,527 girls in 2013 to 665,406 in 2014 compared to boys 727,212 to 709,140 in 2014. As a result of the Universal Secondary Education (USE) program, the percentage of females under the program in government schools increased from 43 percent in 2007 to 45 percent in 2011 but with a significant fall in enrollment of girls in 2014 (46,066 boys; 21,885 girls). Completion rate for girls at Secondary level four increased from 14 percent in 2000 to 33 percent in 2011.

6 Ibid 7

7 Ibid 7

8 Maggie Kasiko (2014)

9 Forum for African Women Educationists (2011)

10 Ibid 10

Transition rate for girls to secondary level five also increased from 43 percent in 2000 to 47.7 percent in 2011¹¹.

At University level as a result of the 1.5 points policy, enrolment of girls in universities has increased from 13,337 in 2000 to 42,733 in 2011¹²

In terms of the gender equality in the labour force, the Uganda Bureau of Statistics (UBOS) has made progress by producing gender statistics to inform stakeholders on the current status of women and men in the labour force¹³. Gender statistics has been institutionalized in UBOS and the Ministries, Department and Agencies (MDAs) of government to a large extent in order to better inform policy, planning and decision making on promotion of gender equality¹⁴. Specific surveys have been designed /improved on availability of gender disaggregated data to inform gender concerns and initiatives in the country. In terms of the labour market, 16 percent of males are in paid employment in comparison to 7.7 percent of females¹⁵. 18.4 percent of females are not working in comparison to 17.4 percent males¹⁶. More females (73.9 percent) are self employed in comparison to 66.6 percent males. 81.3 percent females in comparison to 70.2 percent males are involved in the agricultural sector and yet only 7 percent of women own land basing on the last survey that was done in 2002. In terms of paid employment more women earn less than 50,000/– (approximately USD 20) in comparison to men.

Women still carry the main responsibility for the care of children and other unpaid services in the home and family. Worse still, despite the legal provision, most women who work in the private sector are deprived of their rights to full maternity leave.

According to the UDHS report (2006), equality and access to appropriate health care remains a serious challenge for most women. Maternal mortality has risen from 435 to 438 deaths of 100,000 live births. Maternal mortality is attributed to various factors including lack of access to modern methods of family planning. 34.3 percent women have unmet need to family planning¹⁷. Unsafe abortions are at 26 percent and 11 percent of maternal mortality is caused by unsafe abortions¹⁸.

Teenage pregnancies are high at 22 percent. Overall, 86 percent of women say they encounter at least one serious problem in gaining access to Reproductive Health Services. The most common problems mentioned are getting money for treatment (65 percent), living too far from a health facility (55 percent), and

11 Ibid 10

12 Ibid 10

13 UBOS (2014)

14 Ibid 15

15 Ibid 15

16 Ibid 15

17 Ministry of Health (2014)

18 Ibid 19

obtaining transportation (49 percent). 17 percent of women express concern that no female health provider is available, while 8 percent say they face problems getting permission to go for treatment.

Equality in marriage for the Ugandan women will remain an illusion for as long as the status quo is maintained. Although some gains have been made from the Constitutional cases that provide for equal grounds for divorce, the existence of customary and religious practices that are the basis of legal provisions for marriage and the current legal regime will continue to be self-defeating. It should be noted that the M&DB has not become law and therefore presents some major challenges in addressing issues relating to marriage.

High poverty levels, low literacy rates, negative cultural practices, limited access to resources and institutional weaknesses in law enforcement agencies continue to affect women's rights.

Our Recommendations

1. Parliament should pass the Marriage and Divorce Bill to protect the rights of women and men in marriage and at its dissolution.
2. Parliament should pass the sexual offences Bill and review discriminatory clauses in the HIV/AIDS Prevention and Control Act, 2013.
3. Parliament should allocate adequate and urgent funding for the gender and women affairs department at the MGLSD. This calls for re-prioritization of the national budget. MGLSD is one of the least funded ministries in Uganda. NGOs advocating for promotion of women's rights therefore urge Parliament to allocate more funds to MGLSD as the national machinery for promoting women's empowerment.
4. Expediting law reform following important Constitutional court decisions on matters of women's rights to equality and non discrimination is a matter of urgency.
5. Gender mainstreaming needs to be prioritized and funded in planning, implementation and evaluation of government programs.
6. Parliament should increase allocation of funds to Ministry of Health and pay more attention to addressing the unmet need for family planning which continues to be one of the major causes of maternal mortality.
7. There is need for gaps in the health sector to be addressed in terms of funding, recruitment of personnel and increased monitoring and evaluation of the sector at various levels.

8. MoGLSD should initiate quarterly coordination meetings between the Ministry and NGOs working on women's rights and gender equality to track progress in implementation of CEDAW for holistic reporting.
9. Government of Uganda should implement previous CEDAW committee recommendations that have not been effected.
10. Government of Uganda should ratify the optional protocol to CEDAW. Contentious sections within the protocol can be reserved and the protocol ratified.
11. There is need to address the disparities income between women and men and ensure the enforcement of labour laws.

ARTICLE 1:

DEFINITION OF DISCRIMINATION

Article 21(3) of Uganda's Constitution defines the term discriminate to mean... "give different treatment to different persons attributable only or mainly to their respective descriptions by sex, race, colour, ethnic origin, tribe, birth, creed, religion, or social or economic standing, political opinion or disability"

The Equal Opportunities Commission (EOC) Act of Uganda defines discrimination broadly to include:

Any act, omission, policy, law, rule, practice, distinction, condition, situation, exclusion or preference which, directly or indirectly, has the effect of nullifying or impairing equal opportunities or marginalizing a section of society or resulting in unequal treatment of persons in employment or in the enjoyment of rights and freedoms on the basis of sex, race, colour, ethnic origin, tribe, birth, creed, religion, health status, social or economic standing, political opinion or disability.

Despite these definitions and legal provisions in place to stop discrimination, women continue to be discriminated against on the basis of their sex in marriage and families, employment, political careers and other structures in society. Within the Constitution of Uganda, the broad definition attributed to discrimination does not cover the unique forms of discrimination women face in society against men. These include: distinction, exclusion restrictions, which impairs, nullifies recognition and enjoyment and exercise of human rights and fundamental freedoms in political, economic and social cultural, civic or other field. Impunity has played a major role in defeating the programs aimed at addressing discrimination. Cultural and religious beliefs, ignorance of the law, attitudinal and weak enforcement of legislation has exacerbated initiatives against discrimination of women and girls.

Recommendations

The recommendations made in 2010 with regard to Article 1 were not addressed by government and are therefore reiterated in 2014.

1. Government should commission a study into existing legislation that contains language which discriminates against women with a view to amending the same in line with Article 21 of the Constitution of Uganda and Article 1 of CEDAW.

2. Government should undertake research into customary practices that are in violation of the non-discrimination principle. In line with the Constitution of Uganda in Article 2 it can then come out and declare the cultural practices detected unConstitutional. Several reports by the Uganda Human Rights Commission, government ministries and NGOs outline practices that have not been legislated upon. The reports should be acted upon before the next CEDAW report.
3. Specific advocacy against discrimination of women and girls should be enhanced by both MGLSD and Human Rights Organizations.
4. Enforcement of legislation against discrimination should become a reality. Specific steps against perpetrators should be taken and outcomes of such actions highlighted in the media to set a precedent for would be perpetrators.
5. Government should embark on a drive to capture data pertaining to the challenges they faced by PWD'S in accessing state facilities and services ranging from medical to social services and rights protection.
6. The Government should prioritize health education to marginalized groups.

ARTICLE 2:

OBLIGATION OF THE STATE TO ELIMINATE DISCRIMINATION

Progress

Legal framework

The government of Uganda has made progress and passed laws aimed at improving the status of women through law reform, policy formulation and implementation. These include: making the Equal Opportunities Commission functional, passing policies to ensure that gender is mainstreamed in all government ministries, departments, agencies and in local governments. In some ministries like Ministry of Education and Sports, a gender unit has been established to oversee the mainstreaming of gender in the ministry's policy making, programming, budgeting and monitoring and evaluation.

Laws have been amended to address the gaps in the laws on defilement. The Penal Code Act amendment of 2007 created the offence of aggravated defilement in circumstances where the offender is infected with HIV. The law also provides for compensation of the victims of defilement.

Gaps

One of the major gaps that has remained persistent with regard to state obligation to eliminate discrimination is the weak enforcement of existing laws and policies.

The Uganda Demographic Health Survey (UDHS) report (2011) indicated that 28 percent of women had experienced sexual violence. The Uganda Police Crime report of 2011 supported the findings of UDHS and recorded 520 cases of rape in the country of which 269 were prosecuted¹⁹, 7542 cases of defilement were recorded. The 2013 Police crime report also showed that defilement and domestic violence were the highest crimes in the country. Between 2012 and 2013, defilement cases reported drastically increased from 7,690 to 9,598.

Despite this, sexual crimes are largely under reported while majority are not conclusively investigated²⁰. Out of court settlements in cases of defilement are common stemming partially from reliance on socio-cultural dispute resolution mechanisms and also on opportunism. The victim's parents sometimes lose interest

19 Ibid 1

20 Ibid 1

when no gain is to be made as many carry the misperception that arrests are for quick gain through compensation and fail to appreciate the judicial processes. Other challenges in the handling of defilement matters²¹ are in the area of investigations. The police posts are inadequate to support police operations at the sub county level. Victims have to walk considerable distances to access police posts and are usually referred to the main police stations based in town centers which are miles away from the sub counties. Many of the police posts at the sub counties have no transport and the funds given to run the police vehicles are inadequate to serve their needs. Police stations also lack basic materials such as stationery and office equipment.

Victims are required to facilitate the transportation of the officers. In addition, the care and assistance extended to victims is limited. Many of the victims of violence require assistance for the trauma and shock suffered. Referrals to other service providers are limited as most effort is concentrated on the apprehension of the perpetrator. Another impediment is the lack of feedback on the progress of the investigation to the survivors. There are several difficulties faced by survivors in obtaining the Police Form (PF) 3 and to get medically examined. Many times, police rely on local and international NGOs for support to photocopy the PF3 forms. The form is supposed to be free of charge yet many victims report having to pay to obtain a form. Medical examination occurs several days after the incident. Many health workers require victims to have a PF3 before they can access medical treatment, this results in many victims failure to obtain timely medical assistance including post exposure prophylaxis to prevent HIV infection. The delay in obtaining medical attention is traumatizing for survivors and also renders cases against perpetrators weak as crucial evidence is lost due to delays. Medical personnel are also known to request for "transport fees" from survivors claiming that this money will facilitate their travel when they are called upon to testify in court.

Absence of resources to gather evidence and lack of storage facilities compromise the collection of evidence. The police station facilities do not allow for privacy for the recording of statements. A victim or witness may fail to comfortably divulge information pertaining to a matter of a sexual nature.

Cases of violence against women are attributed to economic dependency by women on their male intimate partners, failure by women to negotiate for safe sex due to their lower status in society, cultural norms that encourage acts of sexual violence including early marriages and control of female sexuality by males partly caused by unequal power relations in most communities in Uganda, poverty and increased cases of drug abuse. Violence against women remains a major challenge for Ugandan society and duty bearers albeit the passage of the Domestic Violence

21 Making the Law Count: A Synthesis Audit of legal practice on sexual violence in Uganda by A.C.O.R.D. March 2010

Act in 2010. 9343 cases of domestic violence were recorded by the police around the country in 2011²².

Progress

In 2012, the Justice Law and Order sector (JLOS) in collaboration with the Uganda Police Force redesigned the PF3 to broaden the categories of persons permitted to fill it. PF3 previously only gave authority to police surgeons who is a medical doctor to conduct medical examinations on victims of rape and defilement. The amendment allows registered mid wives, clinical officers and a medical doctor to examine a victim of sexual violence bringing closer to the community. This amendment has increased access to medical examination for victims of sexual violence and ultimately justice.

The Justice Law and Order sector (JLOS) also supported the revision of Police Form 3A, for examining victims of physical or sexual assault and Police Form 24 A for examining a suspect accused of committing a sexual offence to ease the collection of medical evidence. Each of the forms makes provision for collection of graphic evidence where a medical person can draw to help them remember during trial.

Gaps

The police lack capacity to conduct forensic investigations on alleged crimes of sexual violence²³. Some police officers ask for money from victims of violence or their relatives to access PF3²⁴. This affects access to justice for impoverished victims more especially women and girls.

People report cases but are not willing to follow them up to their logical conclusion through the courts of law²⁵.

The police lack shelters to protect victims of violence and as a result, victims continue staying in the homes where the crime may have been committed thereby exposing them to more danger²⁶.

Recommendations

1. Government through MoGLSD and CSOs should increase engagement of boys and men as they seek to change the social and cultural attitudes towards women and girls. In addition, doing so will contribute to rendering violence against women and girls socially unacceptable.

22 Ibid 1

23 Ibid 1

24 Esther Namirimu (2013)

25 Ibid 5

26 Ibid 5

2. Government should encourage victims of violence to report to police in order to enable them access justice and to indicate the actual progress that is being made in Uganda. This will contribute to causing all actors to address the vice with the urgency that it deserves.
3. Government and other actors working to prevent violence against women should engage cultural and religious leaders to address beliefs that have increased violence against women.
4. There is need for government to strengthen enforcement of laws that outlaw violence against women like the Domestic Violence Act (2010), Law against Female Genital Mutilation (2010) and the Anti-Trafficking Act (2010).
5. To ensure effective service delivery in the management of violence, stakeholders need to be made to understand their roles and how to perform them effectively.
6. There is need for a strict penalty provision to discourage the practice of out of court settlements for sexual offences especially defilement and rape. This should be done alongside a mass sensitization drive.
7. Marital rape should be criminalized and the definition of rape broadened. Relevant pieces of legislation should be amended so that marital rape is criminalized and punishable by law.
8. The Government should provide opportunities for rehabilitation. The potential for rehabilitation, such as through intervention programmes for persons who batter their spouses or partners, should be addressed in legislation in order for offenders to address their violent behavior and reduce the potential for re-offending. Men who are imprisoned for violent crimes, those on parole and men in communities should be provided with intervention services to support and address violent behavior and its root causes.
9. Youth focused gender based violence (GBV) prevention initiatives should be rolled-out in schools. In order to influence socialization processes and attitudes towards violence, programmes which address gender norms transformation and raise awareness on gender equality and human rights should be integrated into school curricula. Special efforts should be made to prevent violence in schools.
10. Law enforcement officials and other actors should be given appropriate logistical support.
11. Government should embark on an awareness raising drive in the communities specifically targeted towards debunking cultural myths, attitudes and misconceptions about PWD's. Specific interventions should be made to mainstream the support of PWD'S in the operations of key actors including institutions of learning members of the judiciary, police and medical officers.

12. Networks for coordinating issues pertaining to persons with Disability should be established at the district level.
13. Government should design interventions to protect the economic suppression and exploitation of women in the area of realising profits made from sale of agricultural produces.

Equal Opportunities Commission

In 2010 the CEDAW committee recommended that Uganda strengthen its complaints system to ensure that women have effective access to justice including through the adoption of an accessible complaints procedure to enforce Constitutional guarantees and the provisions contained in the Equal Opportunities Act. The State party was called upon to accelerate the operationalisation of the EOC. The State was urged to provide the EOC with sufficient human, financial and technical resources for its effective functioning and that its composition and activities should be gender sensitive and fully address issues of women's human rights. The committee tasked the State party to provide data on the number of complaints received from women by the EOC and the actions taken in its next report.

Legal framework

The Equal Opportunities Commission (EOC) was established by an Act of Parliament in 2007. It was established in fulfillment of Article 32 (3) of the 1995 Constitution of Uganda for purposes of eliminating discrimination and inequalities against any individual or group of persons on the grounds of sex, age, race, colour, ethnic origin, tribe, birth, creed, religion, health status, social or economic standing, political opinion or disability. The EOC currently consists of four members of the required five statutory members who should include: a Chairperson, Vice Chairperson, at least one person with disability, a youth and two women. Three of the current four Commissioners are women including the Chairperson. The position of the vice chairperson of the EOC is still vacant.

The Commission's functions are: to monitor, evaluate and ensure that policies, laws, plans, programs, activities, practices, traditions, cultures, usages and customs of organs of state at all levels, statutory bodies and agencies, public bodies and authorities, private businesses and enterprises, non-governmental organisations and social and cultural communities, are compliant with equal opportunities and affirmative action in favour of groups marginalised on the basis of sex, race, colour, ethnic origin, tribe, creed, religion, social or economic standing, political opinion, disability, gender, age or any other reason created by history, tradition or custom. To achieve these functions, the Equal Opportunities Commission is given powers

to investigate on its 'own initiative or on a complaint made by any person or group of persons, any act circumstance, conduct, omission, programme, activity or practice which seems to amount to or constitute discrimination, marginalisation or to otherwise undermine equal opportunities'.

The Commission has the powers of a court to: require the attendance of anyone before it, require the production of any documents, inspect any documents, require persons to take oaths and answer questions put to them, and summon witnesses.

Progress

In 2013 the EOC regulations were passed to regulate the functioning of the Commission in line with Section 32 of the EOC Act, 2007.

In 2013, the EOC conducted a baseline survey with funding from the Democratic Governance Facility (DGF) and the Government of the Federal Republic of Germany through Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) under a two year project titled "Institutional Strengthening of the Equal Opportunities Commission to Implement its Mandate" (EOC, 2013). The baseline study established that:

- a. Majority of those interviewed including political and technical leaders lacked awareness or knowledge of equal opportunities and the existence of the EOC and/or its mandate.
- b. Many structures and institutions have been established by law both under the public and private sectors but are constrained from proper functioning due to limited funding or no funding. The existing systems and structures are not adequate and don't provide for satisfactory redress mechanisms for vulnerable and/or marginalized groups in ensuring equal opportunities.
- c. Many vulnerable and/or marginalized groups lack adequate information on their rights as enshrined in the various laws and policies which limits their participation in promoting equal opportunities.

The report recommended that; there should be continuous mass sensitization of Ugandans on the concept of equal opportunities and the available avenues of affirmative action and redress for the vulnerable and/or marginalized groups. There is need for consistent and up-to-date information on vulnerable and/or marginalized groups in public and private sector as well as monitoring and evaluation of the existing support systems to ensure their effectiveness in promoting equal opportunities.

On its establishment, the certificate of financial implication gave the EOC 3.5 Billion Uganda Shillings; however the Commission does not receive these funds. The Commission now has a Strategic plan which demands 11 Billion annually

against 2.7 Billion Uganda Shillings allocated to the Commission to cover wages and non-wages²⁷.

Gaps

Section 15(6)(d) of the EOC Act defeats the aim of the Constitution, and of the Act itself, and of the National Equal Opportunities Policy, 2007. Section 15 (6)(d) means that the perceptions of the majority of what is acceptable and moral will guide the operation of the Commission that was set up to handle matters that arise out of discrimination of the minority by the majority. This therefore means that if someone brings a complaint of discrimination which is based on a cultural custom opposed by a majority of the cultural and social communities of Uganda, then the Commission may not investigate that complaint. Almost all matters that affect minorities are looked at by the majority as socially unacceptable, immoral and destructive to the patriarchal social fabric.

A gendered analysis of Section 15(6)(d) shows that it further entrenches patriarchy while the Act sought to do away with it. Most of the practices that stand in the way of, for example, women's full realization of their potential are deeply embedded within the moral customs and practices of the majority of the social and cultural communities in Uganda. Women at work, women in the market, women in politics, women eating specific foods, women talking, women sitting in the same class for the same qualifications and are all unacceptable in the traditional conservative social rubric. All women without exception who have made it in all those fields are 'rebels'. Society simply tolerates them, but if society's views are sought as to what should be done, the majority would regard such women as immoral, grossly obscene and assert that their practices are harmful to the social and economic fabric of society. S.15 (6)(d) that takes away access to the EOC on the basis of what the majority consider moral or socially acceptable goes against the spirit of the CEDAW and should be amended.

The broad range of functions granted to the Commission, has inhibited it from undertaking aggressive actions. Between 2010–2014, the EOC received 141 cases, concluded 28 cases, referred 32 cases and is investigating 81²⁸.

At the end of 2011, the EOC lacked staff, with only four of the five commissioners fully instituted and a couple of support staff. EOC lacks regional offices yet its wide mandate demands that it spreads its tentacles to regions for purposes of taking its services nearer to the people. This is compounded with large number of districts (112). The EOC currently covers a total of 23 districts; with development partners supporting 15 while government of Uganda supports only 8 districts²⁹.

27 Micheal Olupot (2014)

28 Ibid 30

29 Ibid 30

The EOC currently mainly operates at national level with a few activities at the district level and yet a lot of the issues it deals with affect citizens' majority of whom live in rural parts of Uganda³⁰.

Marriage and Divorce Bill

The Marriage and Divorce Bill was tabled in Parliament in February 2013, with closer to 20 clauses passed by the 9th Parliament but it was discussed further following adhoc consultations by Members of Parliament (MPs) in their constituencies after an allocation of 5 million shillings by the Executive for the purpose.

Gaps

The 1995 Constitution guarantees several protections in the institution of Marriage. However, that notwithstanding, Uganda's marriage law is still faced with a number of challenges including the plurality of the legal regime which allows for the operation of written and unwritten customary law alongside religious and statutory law. The Marriage and Divorce Bill seeks to streamline the operation of these laws by spelling out the procedure, rights and obligations of parties under each form of marriage. Uganda as a signatory to regional and international Human Rights instruments has set a standard by undertaking commitments in various instruments. The Bill seeks to make operational these commitments and guarantees, thereby offering protection to all persons within the marital union. It also seeks to prohibit cultural practices that fall short of the standard of equality and dignity of persons in the Constitution.

The Bill was saved and re-tabled to the ninth Parliament at the Committee stage, in February 2013. The Bill was opposed and critiqued on the electronic and print media by political, religious and traditional opinion leaders. The Ministry of Justice and Constitutional Affairs was given a time frame of three months to consult on the Bill. When members of parliament (MPs) were asked to consult the general public for views, many did so without providing them with the basic information on the Bill. Many limited themselves to some issues in the Bill as set by the media; for instance the issues of sex without consent, marital rape and property sharing at separation. Basing on the limited information, some citizens in several rural communities visited by the MPs rejected the Bill.

The Bill failed at the time it was re-tabled in the 9th Parliament owing to several reasons including: the information gaps among the majority of the MPs on the content of the Bill, the skewed nature of the debate that focused on the perceived demerits of the Bill, the flawed nature of the consultations held with the citizens and the scanty numbers of advocates for the Bill in Parliament. No process has ensued since, although the Bill is frequently listed on the order paper of Parliament.

30 Ibid 30

Recommendation

The enactment of the Marriage and Divorce Bill should be treated as a matter of urgency. Initiatives to generate informed debate through creating awareness among the MPs and the general public should be spearheaded by the Government of Uganda in particular the president and male MPs.

Bride price

Progress

In 2010, MIFUMI and Kenneth Kakuru filed a case in the Constitutional court seeking for bride price to be outlawed. The petition was based on the negative implications bride price had caused on the lives of women in particular. Although a law against bride price has not been passed to date, some proactive regions in Uganda have enacted byelaws to regulate the practice. Bye-laws in place on bride price include: Tororo District Bridal Gift Ordinance 2008 which provides that dowry payments can only be given out of free will as a gift and are not to be refunded in case of dissolution of marriage. A similar intervention has been made with the passage of the Butaleja District (bridal gifts) Ordinance on June 15, 2014. The progress made is indicative of the fact that the solution to the problem of bride price may presently lie in targeted interventions by District Local Governments. This will require proper planning and support on the part of Government to fast track, monitor and diversify the intervention throughout the country.

Gaps

On March 26, 2010 a Constitutional Court decision upheld payment of bride price. The Constitutional Court in a majority judgment of 4:1 held that there are varied causes of spousal abuse, and that court cannot with certainty rule that bride price is unconstitutional on such a ground. The Constitutional Court went on to observe that it is true bride price is a key factor in domestic abuse and women being treated as inferior but that is no justification for the court to make a blanket prohibition of the practice as there was no scientifically proven evidence adduced to prove the connection between bride price and domestic violence. It was further held that the term *“bride price”* means different things in different cultures of Uganda and as such, court cannot make a uniform interpretation of such a practice and make it unconstitutional. An appeal in March 2014 failed to take off on the technicality that the Attorney General’s co-respondent Kenneth Kakuru, was absent. The matter was thereby deferred to the next convenient court session.

The Marriage and Divorce Bill seeks to modify the practice of bride price to redefine “dowry” and “bride price” as marriage gifts in order to replace the element of wife

purchase with the element of tokenism with a view to retaining the culturally symbolic connotations of giving something valuable to the parents of the girl in exchange for her hand.

Recommendations

- More regions of Uganda should adopt the action taken by Tororo and Butaleja districts to have ordinances against the practice of bride price because bride price discriminates against women. Apart from discrimination, it is one of the causes of violence against women because some spouses interpret the payment of bride price as acquisition of property with which they can do as they wish.
- Parliament should pass the Marriage and Divorce Bill which interprets bride price as a token. This will contribute to the reduction of discrimination against women.

Birth Registration

The Birth and Deaths Registration Act requires that in the case of unmarried parents, the father has to agree before his name can appear on the certificate.

Gaps

Potential challenges with this position include the fact that many parents are unmarried, and also that some fathers may not want to take responsibility for their children. Some children are born out of rape and defilement and extramarital affairs and in some cases the father may not be found. A putative father may also be underage or may be a person of unsound mind and thereby incapable of giving consent. The current law does not make provision for alternative interventions for registration where the putative father falls under any of the foregoing categories.

The procedure for proof of parentage is expensive and out of range for the majority of Ugandans. The requirement for acknowledgement by the father is also discriminatory on the basis of sex.

Recommendations

1. An intervention should be made for single parents to register the birth of their children.
2. The law should be amended to provide for exemptions for sole registration where the putative father is of unsound mind, child is born out of rape or

defilement, where father may not be found, where father is underage and therefore incapable of giving consent.

3. Women should also be protected from having to name a father if there is good cause for them not to do so. As such, legislative changes should offer sufficient safeguards in that regard.
4. Failure to register births jointly should not affect any of the benefits currently associated with birth registration.
5. The courts that handle paternity issues and conveying of parental responsibility should be in position to examine all the facts of a particular case and determine a suitable outcome before the law is amended.
6. The law reform process should be expedited to ensure that provisions on registration of children that grossly discriminate or undermine their status are eliminated.
7. Policy development on Birth Registration that is currently being undertaken by the Uganda Registration Services Bureau (URSB) should also consider according special protections to women to ensure access to birth registration services and eradicating barriers that specifically affect and discriminate against women.

The proposed Bill on sexual offences

Progress

The Bill was designed to amend the provisions of various enactments on sexual offences including procedural and evidential requirements during the trial of sexual offences. Whereas the Penal Code Amendment of 2007, incorporated some of the key issues proposed by the study, a number of crucial proposals remain to be enacted including: the redefinition of the offence of rape, provisions for marital sexual assault, redefinition of defilement for persons with a mental disability, and lowering the standard of proof in sexual offences involving children.

The draft Bill proposes to redefine rape to make it broader and thereby capture more instances of violence against women and men that are currently not taken care of in existing legislation. Presently section 117 of the penal code defines rape as: ***"unlawful carnal knowledge of a woman or girl without her consent, or with 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 representation as to the nature of the act, or in case of a married woman, by personating her husband"***. The phrase carnal knowledge refers to penetration of the male sexual organ into a woman's vagina. Thus if a man forcibly penetrates a woman's anus, or if he forcibly inserts any other object into her vagina or anus or forces oral sex or cunnilingus such conduct does not amount to rape although it may constitute other less

serious offences such as indecent assault or carnal knowledge against the order of nature under section 128 of the Penal Code³¹. The Bill redefines a sexual act to include penetration of the vagina, mouth or anus, however slight, of any person by a sexual organ or use of any object or organ on a sexual organ. It also proposes that rape should not be limited to an act of immorality but should constitute an act of violence against the person.

The Bill takes into account instances of a female person who aids a male person in perpetrating the rape of another female as having committed rape herself under the general rule of principal offenders which covers not only a person who actually does the act which constitutes the offence, but also those who help that person in engaging a person who entices another to elope.

The law proposes the abolition of the cultural practice of abduction for marriage. Abduction³²to illegally take away using force, deception, or kidnap. Under the law, abduction is an offence³³. Despite its illegal status, study findings indicated that in some communities in Uganda, the process of acquiring a wife begins with abduction of the girl by a future 'husband'. Under such circumstances, the acts of rape and defilement that ensue are not regarded as sexual offences³⁴. The study further established in areas affected by civil strife, children and other persons are abducted by rebels, against whom it is extremely difficult to enforce the law. This position is aggravated by the lack of extradition treaties between Uganda and the countries where the abductees are taken. The Uganda Law Reform Commission proposed that extradition treaties be concluded between Uganda and the neighboring states to give support to the penal provisions³⁵.The study also recommends a stiffer penalty for instances of abduction from seven years to 14 years imprisonment.

The study and proposed Bill also tackles issues of defilement of persons who lack the mental capacity to consent to sexual acts. This is termed as defilement of idiots and imbeciles within the Penal Code Act³⁶. During the study, the pertinent issues that arose on the subject were the derogatory definitions of the offence, the lack of gender neutrality of the provisions, the lack of a definition for an "idiot" or "imbecile" and the inadequate penalty for those who defiled such persons. The issue of sexual rights of people with disability was also considered. The study recommended that the words "idiot" and "imbecile" be replaced with the words "a person with a mental disability" and should include both males and females incapable of giving free

31 Lillian Tibatemwa-Ekirikubinza: Criminal Law in Uganda, Sexual assaults and offences against morality at page 4.

32 Uganda Law Reform Commission Sexual Offences report; page 59

33 Section 120 of the Penal Code

34 Ibid 33

35 ibid 33, page 61

36 Section 124 of the Penal Code Act

consent due to their mental illness or defect. It also proposed that the penalty in this case be increased in line with the maximum penalty agreed upon concerning a child victim with no capacity to give consent to a sexual act.

Another issue that the Bill seeks to improve is the procedures pertaining to the management and trial of sexual offences. One of the key challenges to the successful prosecution of any sexual offence is the stigma of reporting a sexual assault or rape for both women and men. The study indicated that rape occurs in all societies in Uganda but is not readily reported for fear of stigmatization.³⁷

Key to the management of this stigma is victim handling. The requirement for proper victim care is crucial for successful prosecution and cuts across from the reporting to the trial stages. The ideal standard for victim support is to have both medical and legal services availed simultaneously. On the issue of treatment of victims during trial, the study proposed that the victim of a sexual offence should have access to a crisis care centre and that police should work closely with crisis centers in the after care of a victim³⁸. The study also proposes that the category of persons who are capable of handling sexual offence victims should be expanded. This is to be handled within the auspices of the Medical Practitioners and Dental Surgeons Council (MPDSC)³⁹

Another key issue within the proposed sexual offences Bill is the proposal to modify the trial procedure and evidential requirements to make them victim friendly. It was proposed during the study that; the procedure for trying sexual offences should be simplified, the high evidential standard should be lowered, trials relating to sexual offences should be held in camera, the publication of the victims names should be prohibited and that where young children are involved they should be protected from facing the accused⁴⁰.

Another aspect that is tackled by the proposal is the requirement for the corroboration of sexual offences. Among the justifications for corroboration in sexual offences is the opinion that girls and women do sometimes tell a false story which is very easy to fabricate and very difficult to refute⁴¹. However, it can also be argued in the same breath that given the nature of the offence, and the circumstances in which it is usually committed, corroboration may not be an easy feat. The majority of victims of sexual offences are women. It can therefore be argued that the rule disproportionately affects women; it can be challenged as a form of gender discrimination. This argument was upheld in the High court in the case

37 Executive summary , Report on Rape Defilement and Other Sexual Offences , Uganda Law Reform Commission, Publication No.1 2000 at page xvi.

38 ULRC Report supra at page 82.

39 Ibid 37.

40 Ibid 37

41 Lord Justice Salmonin Rv Henry & Manning (1969)53 Crime App Rep 150,153.

of Uganda Vs Peter Matovu⁴², where justice Lugayizi stated that court would not apply the rule because it discriminates against women and is therefore in conflict with Uganda's international obligations and the Constitution. The rule has been abolished in several jurisdictions. There is need to reform the law to abolish the requirement for corroboration in the rape trial. The sexual offences Bill proposes amendment to the Evidence Act. It is proposed that an accomplice, a victim of an offence under Chapter XV of the Penal Code or a child shall be a competent witness against an accused person; and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of such a person⁴³. The sexual offences Bill has not been passed into law. The proposed Bill is at cabinet stage.

Gaps

The legal regime relating to sexual violence is inadequate in a number of ways ranging from the drafting language to procedural loopholes. The absence of a specific amendment to the law occasions a miscarriage of Justice to the victims. The government of Uganda is under an obligation to ensure that the legal regime and policy framework on sexual violence is up to date and in conformity with international standards and Constitutional guarantees.

Recommendations

1. The sexual offences Bill is a much needed reform initiative that should take priority on the legislative agenda of Parliament of Uganda.

Sexual and Gender Based Violence (SGBV) in conflict situations

In conflict situations, a recent example in the northern Uganda, women and girls are particularly targeted by the use of sexual violence as a weapon of war. Some of them are captured and taken as sex slaves and domestic workers.

⁴² Criminal session case no. 146/2001

⁴³ Sexual Offences Bill, Part V. Amendment of the Evidence Act. Cap 43. Clause 5 (a). Page 206 Sexual Offences report, supra.

Gaps

Some women and girls who were captured and used as sex slaves have since returned and settled back in the communities. However, they have not had any direct interventions to right the wrongs that were occasioned upon them during the conflict. It is also unclear whether the sexual violence crimes have been excluded from amnesty provisions in the context of conflict resolution processes.

There are no specific provisions in the domestic legal framework to address the aspect of rape and defilement during war and to date no case pertaining to the subject has been handled.

Many of the female returnees suffer from trauma and after effects of rape and defilement including vaginal fistula and the after effects of sexually transmitted infections. Some of the key challenges that they face include the fact that many of them bore children in captivity and so far there are no interventions available to support these offspring. In some cases, the fathers of these children have also returned to the communities but are not willing to take paternal responsibility for their children. While in others they are simply not known. This state of desperation is heightened by the fact that neither these women (some of them child mothers) nor their children can access land for their livelihood because customary land access is based on paternal lineage. Many of them have been disowned by their families, or required to abandon their children as a precondition to being accepted by their kinfolk. A study is being conducted by the Uganda Law Reform Commission to consider how the foregoing concerns can be redressed.

Recommendations

1. A law should be made to address the aspect of rape and defilement during war.
2. The lack of land for victims of war should be addressed by putting in place laws to enable them settle.
3. Rehabilitation for victims of violence during the war in northern Uganda should continue and be supported by government of Uganda even as NGOs continue to support these programs.

Anti-Pornography Act 2014

The Act defines pornography to mean any representation through publication, exhibition, cinematography, indecent show, and information technology or by whatever means, of a person engaged in real or stimulated explicit sexual activities,

or any representation of sexual parts of a person for primarily sexual excitement⁴⁴. Whereas the “sexual parts of a person” are not defined under the act they have been loosely interpreted to include thighs, buttocks and genitalia⁴⁵. Following the passage of the Act press reports in various parts of Uganda indicated its implications. According to a press report in the eastern part of the country, seven men were arrested for allegedly targeting women in miniskirts and stripping them naked. The women were said to be on their way to church at the time. Similar occurrences reported in the press were that mobs, including bikers claiming to help police enforce the law, undressed eight women wearing miniskirts in Eastern Uganda⁴⁶. The police have warned the public against invoking the “anti-miniskirt Bill” to strip women in public. The law was not yet operational and is being reviewed against a set of procedures and guidelines before police can be instructed. According to a police statement, the law does not criminalize mini dresses⁴⁷.

Gaps

The confusion over the Anti-Pornography Act has been perpetuated by the focus on women’s clothes, despite there being no actual mention of mini-skirts in the Bill. The Ugandan cabinet is currently reviewing the Act in response to public attacks on women.

Recommendations

1. Laws that are used to further discriminate against women should be discouraged.
2. The government must educate the public about laws it intends to pass to prevent misinterpretation and discrimination against women.

Enactment of law stipulating the position on abortion

Ugandan law allows abortion under some circumstances, but laws and policies on abortion are unclear and are often interpreted inconsistently, making it difficult for women and the medical community to understand what is legally permitted.

The Ugandan Constitution states that abortion is permitted if the procedure is authorized by law. According to the National Policy Guidelines and Service Standards for Sexual and Reproductive Health and Rights, 2006 pregnancy termination is permissible in cases of fetal anomaly, rape and incest, or if the woman has HIV.

44 Anti-Pornography Bill, clause 5

45 Confusion over Uganda’s ‘miniskirt ban’ leads to public attacks on women. <http://www.theguardian.com/fashion/fashion-blog/2014/feb/28/uganda-miniskirt-ban-attacks-women>

46 Ibid 46

47 Ibid 46

Gaps

However, because interpretations of the law are ambiguous, medical providers may be reluctant to perform an abortion for any reason but most important for fear of legal consequences.

Recommendations

1. There is need for legislative reform stipulating the abortion services that are permissible within the confines of the law.
2. There is need for policy and law to support programs which offer comprehensive family planning services, and post abortion care services to treat the often serious health complications resulting from unsafe abortion.
3. It is also critical to raise providers' awareness of the content and scope of Uganda's abortion law and to equip them with appropriate training to provide safe abortion services in legally permitted circumstances.
4. Actual legal reforms to reconcile the Penal Code with the Constitution and the National Policy Guidelines and Service Standards for Sexual and Reproductive Health and Rights, 2006 should be made a priority intervention.

Maternal Health and Labor Laws

Uganda is one of the 119 countries enforcing the minimum 12 week leave as demanded by the international labor Office global standard maternity protection convention⁴⁸. Current maternity leave days are not enough because they force several mothers to resort to mixed feeding because they are not given enough time to breastfeed. The Gender Policy 2007 makes provision for mechanisms to address breast feeding centre needs in all workplaces.

Gaps

The fact of loss of jobs during maternity leave is a reality in Uganda that is common especially among low wage earners.

Recommendations

1. MoGLSD should follow up to ensure the enforcement and implementation of the policy on breastfeeding centers so far. Only a handful of institutions like Parliament have been equipped with these centres inform of nurseries. Even then, a lot more needs to be done to make the nursery in Parliament conducive for breastfeeding women MPs.

48 Give Working Mothers Flexible Work Conditions;Editorial Daily Monitor newspaper August 11, 2014.

2. Employers should be empowered by MGLSD to be responsive to the unique needs of working and breastfeeding mothers without compromising productivity.
3. The law should also provide penalties and enforcement mechanisms for the protection of those institutions that terminate pregnant and or breast feeding mothers.

ARTICLE 3:

THE DEVELOPMENT AND ADVANCEMENT OF WOMEN

Progress

Government of Uganda has put in place laws for the development and advancement of women. These include: The Constitution of the republic of Uganda from Article 32–33; Uganda Gender Policy 2007, policies on economic development like National Agricultural Advisory Services have ensured that women are incorporated as beneficiaries of government programs and projects. Despite this there are some gaps.

Gaps

Overseeing the implementation of policies that ensure that men and women benefit equally remains a challenge. For instance with regard to NAADs some district local government officials have provided evidence to the effect that once women get NAADs inputs like animals, some of their husbands own the proceeds with the argument that the land on which the animal is kept belongs to them.

Lack of information about some of the policies remains a major challenge and prevents women from claiming their rights there under.

Recommendations

1. Lack of ownership of land by women is a major issue that should be addressed to enable women to enjoy their social and economic rights.
2. Discrimination against women is partly attributed to attitude towards women. Continuous sensitization of communities should be done to increase the appreciation and respect of the rights of women.
3. Enforcement of laws and policies that seek to develop and advance women is recommended coupled with regular monitoring and evaluation of policies and laws that aim to do this.

ARTICLE 4:

THE ACCELERATION OF EQUALITY BETWEEN MEN AND WOMEN

Progress

Progress has been made by government in the enactment of some laws and policies to accelerate equality between men and women. However, as seen in the discussions of the articles of CEDAW and its implementation in Uganda, there are gaps which should be addressed. These include: passage of laws like the Marriage and Divorce Bill.

Limitations

Enforcement of existing laws and policies geared towards acceleration of equality between men and women is a major challenge that government should address.

Recommendations

1. Parliament should fast track the passage of laws like the marriage and divorce Bill and the sexual offences Bill. In addition, the Executive should introduce Bills to Parliament on existing gaps in the legal framework that undermine and discriminate against women and girls as mentioned in the articles discussed in this alternative report.
2. There is need to educate the public about the importance of equality between men and women in order to enhance adherence to laws and policies geared towards acceleration of equality between men and women. The public should also be educated on the implications for Uganda if gender equality (MDG 3) does not happen fast.

ARTICLE 5:

STEREOTYPES AND HARMFUL PRACTICES

The Committee reiterated its concerns about the persistence of patriarchal attitudes and deep rooted stereotypes regarding the roles of women and men in all spheres of life reflected in the unequal status in many areas and recommended a comprehensive strategy including law reform, goals and timetables to eliminate traditional practices that discriminate against women and harmful practices more vigorously.

A study was undertaken in 2011, to reform the law on Succession to specifically address the social and cultural imbalances in the law, following the Constitutional court in the case of Law and Advocacy for women in Uganda and the Attorney General⁴⁹ nullified some sections of the Act as unConstitutional on the basis that they contravened Articles 21(1), (2) (3), 31, 33(6) of the Constitution. This decision created a requirement for the law to be amended to reflect equal application of the law of succession without preference on the basis of sex.

Section 2 (n) (i) and (ii) defines a legal heir and provides that a male heir is preferred to a female heir; section 27 of the Act: makes reference to distribution of property on the death of a male intestate and not to a female intestate; Section 43 empowers a father to appoint a testamentary guardian for his minor children. Section 44 provides a list of persons who may take on the role of a guardian where none has been appointed on the death of the father of an infant or where the one appointed by will is dead or refuses to act. A mother is not empowered to appoint a testamentary guardian for her minor children. The statutory guardians listed prioritize the fathers family, awarding them the power of guardianship over the children in subsections (a)–(c), while the mothers family is accorded the least priority in which case, only the male relatives are recognized as viable contenders. The provision in the Succession Act for a wife to take up the domicile of her husband at marriage and not vice versa is discriminatory.

Proposals for amendment of the Succession Act include: the removal of all references to a legal heir, general provisions for the death of an intestate, provision for a mother to elect testamentary guardians for her children and proposals that each party to a marriage carries an equal right to determine their domicile or to each retain their domicile of origin. Section 26 entitled either spouse to a right of occupancy in

49 Constitutional Petitions Nos. 13 /05 /& 05 /06 [2007] UGCC 1 (5 April 2007)

relation to a principal residence owned by either of them. The principal residential holding was reserved from distribution and held in trust for the legal heir⁵⁰. It was unfair for the law to uphold the practice of bestowing the principal residential holding upon one child (preferably eldest male) at the expense of the other children. Reform proposals suggest that all the lineal descendants should be awarded a reversionary interest in the principal residence and that a spouse should not be awarded a mere right of occupancy alone but should be awarded a real interest in the principal residential holding.

Gaps

The draft Bill has been submitted to the Ministry of Justice. However, it is generally observed that the processes leading to the actual passage of legislative proposals are usually protracted, often taking more than a year for a Bill to be presented to cabinet and subsequently Parliament.

The law acknowledges that men and women are equal. Despite this, discrimination against women remains rife due to stereotypes and harmful cultural practices⁵¹. Due to the failure to pass the marriage and divorce law, widow inheritance remains prevalent in some rural areas of Uganda. It has continued to contribute to the spread of HIV/AIDs as brothers inherit the widows of their deceased siblings. Not only are widows denied the right to inherit property of their deceased husbands, majority are also not allowed to retain custody of their children⁵².

Recommendations

1. The Executive should expedite the introduction of amendments to the Succession Act and Parliament should pass the amendments once introduced.
2. Parliament should pass the Marriage and Divorce Bill in order to address harmful cultural practices like widow inheritance which the Bill outlaws.
3. The Executive, Legislature and Judiciary should play key roles in educating the public about harmful cultural practices and implications of gender equality in all aspects of life.

50 Section 26 of the Succession Act, Cap 162

51 Ibid 1

52 Ibid 1

ARTICLE 6:

SUPPRESSION OF THE EXPLOITATION OF WOMEN

In 2010, the CEDAW committee urged government to implement the Prevention of Trafficking in Persons Act to ensure that perpetrators of trafficking are punished and victims adequately protected and assisted. The committee also urged government to develop programs of action relating to prostitution and the introduction of legislation to ensure the prosecution of, and stronger penalties for, exploitation of women engaged in prostitution. The committee urged government to provide health services for these women so as to combat HIV/AIDs and other STIs. It also recommended information and training on the anti-trafficking legislation for the judiciary, law enforcement officials, border guards and social workers in all parts of the country. It further urged government to address the causes of trafficking and investigate cases of child sacrifice.

Progress

Following the creation of the Counter-Trafficking in Persons office (CTIP) and anti-trafficking in persons task force in early 2012, the Government of Uganda began drafting a national action plan and launched a national awareness campaign. Government of Uganda also created an inter-ministerial task force to coordinate anti-trafficking efforts in March 2012. In addition, the government prosecuted a number of trafficking offenders from 4 in 2011 to 28 in 2012. However, for the third consecutive year, government failed to convict a forced labour or sex trafficking offender under the Prevention of Trafficking in Persons Act (2010). A report by Uganda's Honorary Consul in Malaysia indicated that more than 600 Ugandan women are trapped in Malaysia's sex industry. In addition, the law lacks protection for boys from prostitution.

The government:

1. Referred victims of trafficking to the International Organization for Migration (IOM) although it did not offer any material or financial support to the victims of trafficking. The Ministry of Internal Affairs (MIA) in 2011, trained 655 police and immigration officials on the law and handling cases of trafficking in Persons. It further provided pre-departure seminars for Ugandans recruited to

work overseas and conducted an official visit to Iraq to investigate trafficking allegations. In the same year, February 2011, a member of parliament filed a petition on behalf of 16 women repatriated from Iraq attempting to task parliament's gender and social development committee with investigating the work of recruitment agencies; during the year, parliament heard testimony from the firm's manager, and the inquiry remains ongoing.

2. The government established a one person External Labour Unit (ELU) which continuously monitors activities of licensed external labour recruiting agencies. Aware of the inadequate human resource, In November, the MGLSD and a local Ugandan NGO organized a workshop for 24 licensed recruitment agencies to raise awareness on the 2009 PTIP Act and to increase cooperation between employment firms, the MGLSD, the MIA, and NGOs.
3. The Ministry of Internal Affairs (MIA) trained 64 immigration and law enforcement officials in 2012 on victim identification. The MIA trained immigration officials in victim identification. Similarly, the national taskforce conducted training for its members. Also, in May and August 2012, the government partnered with NGOs to organize trainings for 40 magistrates and 22 law enforcement officials, respectively, to familiarize them with their roles and responsibilities under the 2009 PTIP Act. In 2012, the MGLSD's orphans and vulnerable children unit worked with civil society organizations to identify more than 8,500 children engaged in illegal child labor, such as petty trade, agriculture, and stone quarrying. The rescued children received Ugandan government-supported vocational training, health care, and psycho-social support. During the same year, the government arrested two foreign nationals for the alleged sexual abuse of Ugandan children.
4. A national data base on TIP was established at the Ministry of Internal Affairs Headquarters. The IOM, also supported the Ministry to establish a fully integrated TIP data management system as one of the ways of regulating and monitoring the out flow of potential victims of trafficking to foreign countries, the MoGLSD is enforcing the existing regulations and guidelines for externalization of labor by monitoring the activities of the licensed labour Recruitment Companies and encouraging others to get licensed. By the end of the year, the total number of licensed companies had increased to 31. Many of the Licensed Companies assist in the repatriation of Ugandan laborers whenever reports of mistreatment and abuse are received. However, it has been noted that there was a lot of abuse of the system of labor externalization by some unlicensed individuals and companies, due to the inadequacies in the Labor Recruitment regulations. The MoGLSD is currently reviewing the Regulations to include some punitive measures against the Companies that promote TIP through externalization of labor without a licence. The Ministry

of Gender has issued a public notice of the list of the 31 licensed Recruitment Companies to guide the public accordingly⁵³.

However, government's efforts to adequately monitor external labour recruiting agencies were hampered by lack of human and financial resources.

Gaps

According to Trafficking in Persons United States (US) State Department Report on human trafficking⁵⁴, Uganda is among the countries that remain sources and destinations for women subjected to forced labour and sexual exploitation. Uganda's Interpol report, 2012 indicates that Ugandan women are trafficked to India, Afghanistan, Indonesia and United Arab Emirates. The report observes that the Ugandan does not fully comply with minimum standards for the elimination of trafficking; however it is making efforts to do so⁵⁵.

In 2008, a report by Lisa Nguyen et al revealed that 70 percent of nursing students revealed a desire to work abroad after graduation and another 24 percent revealed ambitions to work elsewhere in Africa⁵⁶. In this study, respondents revealed poor pay, poor working conditions, not being valued for their services as reasons for their desire to work outside Uganda. Groups like this are primary victims of human trafficking due to poor conditions in Uganda. Majority of them register with agencies to be ferried aboard for menial jobs which subsequently transforms into forced labour⁵⁷.

Although the government investigated trafficking cases in Dubai, Abu Dhabi, and Kuwait and closed down four unlicensed recruitment agencies suspected of facilitating human trafficking, it did not pursue criminal prosecution of these or other agencies for their role in fraudulent recruitment of Ugandans for overseas employment.

Although the Ugandan government increased efforts to improve its oversight of officially licensed agencies, this work continued to be hampered by a lack of financial and human resources⁵⁸.

Recommendations

1. Uganda should prosecute offenders of the Anti-TIP Act (2009) to act as a deterrent to human traffickers. This will encourage Victims of trafficking to report and access justice. The Government of Uganda also needs to work

53 Ibid 1

54 Trafficking in Persons United States (US) State Department Report (2013) on human trafficking

55 Ibid 29

56 Morris Komakech (2014)

57 Ibid 2

58 United States Department of State, 2013 Trafficking in Persons Report–Uganda, 19 June 2013, available at: <http://www.refworld.org/docid/51c2f37c18.html> [accessed 9 October 2014]

with the Uganda Law Society to ensure that victims of trafficking get legal aid to ensure that Justice is served. Additionally, the capacity of the Counter Trafficking in Persons office should be built to enable it perform its roles and responsibilities effectively.

2. Public policies targeting human trafficking should be formulated with the focus on removing inequalities and inequities at all levels of society. Furthermore, government should review of the regulations, by the MoGLSD, to provide for tougher penalties against unlicensed individuals and companies involved in the promoting trafficking in persons. The relevant Ministries of Foreign Affairs (MoFA); Gender, Labor & Social Development (MoGLSD), Internal Affairs (MoIA) and that of Justice & Constitutional Affairs (MoJCA) , should also initiate the process of establishing specific bilateral agreements and (MoUs) with the various destination countries for Ugandan victims.
3. There is need for regulations governing the recruitment of Ugandan workers for overseas employment and for the Government to increase oversight of employment contracts and extend criminal liability for trafficking offenses to labor recruiters. The Ministry of Foreign Affairs should ratify the 2000 UN TIP Protocol and Institute a unified system for documenting and collecting data on human trafficking cases for use by law enforcement agencies, labour and social welfare and increase sensitization on human trafficking to all parts of Uganda including detection and venues for redress.
4. Increase staffing and resources to ELU to enable it perform its roles. A fund should be set up by government to assist victims of trafficking to return home. Currently, the task force on anti-trafficking is working with relatives of the victims to set up a victim's assistance fund for this purpose. Address the rising youth unemployment⁵⁹ to reduce their susceptibility to voluntary trafficking in the search for work.
5. Introduce affirmative action for young women to build a pathway to employment.

⁵⁹ In 2013, 62 percent of Ugandan youths were reported to be unemployed and yet 78 percent of Uganda's population is under 30 years (Morris Komakech, 2014)

ARTICLE 7:

POLITICAL AND PUBLIC LIFE

The Constitution enshrines affirmative action for women and all other groups of persons that have been marginalized through historical processes in Article 32(1) for the purpose of redressing imbalances, which exist against them.

In order to increase the participation of women in the political affairs of the state, Article 78(1) (b) provides that there shall be one woman representative in Parliament from each district in Uganda.

Government of Uganda has also put in place policies on affirmative action in education in publicly owned higher institutions of learning.

In the 2010 recommendations of the CEDAW committee to Uganda regarding Article 7, government was tasked to pursue sustained policies aimed at the promotion of women's full and equal participation in decision making as a democratic requirement in all areas of public, political and professional life. It was also tasked to adopt measures to accelerate women's full and equal participation in public and political life in particular at high levels of decision making. The committee further recommended that government implements awareness raising activities about the importance of women's participation in decision making for society as a whole and the development of targeted training and mentoring programs for women candidates and women elected to public office as well as programs on leadership and negotiation skills for current and future women leaders. The committee called upon government to monitor the measures taken and results achieved in this regard and to inform the committee in its next report.

Progress

Women in politics

Friendly legislative framework: This has not only provided for affirmative action in the Uganda Constitution of 1995 but also allowed women to contest for leadership positions outside affirmative action seats. The laws and policies in Uganda have provided more opportunities for women to run for elective office. There are more women in leadership. The 1995 Constitution, Articles 32(1), 33(2), 22(3), 33(4), 33(5),

78 (1) (b) all encompass affirmative action seats for women. More so National Objectives XV and VI also encompass affirmative action which objectives led to the establishment of the equal opportunities commission.

The Local Government Act 1997 through section 180 (2) (b), Article 205(2) (b) has the potential to strengthen women's participation in Local Government decision making. The Electoral Commission Act 1997 mandates the commission to organize elections and cater for women's quotas, the Political Parties and Organisation's Act 2005, the Press and Journalists Act and the Electronic Media Act prohibits negative reporting on women that stand for political posts. These laws help to enhance women's active involvement in political leadership.

Uganda Gender Policy, 2007 that promotes gender mainstreaming in all government ministries and districts local governments makes it mandatory to have women in positions of leadership. This is an opportunity for advancing gender equality in politics.

The introduction of affirmative action in Uganda's Constitution of 1995 saw an increment in the numbers of women in political life. The increment of women in politics is mainly attributed to the creation of new constituencies in 2010. This led to an increment of women MPs from 31 percent in the 8th parliament to 34 percent in the 9th parliament.

In the current 9th Parliament of Uganda, 130 Members of Parliament out of 375 are women. In 2011 a woman was elected Speaker of the Ugandan Parliament for the first time. Uganda has passed the expected critical mass of 30 percent that was stipulated in the Beijing Platform for Action. This figure however, is still lower than the parity target of 50/50 set by the African Charter on Democracy, Elections and Governance.

At local council level, most women occupy the 1/3 seat reserved for women. The affirmative action in the Local Government Act (1997) provides for one-third women's representation at all local council levels. While each district council is comprised of at least 30percent women, regarding top leadership in districts, (Chairpersons, Speakers and Chief Administrative Officers), the numbers of women dwindle. For instance, following the general election of 2011, out of the 112 Chairpersons of districts, there are only 2 (1.7 percent) women. The number increased to three following a by-election in Kamuli district in 2012 which saw the election of another woman as district chairperson. Out of 112 district speakers, only 12 are women. Out of 1274 Local Council III chairpersons, only 19 are women.

In 2013, Parliament created a nursery to cater for breast feeding MPs to enable them perform their roles as mothers but also as MPs. The facility however needs to be made more conducive for babies. A proposal has been made by some

women MPs for a new nursery to be created as Parliament continues to renovate and build new rooms⁶⁰.

More women in non-governmental organizations (NGOs) including: Action for Development (ACFODE); Center for Women in Governance (CEWIGO), Forum for Women in Democracy (FOWODE), Uganda Women's Network (UWONET) and Women's Democracy Network-Uganda Chapter (WDN-U) under a consortium called Women's Democracy Group (WDG) are conducting advocacy to demand for more female representation in politics, working with women leagues of political parties to enhance their roles in political parties; providing training for women aspiring candidates and those elected into political leadership. Women rights organizations are also conducting civic education to educate women and men about various issues including the importance of civic participation in governance and the importance of women in leadership for a more gender sensitive population to appreciate the positive roles that women play in leadership. Uganda's population is beginning to appreciate the positive roles that women are playing in leadership.

Women in Cabinet

There is an increase in the number of women in the cabinet, from 16 (25 percent) in the last cabinet to 23 (28 percent), although it is still below the parity standard set by the African Union. Of the 30 senior ministers, only 10 (33 percent) are women. It must be noted that women have been appointed to head key Ministries, namely, Finance, Planning and Economic Development, Education, Health, Energy, Trade and Industry, Water and Mineral Development. Of the 32 junior ministers, 13 (29 percent) are women⁶¹.

Gaps

- The numbers of women MPs who competed with men fell from 16 in 2006 to 11 in 2011; and of the 129 women MPs, 112 represent districts as a result of affirmative action. This shows that affirmative action is still required in Uganda's politics to enable women to access political leadership positions. While many women had hoped that the affirmative action seat would be a training ground for more women to enter Parliament, those that gain the seat find it safer to keep it than to compete with a man even after two or three terms on the affirmative action seat.
- While each district council is comprised of at least 30 percent women, regarding top leadership in districts, (Chairpersons, Speakers and Chief Administrative Officers), the numbers of women dwindle. Out of 112 district chairpersons

60 Alice Alaso (2014)

61 Rebecca Kadaga (2013)

only three are women. Out of 1274 local council III chairpersons, only 19 are women. Out of 112 district speakers 12 are women. This shows that Government has not adopted policies to create a conducive environment for women in politics at all levels. In politics, political parties play a crucial role in enabling more women to contest as candidates. To date no public funding is provided to political parties despite the passage of the law on funding political parties in 2010 through an amendment of the Political Parties and Organization Act (2005). Lack of funding disadvantages women most because majority are not as economically able as their male colleagues partly due to the fact that the main economic resource; land is mainly owned by men. A number of women do not stand for elective positions due to lack of resources⁶². The 2014/25 national budget did not allocate any public resources to political parties. In addition, party activities on identification of candidates are largely non-existent even when the country will have elections in 2016. Women at times need to be convinced about their ability to stand for election. Lack of facilities to nurture women in political parties therefore reduces the numbers of female candidates who contest for election⁶³.

- The election system of all the political parties in Uganda is First Past the Post. This system gives women candidates less chances of being elected as the party flag bearers for directly elected seats. As a result the numbers of women remain small in directly elected seats. Despite the occupation of some key positions of leadership in politics by women in Uganda, for instance Uganda having a female speaker in parliament and some political parties like Forum for Democratic Change having a female secretary general, patriarchy has limited the influence of women in passing key legislations such as the Marriage and Divorce Bill. According to Hon. Alice Alaso the Women district representative of Serere and Secretary General of FDC "Just having a few women at the top does not lead to automatic transformation of the lives of ordinary women"⁶⁴.

Women in public administration

Progress

Gender mainstreaming has been adopted as a government strategy in line with the Uganda Gender Policy (2007) in ministries, departments, agencies and local governments as a strategy for achieving gender equality.

62 Women's Democracy Network–Uganda Chapter; Guide for enhancing gender equality in political parties in Uganda, 2014; www.wdnuganda.org

63 Ibid 63

64 Ibid 34

In line with the National Gender policy (2007), sector ministries have developed gender mainstreaming guidelines and specific gender commitments in various sector investment plans aimed at achieving gender equality and women empowerment

The Ministry of Public Service in April 2011 developed Guidelines for Mainstreaming Gender in human resource management in the public service. To provide a mechanism [structures and processes] for gender mainstreaming in human resources function within the organizational framework; and to complement and reinforce other existing tools and guidelines for gender mainstreaming in the public service. These include: Gender and Equity Budgeting Guidelines [MoFPED], Guidelines for Auditing Gender Mainstreaming in Local Governments [MGLSD], Local Government Gender Assessment and Planning Guidelines [MoLG]. The expected outcomes of the Guidelines include: achievement of a public service where women and men are treated equally, with equal access and control over resources and benefits at the workplace; Fulfillment of gender equality provisions of the Constitution and the Uganda Gender Policy; Contribution to achievement of the global target of 30percent representation of women in decision making positions; and Efficient, effective and equitable public service delivery at all levels.

The ministry of Public Service is expected to report to Ministry of Gender, Labour and Social Development on progress made in achieving the outcomes of the guidelines by August 31, every year.

Progress made in public service by gender in management

	Men 2011		Women 2011
	No.	Percent	No.
Management Level/Salary Scale			
Senior Management Level [U1]	630	78	178
Middle Management Level [U2–U3]	3,511	84	669
Graduate and Diploma Level [U4–U5]	43,181	72	16,792
Lower Level [U6–U8]	134,480	65	72,413
Others [Agencies]			
Total	181,802	67	90,052

Source: Ministry of Public Service Payroll Monitoring Unit–[March 2011 and September 2011]

Observations on the Data

Senior Management [U1]

- There is an apparent increase in the number of women in senior management positions from 178 in March 2011 to 464 in September 2014.
- However compared to the number of men which has more than tripled [from 630 to 1,992], there was instead a reduction in percentage by 3 percent from 22 percent to 19 percent females compared to the men increasing by 3 percent from 78 percent to 81 percent.

Middle Management [U2–U3]

- There was remarkable increase in women by 10 percent from 669 in March 2011 [16 percent] to 1,840 in September 2014 [26 percent]—almost triple.
- On the other hand, while the number of men increased from 3,511 to 5,174, the percentage decreased by 10 percent from 84 percent to 74 percent.

Graduate and Diploma Level [U4–U5]

- The women increased by 4 percent from 16,792 [28 percent] in March 2011 to 20,877 [32 percent] in September 2014.

	Total	Men 2014		Women 2014		Total
Percent		No.	Percent	No.	Percent	
22	808	1,992	81	464	19	2,456
16	4,180	5,174	74	1,840	26	7,014
28	59,973	44,846	68	20,877	32	65,723
35	206,893	128,174	62	78,773	38	206,947
		8,122	69	3,678	31	11,800
33	271,854	188,308	64	105,632	36	293,940
2014]						

- On the hand, though the men slightly increased from 43,181 in March 2011 to 44,846 in September 2014, there was a reduction by 4 percent from 72 percent to 68 percent.

Lower Level [U6–U8]

- The women increased by 3 percent from 72,413 [35 percent] in March 2011 to 78,773 [38 percent] in September 2014.
- On the hand, though the men slightly increased from 134,480 in March 2011 to 128,174 in September 2014, there was a reduction by 3 percent from 65 percent to 62 percent.

Others [Agencies]

- The women are 31 percent [3,678] against 69 percent [8,122] men.

Out of 29 permanent secretaries in Uganda only six are women and out of 29 undersecretaries in Uganda only 14 are women. Out of 112 Chief Administrative Officers (senior public administrator in the district), only 17 are women.

With regard to women directors in public administration the share of women is higher. This is partly attributed to a top-down gender mainstreaming policy of the Ugandan government⁶⁵.

In public life the numbers of women in top decision making positions outside those appointed by the President remains small.

Judiciary

In the judiciary there is still no gender balance. Out of 12 justices of the Court of Appeal, only three are women. In the Supreme Court, out of eight justices, only three are women.

Judges of the Court of Appeal and Supreme Courts are appointed by the President of Uganda. The increment in numbers of women in these two courts is therefore dependent on the President of Uganda.

Gaps

In 2014, ACFODE⁶⁶ released an issue paper on the challenges affecting women in public service. Some of the issues the paper mentioned include: The glass ceiling continues to affect the numbers of women in public service. There is slow but noticeable progress in gender mainstreaming in public life. Challenges are due to lukewarm commitment to implement gender mainstreaming. Other challenges for women in public service include: Discrimination in: recruitment, selection

⁶⁵ Uganda Gender policy, 2007

⁶⁶ ACFODE issue paper on challenges affecting women in public service, 2014; www.acfode.org

and promotions, working environment, work place harassment and in terms and conditions of service; The male-dominated competitive context of management positions in the Ugandan public service has been characterized in a review as likely to be affected by a strong patriarchal culture, in which men are regarded as natural leaders⁶⁷; The institutional barriers also affect women's attainment of top management positions include inadequate skills and qualifications; gender roles, and status. Attitudinal and institutional discrimination inform the organisational cultures and unconscious gender biases that affect women's promotion to leadership positions. Lack of knowledge and implementation of the Ministry of Public Service (MPS) gender mainstreaming guidelines by MDAs & local governments. MDAs including sectors have not institutionalised the promotion of gender equality. There is hardly gender disaggregated information in MDAs and there is no commitment to address the constraints to women's participation in public administration. Sexual harassment was also identified as one of the issues affecting women in public service⁶⁸.

Recommendations

1. The numbers of women in senior public administration positions, judiciary and diplomatic core are dependent on the appointing authority which is the President of Uganda in this case. Increased advocacy is required by different stakeholders to encourage the President to appoint more women into positions in the diplomatic core, judiciary and commissioners in public administration positions in Public Service.
2. There is need to retain affirmative action for women in politics until such a time when cultural, social, religious and other biases will be greatly reduced to allow women to contest without having to explain why they should stand for seats outside the affirmative action seats and justifying their relevance in decision making.
3. While Uganda has achieved the critical mass in politics at the level of Parliament and local councils, women need to receive sustained training and exposure as they prepare for leadership in public administration and politics in order to make the necessary social transformation that is expected. Training and exposure will empower them with the skills and knowledge to be effective in the leadership positions that they hold. Their effectiveness will mentor younger women and reduce the questions that some men and women have about the presence of women in politics in particular.
4. The goal to increase the numbers of women in public service must include a cluster of targets to increase women's representation in a defined set of

67 HRI; 2002:1

68 Ibid 67

decision making institutions, from local to international levels. The indicators that accompany the cluster of targets on representation should therefore provide insights into whether transformative changes are taking place that genuinely empower women and give them more influence in society.

5. Factors that discourage women from leadership in the public sphere including sexual harassment, costs involved in standing for election and the glass ceiling need to be addressed. There is also need to enforce at least 30 percent of women involvement in all public service programmes/ activities e.g. in sector working groups and other forms of teamwork. This requires capacity building of both women and men in the public service in identifying the barriers to women and designing and delivering gender responsive policies and programmes. Additionally, effective monitoring and reporting mechanisms capable of reflecting how far the MDALG is contributing to gender equality [including areas of staff recruitment and promotion, budgetary allocations and discussion and follow up on gender initiatives] should be prioritized. The Gender Focal Points, Sector Working Groups and Local Governments should also be supported with a view to improving their effectiveness. This will ensure stakeholders execute their roles and responsibilities and avoid offering lip service. The existing Laws on equal opportunity should further be promulgated, adopted and enforced in order to reduce institutional discrimination where gaps exist..

ARTICLE 8:

EQUAL PARTICIPATION OF WOMEN AS GOVERNMENT REPRESENTATIVES AT THE INTERNATIONAL LEVEL AND IN THE WORK ON INTERNATIONAL ORGANIZATIONS

Objective VI of the National Objectives and Directive Principles of State Policy of the 1995 Constitution of Uganda mandates the State to ensure gender balance and fair representation of marginalized groups on all Constitutional and other bodies. The appointment of women to other public bodies and institutions, including to international organizations is low in comparison to men.

Women in the diplomatic core

With regard to ambassadors and deputy ambassadors out of 126 only 63 are female⁶⁹. Appointments for these positions are made by the President. Numbers of women in these positions are therefore dependent on the President of Uganda.

Gaps

There is still no gender balance in government representation at the international level and in the work of international organizations as indicated by the figures mentioned above.

Recommendations

1. Government of Uganda needs to adhere to its international and regional obligations under Article 8 of the CEDAW and Article 9⁷⁰ of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa respectively. Government of Uganda also needs to adhere to Objective VI of the National Objectives and Directive Principles of State Policy of the 1995 Constitution of Uganda to ensure gender balance and fair representation of women on all Constitutional and other bodies.
2. Where gaps exist in skills, it should provide training and exposure for women in positions of decision making or identify and work with international and national organizations to provide the relevant knowledge and skills for the women in decision making.

⁶⁹ Jacqueline Asimwe, 2013

⁷⁰ States Parties shall ensure increased and effective representation and participation of women at all levels of decision-making.

ARTICLE 9:

NATIONALITY

While “nationality or citizenship within a country provides the very foundation of rights... nationality laws in many countries have entrenched discrimination against women,” which “has often been justified on the basis of local culture, tradition and custom, family values or religion.” Many countries have entered reservations to this article. However, during the last three decades many countries have achieved consensus on the importance of equality in nationality laws. CEDAW has thereby provided a platform for these countries to change discriminatory legal codes.

Progress

In 2009 Uganda adopted a clause on dual citizenship for persons who fulfill the conditions specified under the Uganda Citizenship and Immigration Control Act, Cap 66 (as Amended). Any person (man or woman) who wishes to hold the citizenship of Uganda and another country which allows dual citizenship should apply for and obtain a certificate of dual citizenship from the National Citizenship and Immigration Board.

The process of acquiring a passport has been changed and is now in tandem with the Constitutional provisions on citizenship. Married women are no longer required to obtain written consent of their husbands before being issued with passports. In addition such consent is not required when married women choose to include their children in their passports.

Limitations

The process of identification of citizens set up by government has gaps which can be manipulated because it is dependent on information from local councils which are largely inactive due to failure to hold elections for them since 2006.

The cost for acquiring citizenship for women who are married to Ugandans remains high. Non-citizens married to Ugandans who wish to acquire citizenship must pay approximately USD 50. This cost is high for rural women in particular who are married to Ugandan citizens. As a result some of them have not been able to register during the on-going national citizenship registration exercise in Uganda.

Recommendations

- Government should review the cost involved in applications for non-Uganda citizens who are married to Ugandans to ease their acquisition of Ugandan nationality.
- Local council I who are based at village level should be elected in the 2016 election in Uganda to enable them to work with government more easily and with the appropriate mandate in processes of citizen identification.

ARTICLE 10:

EDUCATION

The CEDAW committee in 2010 recommended that Uganda ensures equal access of girls and women to all levels and fields of education, take steps to overcome traditional attitudes that in some areas may constitute obstacles to girls and women education, address girls dropout rates and adopt measures to retain girls in school; Take necessary measures to ensure safe transportation to and from schools and safe educational environments free from discrimination and violence, strengthen awareness raising and training of school officials and students, sensitization of children through the media as well as the establishment of reporting and accountability mechanisms to ensure that perpetrators of all sexual offences against school girls are prosecuted; Ensure the necessary budgetary allocation for the implementation of various projects and programs.

The Constitution of the Republic of Uganda 1995, which in Article 30 states that, **“All persons have a right to education”**. In addition, Article 34 is specific on the rights of children and states, “A child is entitled to basic education which shall be the responsibility of the State and the parents of the child”. These provisions are strengthened by the Bill of Rights, the National Objectives and Directive Principles of State Policy enshrined in the Constitution of Uganda, which provide that the State shall promote free and compulsory education, take appropriate measures to afford every citizen equal opportunity to attain the highest educational standard possible. However, it was noted that despite the existence of a policy on primary education, there is no law to provide for punitive measures against parents whose children are not attending school.

The other provisions which relate to education are contained in Articles 167 and 168 which set up and prescribe functions of the Education Service Commission. The Children's Act provides that a parent, guardian or any person having custody of a child has a duty to protect the child from any form of discrimination, violence, abuse and neglect (Cap 56) Laws of Uganda; section 4 and 5.

GOU has adopted a number of policies, strategies and programmes to enable every person access education. Policy framework is based on the 1992 Government White Paper on Education. The policy framework implemented through the Education

Sector Strategic Plan (ESSP 2007–2015); the annual Ministerial Policy statements and sub sectoral plans and the Universal Primary Education Policy (1997) and Universal Secondary Education policy (2007). Government has adopted a number of specific policies with regard to gender in education. The policies include: Adoption and launch of the recently revised National Strategy for Girls' Education 2014; Establishment of the Gender Unit in Ministry of Education and Sports; Gender Task Force which includes representation from MoES, civil society organizations (CSOs). MoES has released a handbook to guide mainstreaming gender in education; MoES has created a gender responsive learning environment handbook and basic requirements and minimum standards (2010) on health, sanitation, safety and security, reporting mechanisms and released a gender monitoring tool.

In terms of programs, the MoES is collaborating with a number of actors including UNICEF to conduct the promotion of girls' education (UNGEI)–in 15 districts; MoES has in its budget prioritized funds for construction of latrines, classrooms and houses for senior women teachers; MoES is implementing quality enhancement initiatives for 12 poor performing districts and its conducting instruction in local language with gender responsive instructional materials and gender responsive curriculum; working with actors in CSOs to provide bursaries and scholarships for girls for retention and completion of school and conducting "Go Back to School, Stay in school and Complete school campaigns (GBS)".

MoES together with other stakeholders including: UNICEF and CSOs has established Girls Education Movement (GEM) chapters and clubs in 71 districts; United Nations Girls' Education Initiatives in 45 districts; Construction of seed secondary schools and boarding facilities for girls; Training of senior female and male teachers/counselors; Alternative Basic education for Karamoja (ABEK) and BEUPA for urban areas; it has approved gender in education strategic plan (2014–2019); established a gender task force transitioning into a technical working group in MOES; gender specific undertakings for FY 2013/14; engendering the statistical data collection tools–Statistical abstract 2013 responsive with sex disaggregated; MoES has allocated a budget to support specific gender activities for FY2014/15 including awareness raising, dissemination of policies and training of teachers and communities; training for focal points on gender and equity budgeting.

While the institution of policies and laws to guide the education of citizens is prerogative of the Central Government, the day-to-day implementation of the policies is the mandate of the districts under the Decentralization policy. Decentralization has brought the schools closer to the administrative units in the respective local governments, which arrangement is deemed best suited to making the institutions more responsive to the needs of the people at the local levels⁷¹

71 Ojjo–Amin, 2012

Progress

With the introduction of laws, policies and programs geared towards enhancing gender parity, Uganda has realized a number of achievements in the education sector.

At primary level, girls have closed the gap with boys in enrollment in primary education at 99.9 percent for both sexes⁷². Increase in completion for girls from 54 percent in 2004 to 63 percent in 2010 and currently 66.90 percent in 2013 with 67.80 percent for boys; transition rate to S.1 for girls increased from 56.6 percent in 2000 to 64.2 percent in 2011 and in 2013 it is at 69.30 percent for girls and 70.50 percent for boys.

At secondary school level there is an increase in percentage of girls to total enrollment from 635,527 girls in 2013 to 665,406 in 2014 compared to boys 727,212 to 709,140 in 2014.

As a result of the USE program, the percentage of females under USE program in government schools increased from 43 percent in 2007 to 45 percent in 2011 but with a significant fall in enrollment of girls in 2014 (46,066 boys; 21,885 girls). Completion rate for girls at S.4 increased from 14 percent in 2000 to 33 percent in 2011. Transition rate for girls to S.5 also increased from 43 percent in 2000 to 47.7 percent in 2011.

At Business, Technical Vocation Education and Training (BTVE): Female enrolment in BTVE increased from 1,463 in 2000 to 12,039 in 2011 but low numbers of females with only 14 percent females compared to 86 percent males (2,856 male and 449 female in 2013 headcount). Enrolment for girls in Primary Teachers Colleges (PTCs) increased from 6,594 in 2000 to 10,086 in 2011

At Universities: As a result of the 1.5 points policy, enrolment of girls in universities has increased from 13,337 in 2000 to 42,733 in 2011.

Gaps

- While the survival rate of pupils who enroll in Primary One and reach Primary Five is 57 percent for males and 59 percent for females, the primary seven completion rate for girls is 63 percent and boys at 65 percent.⁷³ Although this indicates gender parity, persistent dropout of school children especially the girl child remains a major hindrance to girl child education. The causes of dropout rates of girls from school are increasing due to teenage pregnancies 34 percent, poverty 28 percent and engagement in sex 11 percent⁷⁴. The gender gap in primary schools primary seven completion rate therefore remains wide

72 Millennium Development Goals Report on Uganda, 2013

73 Ibid 40

74 FAW (2011)

with 69.7 percent girls in 2012 dropping to 58 percent in 2013 compared to 70 percent for boys. While the numbers of boys and girls completing primary school gives an indicator of gender parity, what boys and girls learn in school is a better measure of equality. In 2013 both girls and boys had a considerable gender gap in learning outcomes for example 37.3 percent girls passed in numeracy compared to 45.8 percent boys (measured at P.6 and less girls get to that grade) Transition rates (Senior 1 and Senior 5) are lower for girls than boys and more challenges in retention of girls at lower secondary and tertiary institutions. In 2013 for example 27 percent girls transitioned to S.5 compared to 37 percent boys, with a lower survival rate to Senior 6 for females at only 24 percent compared to 33 percent for boys.⁷⁵

- The limited numbers of female teachers deployed in schools especially rural areas, hard to reach and disadvantaged areas (672 female teachers deployed in North East compared to only 1,674 male; a total of only 2, 346 teachers in North East compared to 45,567 teachers in the East) School Census remains a challenge. Females are under enrolled and concentrated in traditional fields with a paltry 1,744 females enrolled in 2013 compared to 6,462 males under Uganda Post Primary Education Training (UPPET) (EMIS 2013); and; 5,308 females compared to 18, 016 males overall BTVET enrolment in FY 2012/13. Gender capacity for all staff in the MoES has not been fully and systematically built. Lack or limited gender analysis skills and gender sensitivity has hampered consistent progress of gender mainstreaming in the MoES.⁷⁶
- There is limited access to education for marginalized, disadvantaged and vulnerable children including children with special needs, children in post conflict areas, refugee children and girls in Karamoja region facing female genital mutilation (FGM). This is coupled with unavailability of secondary schools in several sub-counties thus longer distances for girls; Lack of specific indicators to measure progress on gender outcomes; increasing cases of Gender Based Violence (GBV) against girls and women and limited budgets for gender activities within the sector budgets.

The Universal primary Education (UPE) policy emphasizes equal opportunity for both boys and girls. It focuses on promoting gender equality in enrolment, retention, and performance in primary education. A number of girls currently drop out of school due to pregnancy. Currently, there are no Policy from the MoES on how to address this issue. However, some head teachers have adopted policies that allow pregnant girls in Primary Seven to sit for the Primary Leaving Examinations. Such policies have enabled pregnant girls in Primary Seven to seat for the examinations and proceed with their secondary school education. In addition, MoES in the

⁷⁵ Ibid 40

⁷⁶ MoES Gender Audit report, 2013

absence of a policy on the issue of pregnant school girls regularly sends circulars to school administrators urging them not to expel pregnant girls from school (United Nations Gender Equality Initiative (UNGEI), 2012). UNGEI and MoES have put in place several initiatives including radio talk shows, 'school walks' and school visitations to raise awareness on the importance of sending child mothers back to school.

Greater gender equality in the education system has been slow to translate into the economic and social spheres⁷⁷.

Recommendations

1. The budget for education for the financial year 2014/15 was reduced to 11.90 percent from 13.50 percent in 2013/14⁷⁸ albeit the challenges that continue to affect the education sector and the need for human capital development in Uganda. Government needs to increase funding to the education sector in order to address some of the gaps that continue to affect the sector such as the lack of staff houses, lack of classrooms, low teachers' salaries, inadequate teaching materials, sanitary facilities and construction and equipping of science laboratories among others⁷⁹.
2. Education should translate to transformation in the social and economic spheres. This will encourage more girls to go to school and motivate parents who are reluctant to send their daughters to school to do so. Today, we see fewer girls enrolled in the science and technology subjects where government is putting emphasis. There is need to introduce affirmative action for girls to enable more of them to take up science subjects in order to benefit from the facilities that government has put in place like government sponsorship and student loans scheme which are skewed to students who enroll for sciences. There is also need to develop key indicators on drop out, female teacher recruitment and deployment, females in BTVET, females in science and technological subjects.
3. Monitoring and supervision of education service delivery needs to be strengthened to ensure that government is meeting its aims of developing human capital through provision of quality education. Government should also prioritize inclusive education through the training and deployment of Special needs education teachers in the communities. Additionally, the construction of special needs schools and provision of disability friendly equipment and learning tools should also be given particular focus. Education and services for persons with disability should be equitably distributed both in rural and

77 Ibid 40

78 National Budget Framework paper FY 2014/15–FY 2018/19

79 Ibid 47

urban areas. Government should also make specific interventions targeting support for women with disabilities at higher institutions of learning. Statistical information about the status of children with disability with specific focus on school enrolment and retention would also help in planning for service delivery specific needs.

4. Support by all stakeholders in enhancing education is required to reduce Sexual Gender Based Violence against Children in Schools; community engagement in education, awareness raising and empowerment of girls/ women; advocacy for inclusion of gender in sub sector plans and budgets in education and full implementation of strategies for the CEDAW commitments on safety and security of children especially girls in and out school.
5. Support to community engagement in education, awareness raising and empowerment of girls/women.
6. Advocacy for inclusion of gender in sub sector plans and budgets on education.
7. Development of key indicators on drop out, female teacher recruitment and deployment, females in BT/VET, females in science and technological subjects.
8. Government should obtain statistical information about the status of children with disability with specific focus on school enrolment and retention.
9. Government should also prioritize inclusive education through the training and deployment of Special needs education teachers in the communities.
10. The construction of special needs schools and provision of disability friendly equipment and learning tools should also be given particular focus. Education and services for persons with disability should be equitably distributed both in rural and urban areas. Government should also make specific interventions targeting support for women with disabilities at higher institutions of learning.

ARTICLE 11:

EMPLOYMENT

The committee was concerned about the persistence of discrimination against women in the labour market, in particular the high rate of unemployment affecting women, a wide gender gap, and occupational segregation. It was also concerned about the concentration of women in the informal sector with no social security or other benefits. While acknowledging the increase in the period of maternity leave from 45 to 60 days, the committee was concerned that this right is not applied fully in all cases, especially in the private sector. The committee acknowledged the introduction of sexual harassment in the Employment Act but was concerned about the narrow definition that limits it to an employer or his/her representative and the provision that sexual harassment could only apply where the employer had more than 25 employees.

Progress

Table 1: Distribution of the labour force in Uganda

Activity Status	2005/06			2009/10			2010/11			2011/12		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Not Working	17.5	21.3	19.5	14.1	16.3	15.2	14.7	15.7	15.2	17.4	18.4	18.0
Self Employment	65.3	73.1	69.4	68.4	78.1	73.3	67.4	77.2	72.4	66.6	73.9	70.4
Paid Employment	17.2	5.6	11.1	17.5	5.7	11.5	17.9	7.1	12.4	16.0	7.7	11.7
Total	100	100	100	100	100	100	100	100	100	100	100	100

Source: UNPS 2011/12

Table 2: Sector of employment

Sector	2005/06			2009/10			2010/11			2011/12		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Agriculture	67.7	83.9	76.0	66.4	79.3	72.9	69.5	82	75.8	70.2	81.3	75.9
Production	7.3	2.9	5.0	8.6	3.6	6.1	7.1	2.4	4.7	7.1	2.2	4.6
Services	25.1	13.2	19.0	25.0	17.1	21.0	23.5	15.5	19.5	22.8	16.5	19.5
Total	100	100	100	100	100	100	100	100	100	100	100	100

Source: UNPS 2011/12

Table 3: Share of wage employment

Background Characteristics	Wage employment	
	Male	Female
Sex of Head		
Female	38.7	30.7
Male	34.3	25.0
Residence		
Rural	31.7	23.9
Urban	45.6	36.7
Region		
Central	40.7	29.9
Eastern	30.4	24.9
Northern	36.5	33.1
Western	32.1	20.3
Uganda	34.9	27.0

Source: UNHS 2012/13

Table 4: Income classes of monthly earnings for persons in paid employment

	2005/06			2009/10			2010/11			2011/12		
Monthly Earnings	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Less than 50,000	24.2	55.0	29.3	20.5	31.7	23.4	17.0	25.2	19.4	9.1	10.6	9.6
50,000–99,999	21.6	21.7	21.6	22.8	18.7	21.8	20.3	26.1	22.0	22.2	26.4	23.7
100,000–199,999	32.1	14.2	29.2	22.9	16.9	21.3	21.5	14.9	19.5	24.3	22.2	23.6
200,000–499,999	15.2	9.2	14.2	25.3	27.6	25.9	29.9	29.3	29.7	35.1	38.3	36.2
500,000+	6.9	–	5.7	8.6	5.1	7.7	11.4	4.5	9.4	9.3	2.5	7.0
Total	100	100	100	100	100	100	100	100	100	100	100	100

Gaps

No amendments have been made to the Employment Act with regard to sexual harassment. The gaps identified in the Act and the recommendations by the committee have not been acted upon. Discrimination against women in the formal sector continues with inequality in wages between men and women for similar work.

Women are at a major disadvantage in the labour market. Men's median wages are around double that of women's regardless of the type of work undertaken⁸⁰. A recent study concluded that while women face elements of gender-based discrimination, the most important obstacles affecting women in the labour market are structural in nature, and that transformation of the Ugandan economy—particularly shifting labour out of agriculture into non-farm activities—will help to significantly reduce gender-based inequalities⁸¹. The rapid growth of non-agricultural wage employment over recent years—albeit from a low base—is benefiting women as well as men. Although women account for only around one third of non-agricultural paid employees, this proportion is gradually increasing. In 2006 the share of non-agricultural wage workers who are women was 28.1 percent. This figure rose to 33.4 percent in 2009⁸². Figures after that are still unavailable⁸³.

⁸⁰ Kasirye (2011)

⁸¹ Warren Rodriguez (2013)

⁸² Ibid 40

⁸³ Ibid 40

According to table 2 above 81.3 percent of women in comparison to 70.2 percent of men are involved in the agriculture. Significant gender inequities exist in respect to ownership and control of land as a result of discriminatory traditions and customs which affect women's capacity to engage in economic activities.⁸⁴

Recommendations

1. The Employment Act should be amended to expand the definition of sexual harassment;
2. Government of Uganda should monitor the private sector to ensure that they adhere to legal provisions on maternity leave.
3. More efforts should be taken by government to reduce gender gaps between men and women in the labour market. In this regard, a policy should be passed requiring all public institutions to publish the wages they pay to male and female workers in order to promote the principle of equal pay for equal work.
4. Government of Uganda should ratify the Convention on decent work for domestic workers No.189.
5. Government of Uganda should recognize domestic work as work.
6. Government of Uganda should enforce the current provisions on land and address the question of women's ownership to land.

84 Study on "Key Gender, Poverty and Employment Dimensions of Agricultural and Rural Development in Uganda: A case study of Bushenyi and Mpigi Districts", page 7

ARTICLE 12:

RIGHTS OF WOMEN IN HEALTH CARE AND FAMILY PLANNING

The CEDAW committee in 2010 recommended that the State party take all necessary measures to improve women's access to health care and health related services within the general recommendation No.24. Recommendation NO.24 urges the state party to give priority attention to combating violence against women and girls and to adopting comprehensive measures to address such violence in accordance to general recommendation No.19 which condemns customs and practices which perpetuate discrimination against women. The committee also urges the State party to strengthen its efforts to reduce the incidence of maternal and infant mortality and to raise awareness of and increase women's access to health care facilities and medical assistance by trained personnel, especially in rural areas. The committee also urges the State party to increase knowledge and access to affordable contraceptive methods throughout the country and to ensure that women in rural areas do not face barriers in accessing family planning information and services. It also recommends that education on sexual and reproductive health and rights be widely promoted and targeted at adolescent girls and boys, with special attention to the prevention of early pregnancy and the control of STIs including HIV/AIDs. The committee also calls upon the State party to provide updated information about measures taken to combat cervical cancer as well as information about women's mental health status and access to mental health services in its next periodic report.

Legal framework

The Constitution of the Republic of Uganda lacks a substantive provision on the right to health but makes mention of the right under other provisions. Objective XIV of the National Objectives & Directive Principles of State Policy requires the State to endeavor to fulfill the fundamental rights of all Ugandans to social justice and economic development and in particular among others to ensure that all Ugandans enjoy rights and opportunities and access to education, health services,

clean and safe water, work, decent shelter, adequate clothing, food security and pension and retirement benefits.

The National Objectives & Directive Principles of State Policy require the State to take practical measures to ensure the provision of basic medical services to the population.

The right to health for women in general and reproductive health is provided for in Article 33 of the Constitution, which guarantees the rights of women. This provision guarantees the dignity of women, their equality with men and provides them with special protection.

Progress

The contraceptive prevalence rate has doubled from 15 percent in 1995 to 30 percent in 2011, which has lessened maternal and infant health risks by preventing unintended or closely spaced pregnancies and has helped to reduce the adolescent birth rate⁸⁵. Between 2006 and 2011 there was a large increase in the proportion of births assisted by a trained health worker, from 42 percent to 58 percent⁸⁶. There has also been an improvement in access to care after childbirth, with 33 percent of women receiving postnatal care within two days following delivery in 2011, compared to 27 percent in 2006⁸⁷. But in spite of this progress, there has been no statistically significant change in the maternal mortality ratio, and Uganda is unlikely to meet the MDG target to reduce the maternal mortality ratio by three quarters.

Target 5.A Reduce by three quarters, between 1990 and 2015, the maternal mortality Ratio

STATUS OF PROGRESS-STAGNANT					
Indicator	1995	2000/2001	2006	2011	2015 Target
5.1. Maternal Mortality ratio (per 100,000 live births)	506	524	418	438	131
5.2. Proportion of births attended by a skilled personnel	37.8%	39.9%	42.1%	58.0%	100%

Source: UDHS 1995, 2001/2, 2006, 2011.

Notes: Maternal deaths per 100,000 live births in the seven-year period preceding the survey, except for 1995 where the estimate refers to period from 1986 to 1995. Note that some previously published estimates for 2001/02 and 2006 refer to the

85 Ibid 40

86 Ibid 40

87 Ibid 40

10-year-period prior to these surveys. To compare across time these estimates were recalculated for the seven-year period preceding the surveys. Skilled provider includes a physician, nurse, midwife, clinical officer, or medical assistant.

Government is concerned that this progress is not quickly translating into significant reduction in maternal mortality which now stands at 438 deaths⁸⁸ to 100,000 live births from 435. This is in part due to the use and quality of services along the continuum of care—from pregnancy, to child birth, and to the post-child birth period. International evidence suggests that good prenatal care can prevent up to a quarter of maternal deaths by increasing a women's awareness of potential complications and danger signs during pregnancy.

Gaps

As a result of the stagnant maternal mortality rates, in 2011, a well organized and active coalition of NGOs introduced a Constitutional claim on behalf of two women who died in childbirth, which made international headlines. The petition argues that non-provision by the government of essential services for pregnant women and their newborn babies violates the fundamental obligation to uphold the Constitution and defend, protect and promote the right to health and the right to life. The decision in this case is pending. Strategic litigation can lead to effective incentives towards swifter legal reform on key issues pertaining to women's equal rights before the law. It is already envisioned by lawyers and activists as a way to challenge a future Muslim Marriage law (see *infra*), if its provisions do not respect the rights enshrined in the Constitution.

One of the most challenging realities according to the Ministry of Health is to retain doctors in the public sector. The turn-over was very high among medical professionals, who often leave for more lucrative opportunities in the private sector. According to the Ministry, as of end 2011, only 56 percent of positions for medical doctors in public health facilities were filled. With a budget below 10 percent of GDP (it has stagnated between 7 and 9 percent over the past few years), the Ministry of Health allocation falls far below the promised 15 percent of GDP.

According to the UDHS 2011, only 38 percent of currently married women reported to have participated in decisions pertaining to their own health care. Data from UNFPA (2011) shows that 60 per cent of women in Uganda have experienced SGBV compared to 53 per cent of men, with one in four women reporting that their first sexual intercourse was forced against their will. This implies that the increased presence of women in education programmes and governance structures has not completely altered the conditions that bring about gender inequality in Uganda's

88 Ibid 40

economy⁸⁹GBV continues to occur despite various efforts to stop it. It remains a complex problem that requires examination from many different perspectives⁹⁰. The UDHS (2011) reported that 58 percent of the women aged 15–49–supported wife beating and reported that they believed that wife beating was justified for various reasons. It was also found out that contraceptive use increases with women's empowerment; this has an implication on women's health as it allows them space births, which in turn positively impacts on their health⁹¹.

A woman who feels that she is unable to control other aspects of her life may be less likely to feel she can make decisions regarding fertility. She may also feel the need to choose methods that are easier to conceal from her husband or partner⁹². The UDHS (2011) report supports this assertion whereby the most common method used by married women is injectable which are easy to conceal from partners. Additionally, Women who agree with all of the reasons justifying wife beating were less likely to seek reproductive health care services (58 percent) than women who do not justify wife beating at all. Empowering women directly impacts on their health as they get an opportunity to make either independent or joint decisions with their husbands especially regarding their health⁹³.

Gaps in access to reproductive health services have also been attributed to inadequate funding. Approximately 40–52percent of the roadmap is unfunded. The health sector is majorly funded by GoU, World Health Organization (WHO), UNFPA, USAID, DFID and United Nations Joint Programme on Population (UNJPP). Funding from Implementing Partners (IPs) and other sectors such as the MGLSD is unknown. The fact that the initiatives rely on external assistance affects the progress of implementation. Donor funded programs employ project approaches which usually result in piecemeal implementation⁹⁴. In some cases, the donor led initiatives are fragmented as they only cover selected areas. Even within projects, there is a variation in intensity of operations depending on the implementer's levels of support for the MNH activities. To date, there is no standard implementation model for the MNH Roadmap.

In some parts of West Nile region, some religious leaders have negatively affected government messages on the use of modern family planning methods alleging that the methods cause cancer. As a result some women continue to have children whom they cannot look after.

89 Uganda Population Report, 2013

90 Ibid 52

91 Ibid 52

92 Ibid 52

93 Ibid 52

94 For example the Global Fund is not integrating Maternal Health services on HIV, TB and Malnutrition and communities are not prioritized in the programs.

The Service Delivery and Readiness Assessment⁹⁵ recorded an average of 53 percent service delivery within all regions in Uganda. This demonstrates inadequate health service provision countrywide. Most rural women give birth at home with the help of traditional birth attendants because they have lost trust in health centers⁹⁶. High cases of maternal mortality were reported in Amudat, Kiryadongo, Kitgum, Masaka, Mityana, Buvuma, Adjumani, Ibanda, Bundibugyo and Napak districts⁹⁷.

The assessment also highlights the plight of persons with disability. Access to health care facilities by women with a physical or sensory disability is curtailed. The available services are not within proximity. Aside from the distance of health care facilities the women still need to negotiate many other challenges in the environment before reaching the health care facility. Other challenges include the physical accessibility to the building. Whereas access to built environment is legislated for in the Disability Act (a substantial proportion of health care facilities do not make reasonable accommodation for all people with disabilities. Challenges include Inaccessible bathroom facilities, inadequate space and narrow corridors for those trying to maneuver in a wheelchair. It is also difficult for women with disabilities to use equipment that is fixed and not readily adjustable, for example, examination tables. Many women rely on health professionals to help negotiate the inaccessible equipment. Health services are only rendered accessible by the informal actions of relatives and friends who compensate for the deficiencies thereby masking the service inadequacies. Women with a visual impairment face difficulty in accessing and negotiating the internal environment of health care facilities. To overcome these challenges, many women rely on relatives and friends to accompany them to appointments.

Women with disabilities experience difficulties in receiving quality health information. The information needs of women with disabilities are varied and dependent on the type of disability or impairment experienced. Obtaining accessible information is a challenge for the majority of vision-impaired women who do not receive any health Information advice or leaflets in an appropriate or preferred format like large print, pictorial, audio format or Braille. Health professionals' attitudes and a lack of awareness of individual needs compound these challenges even more. There is also a severe deficit in the provision of formal health information for women with hearing impairment. Additionally, women with a hearing impairment face fundamental challenges in communicating effectively. Alternative methods of communication are rarely explored, relegating them to a dependent role when communicating with health professionals.

95 Ibid 52

96 Ibid 52

97 Ibid 52

Abortion

Uganda has a restrictive legal framework on abortion which is the leading cause of maternal deaths (at 26 percent). Out of every 16 women, 6 die of abortion⁹⁸. According to the 2011 Uganda Demographic and Health Survey, more than four in 10 births (43 percent) are unplanned. The proportion of births that are unplanned is higher among rural, poor and less educated women than among their urban, wealthier and better educated counterparts. Additionally, women in the Eastern and North regions were found to have the highest proportions of unplanned births (50–54 percent), while the proportions among women living in Karamoja, Kampala and the Central 1 and Southwest regions were lower (12–37 percent) than the national average.

Adolescents and young adults are particularly at risk for unintended pregnancy. Premarital sex is common in Uganda: More than one in three never-married women aged 15–24 have had sex, and nearly one in five unmarried women in that age-group is currently sexually active (Table 1). Moreover, the average age at first sex among women aged 20–24 is about a year and half younger than the average age at first marriage, an age gap that has increased during the last decade. Coercive sexual debut is also common—one study of rural Ugandan secondary students found that 43 percent of girls who had ever had sex had been “very unwilling” to have their first sexual experience⁹⁹. In another study, 20 percent of women in a rural area of Uganda reported that they had been threatened or forced into having their first sexual experience.¹⁰⁰ In such situations, women and girls are less likely to be prepared to negotiate contraceptive use than they are in consensual situations, and therefore are at increased risk for unwanted pregnancy; indeed, the study found that women who had been sexually coerced were more likely than other women to have ever attempted to have an abortion.¹⁰¹

Uganda’s laws and policies on termination of pregnancy are unclear, confusing, and often contradictory. The current legal and policy framework offers ample opportunities for increasing access to safe abortion services. The Ugandan Constitution does not prohibit abortion. Article 22(2), which states that “No person has the right to terminate the life of an unborn child except as may be authorized by law,” does not preclude access to termination of pregnancy; it simply requires

98 Ibid 52

99 Ybarra ML et al., Prevalence rates of sexual coercion victimization and perpetration among Uganda adolescents, *AIDS Care*, 2012, 24(11):1392–1400. <<http://dx.doi.org/10.1080/09540121.2011.648604>>

100 Polis CB et al., Coerced sexual debut and lifetime abortion attempts among women in Rakai, Uganda, *International Journal of Gynaecology & Obstetrics*, 2009, 104(2):105–109. <<http://dx.doi.org/10.1016/j.ijgo.2008.10.002>>

101 Unintended Pregnancy and Abortion in Uganda: Guttmacher Institute <http://www.guttmacher.org/pubs/IB-Unintended-Pregnancy-Uganda.html>, January 2013.

a legal framework to do so. The Ugandan Constitution contains key provisions that can be used to ensure access to safe and legal abortion services and post-abortion care. The Constitution affirms the importance of respecting human dignity, protecting people from inhuman treatment, and according women full and equal dignity. International and regional human rights standards have established that access to safe and legal abortion and post-abortion care is essential to protecting women's most fundamental human rights¹⁰².

There is no absolute prohibition on termination of pregnancy in Uganda as it is permitted to preserve the life and health of the pregnant woman. Health is defined to include both physical and mental health. This understanding was made clear in the widely recognized English case **Rex v. Bourne (1938)**—a case that has been affirmed throughout the Commonwealth, including by the East African Court of Appeal in **Mehar Singh Bansel v. R (1959)**. Rex v. Bourne was the first case to address the grounds upon which an abortion could legally be provided in England. This case has had a profound and lasting impact on the legal regimes of former British colonies and Commonwealth countries. Most colonies, Uganda included, had—and continue to have—an abortion provision nearly identical to the one at issue in Rex v. Bourne in their penal codes and, under common-law principles, can look to English case law as an authoritative interpretation of that law¹⁰³.

The Ugandan Government acknowledges that the law on termination of pregnancy contains a life and mental and physical health exception. This was the position of the Permanent Secretary at the Ministry of Health in response to a survey distributed by the Commonwealth Secretariat in 1976; the Solicitor General in a 2002 legal memorandum to the Director General of Health Services at the Ministry of Health; and the Ministry of Health in its 2001 National Training Curriculum for Health Workers on Adolescent Health and Development, 2006 National Policy Guidelines and Service Standards for Sexual and Reproductive Health and Rights, and 2007 Management of Sexual and Gender Based Violence Survivors. The Ugandan Government has affirmed the importance of access to safe termination of pregnancy services and has issued guidelines specifying who can obtain these services. The National Policy Guidelines and Service Standards for Sexual and Reproductive Health and Rights 2006, provide for access to abortion services in

102 Uganda reservation under Maputo Protocol

103 In Bourne, Judge Macnaghten reasoned that the use of the word unlawfully in the provisions criminalizing abortion in the English Offences Against the Person Act—similar to sections 141–143 of Uganda's Penal Code—was intentional and suggested that there were circumstances under which abortion could be "lawfully" procured. He then reasoned that a life exception had always been implicit in the provisions criminalizing abortion and found that a "reasonable view" of preserving a pregnant woman's life included preserving her mental and physical health. In essence, Bourne created an explicit life and mental and physical health exception to the criminalization of abortion.

the following cases: Severe maternal illnesses threatening the health of a pregnant woman for example severe cardiac disease, renal disease; severe pre-eclampsia and eclampsia; severe foetal abnormalities which are not compatible with extra-uterine life e.g. molar pregnancy, anencephaly; cancer cervix; HIV-positive women requesting for termination; Rape, incest and defilement.

Government policies permit abortion in cases of sexual violence—this has been policy for over a decade. The Ministry of Health's 2001 National Training Curriculum for Health Workers on Adolescent Health and Development provides that, "in the case of rape, [service providers can] . . . offer referral for abortion if appropriate and possible".

The Ministry of Health's National Policy Guidelines and Service Standards for Sexual and Reproductive Health and Rights 2006 and Management of Sexual and Gender Based Violence Survivors 2007, provide for access to termination of pregnancy in cases of sexual violence. There is no law, policy, regulation, or code of conduct in Uganda requiring that a health care provider consult with one or more other providers before performing a termination of pregnancy. Nor is this a legal requirement under common law.

Under the National Policy Guidelines and Service Standards for Sexual and Reproductive Health and Rights 2006, mid-level providers can offer termination of pregnancy and post-abortion care services. There is no law, policy, or regulation in Uganda requiring that a woman obtain her husband's consent before receiving reproductive health services, including a termination of pregnancy. The absence of a spousal consent requirement is reflected in the National Policy Guidelines and Service Standards for Sexual and Reproductive Health, 2006.

Recommendations

1. Create an official budget line for family planning (FP) in the sector budgets of the MOH as part of the national budget managed by the Ministry of Finance, Planning and Economic Development (MOFED). It is also important to Invest in midwifery, nurse career promotion and ensuring health professionals receive periodic training on the correct and safe handling and transfer of women with a physical disability. Such training will encourage and facilitate professionals to use women's own adaptive equipment for instance Interventions should focus on providing women with hearing impairment communication channels for healthcare using sign language or a sign language interpreter at the health facilities or ensure women with sensory loss have access to information in an appropriate language and format that is easily understandable.
2. Conduct and sustain advocacy targeting development partners and donors to raise level of FP support. Implementation of a behavior change, social

mobilization and advocacy campaign to promote acceptance and use of FP will ensure improved access, and utilization of FP. A roll out of national and local FP champions program to advocate and mobilize communities towards broader acceptance and support for family planning is a key strategy that is being employed to raise the level of FP support.

3. Structural and architectural barriers that prevent women with disabilities from accessing health care facilities and services should be identified and remedied. Women with physical disabilities should have access to all information in an appropriate language and format that is easily understandable and should be involved in the development phase and auditing phases of medical programs and policies. Consideration should be given to creating a specialist role to cater for the needs of women with disabilities, for example, a disability advisor at the district or local government level.
4. Reconcile the penal code with the progressive policy developments to redefine the offence of procuring an abortion. Additionally, government should ensure Policies and guidelines that promote access for women with disabilities should be devised, implemented and audited on a regular basis and a robust complaints mechanism be established to enable feedback from women to be heard and acted upon.
5. There is need to scale up the establishment of youth friendly corners and engage with and orient media houses on issues related to FP. Inclusion of FP messages in relevant cross-sectoral national policy documents, implementation plans that determine budget allocations is critical for full integration of FP into cervical cancer screening, immunization, malnutrition, STI services, post abortion care, HIV/AIDS, PMTCT. This will allow women receive health care as near to their home as possible..

ARTICLE 13:

ECONOMIC AND SOCIAL BENEFITS

The committee raised concern over the fact that women experience severe constraints including limited access to the key factors of production such as land, capital and micro finance facilities as well as other legal and administrative obstacles that constrain their level of entrepreneurship. They recommended policy and support services aimed at alleviating and reducing poverty with special reference being made to the empowerment of Batwa women.

Progress

Some developments in this area can be seen in the proposals to amend the Succession Act, to disallow for the inheritance of women and the eradication of reference to a legal heir that embodies patrilineal succession. This creates prospects for better access to land as the real property commonly inherited in Uganda. However, legislative reform cannot in itself eradicate the age old discrimination in property inheritance practices. There is need for substantive initiatives to create a paradigm shift in the communities regarding the growing need for access and ownership of property by women.

The recently enacted Mortgage Act allows either party to a marriage to mortgage their matrimonial home based on assent of either spouse. This is a positive development in view of the fact that the matrimonial home is the commonest form of family wealth in Uganda. The provision is two pronged as it creates a check and balance for unauthorized sale by one spouse on the one hand and on the other hand creates an opportunity for wealth creation.

Section 5 provides that a mortgage of a matrimonial home, including mortgage on customary land of a matrimonial home is valid where there is evidence from the document that it has been assented to by the mortgagor and the spouse or spouses of the mortgagor living in that matrimonial home an intending mortgagor is required to make full disclosure to the intending mortgagee as to his or her marital status and whether or not the property to be mortgaged comprises the matrimonial home. Section 6 provides that where a matrimonial home is the subject of an application for a mortgage, a mortgagee shall satisfy himself or herself that the consent of a spouse referred is an informed and genuine consent.

Uganda Vision 2040 seeks to address gender disparities in access and control over productive resources like land; limited share of women in wage, employment in non agricultural sectors; sexual and gender-based violence; limited participation in household, community and national decision-making. Considering that women constitute over 51.2 percent of Uganda's population, it will be paramount in the next 30 years to reduce gender inequalities as a prerequisite for accelerating and sustaining socio-economic transformation. Women and men of Uganda will thus be treated as equal partners in development right from the household to the Country level. Over the next 30 years therefore, effort will be made to ensure gender responsive policies, programmes and actions. Because of our history of women being left behind the development process due to socio-cultural factors, deliberate effort will be made to enable women to equally participate in education and skills development, business, agriculture and industry as well as their equal political representation at all levels among other development aspects. Furthermore, because of women's unique biological and gender roles especially of child bearing and rearing, measures, deliberate policies and programmes will be put in place, to facilitate them to equally participate in the Development process. Such means will include among others; policies for flexible working conditions to enable families with young children to work from home or have flexible working hours. The challenges faced by women, the minority groups and other marginalized groups in accessing and using land for production will also be addressed through land reforms and domestic relations laws and programmes. This way, women and other marginalized groups will effectively use land to support the agriculture production and productivity.

The goals for the realization of this vision include the total elimination of harmful and non-progressive socio-cultural practices that affect the health, wellbeing and progress of both men and women will be tackled during the 30 year period to allow and give opportunity to every Ugandan to fulfill their desired potential and live a life of dignity. These include among other; the elimination of practices such as female genital mutilation (FGM), Gender based violence, early marriages, child sacrifice, denial of the right to education and participation in employment. To facilitate the goal of reduction of fertility among Ugandan women to about 4 children per woman, deliberate effort needs to be made to keep all girls and boys of school going age in school and to ensure that they are absorbed in the job market immediately after their education. Such effort will include putting in place policies like affirmative action for girls and other poor children to keep in school and facilitating all the youth to get absorbed into the job market. This will help to reinforce other population policies.

Uganda Nutrition Action Plan

The process of developing the Uganda Nutrition Action Plan, 2011–15 (UNAP) was led by the National Planning Authority, which coordinated and harmonized all efforts made. The process started in September 2010. Uganda committed itself to tackle the crisis of malnutrition in the country, with a particular focus on the nutritional needs of young children and their mothers during the period from conception to a child's second birthday. The ultimate goal of the Uganda Nutrition Action Plan (UNAP) is to reduce levels of malnutrition among women of reproductive age, infants, and young children through 2016 ensuring that all Ugandans are properly nourished will enable them live healthy and productive lives.

Over the next five years, the Uganda National Action Plan (UNAP's) goal is to focus public resources and national efforts to bring about sharp improvements in nutrition among young children and women of reproductive age by scaling up the implementation of a package of proven and cost-effective interventions. The UNAP focuses on young children and their mothers to make operational the nutrition component of the National Development Plan (NDP), as well as the Uganda Food and Nutrition Policy (UFNP) and the draft Uganda Food and Nutrition Strategy. The UNAP will also foster action to address sectoral priorities, such as those laid out in the Health Sector Strategic and Investment Plan and the Agricultural Sector Development Strategy and Investment Plan.

Key areas of focus will include growth monitoring and promotion, community-based management of acute malnutrition, initiatives to promote baby-friendly hospitals and communities, food fortification, and increased production of bio-fortified staple food crops; Establish an enabling legal environment and strong institutional capacity and mechanisms to implement the UNAP at all levels: Critical areas of focus under this investment area will include fast-tracking the Food and Nutrition Bill, strengthening human resource capacity for nutritional assessment and programming, and establishing institutional structures for nutrition program implementation and coordination at national and decentralized levels. Strengthening of food security and nutrition safety nets at national decentralized level including the establishment of a National Food and Nutrition Information System; and operational research in nutrition to inform implementation and monitoring of the UNAP progress.

The UNAP specifically recognizes the urgent need to establish and strengthen the institutional structure for national-level coordination by legally establishing the FNC and its secretariat in the Office of the Prime Minister (OPM) as proposed in the draft Food and Nutrition Bill. Assisted by its secretariat, the council will be responsible for providing policy direction, guidance, and oversight as well as national coordination of the implementation, monitoring, and evaluation of the UNAP and other nutrition programs in the country. The UNAP further recognizes

the need to establish, strengthen, and support nutrition coordination structures at both national and local government levels and to strengthen sector-specific capacity at all levels to effectively implement nutrition programs.

Efforts to address gender disparities in access and control over productive resources will go a long way in giving real empowerment to women.

Gaps

The majority of initiatives in this regard by both civil society and government are sporadic and uncoordinated resulting in duplicity and limited impact. Efforts should be made by government to spearhead the processes and harmonize programs across the board in a bid to achieve substantive progress.

Recommendations

1. Land ownership for women should be prioritized by government and mechanisms should be put in place for this to happen. The national land policy of 2013 was passed in 2013 and if enforced, it will play a big role in enabling women to have both access and ownership to land.
2. Government should enhance supervision of programs that are set up to ensure that women gain economically from public programs.

ARTICLE 15:

RURAL WOMEN

The Committee reiterated its concern at the disadvantaged position of women in rural and remote areas characterized by poverty, illiteracy difficulties in access to health and social services and participation in decision making processes at the community level. The State party was called upon to address these gaps with particular focus on women heads of household.

According to the Uganda Demographic Health Survey (UDHS) report of 2011, rural women have limited skills due to high illiteracy levels at 66 per cent and are engaged in low income jobs or are self-employed in the informal sector. While women contribute almost 80 per cent labour to the agricultural sector they reap less than 30 per cent from it. Low levels of income by women subject them to economic dependency and contribute to unequal gender power relations at the household level, impacting on their ability to contribute effectively at the community and national levels. Women also have limited authority when it comes to decision-making in areas of education, reproductive health care and protection and legal rights. An estimated 6,000 women die each year (UDHS 2011) due to complications related to pregnancy and childbirth while less than three in ten women use modern family planning methods. Sexual and other forms of gender-based violence continue to be widespread; 28 per cent of women have experienced sexual violence; 43 per cent have experienced physical violence at the hands of their husbands or partners. Despite the enactment of a law, Female Genital Mutilation still occurs in some communities in the Karamoja and Sabiny sub-regions.

The World Development Report (2012) argues that greater gender equality can enhance productivity, improve development outcomes for the next generation, and make institutions more representative. There are costs to not adequately addressing the needs of women and some researchers have pointed to problems like a population explosion, ineffective agriculture, a deteriorating environment, a generally divided society, and poor quality of life for all. Such neglect deprives the whole society of the benefits of socioeconomic progress. With increased income, women are more likely to make joint decisions with their husbands regarding their children's medical care and school attendance as well as food expenditures and home repairs. Needless to say, women also contribute to the economy as consumers thus contributing to the growth of Uganda's GDP.

According to the state of Uganda's population report 2013¹⁰⁴ the Ugandan woman is deprived and impoverished as against the backdrop of her immense contribution actual and potential to the socio economic development of the country. Unless critical and pertinent gender issues are addressed, it may not be possible to harness the development process in Uganda. It is recommended that it is essential to identify the influence gender imbalances do exert, particularly with regard to their impact on the livelihood strategies of poor rural people, and to work with both women and men to overcome them.

Reproductive Health in Uganda is still largely characterized by lack of resources and skilled staff to improve quality and delivery of maternity services. Despite good policies and concerted efforts made, these have not yielded an increase in utilization of those services by women or a significant reduction in the high ratio of maternal deaths. Many rural women use traditional birthing practices and their communities often have the belief that pregnancy is a test of endurance and maternal death a sad but normal event. Due to the poor services at health units, many women are unwilling to deliver in health facilities and seek care for complications. Reproductive health, maternal care and access to prenatal services is one of the key indicators of countries progress therefore Uganda cannot hope to reach middle income status unless issues like mothers dying of pregnancy related conditions becomes a rarity. Infant and child survival, growth and development cannot be improved without good maternity care. Proper planning of births, including adequate child spacing, is a basic ingredient of any child survival package. STDs, and in particular, HIV infection, unless adequately controlled, can impede further progress in child survival. Fertility regulation is a major element in any safe motherhood strategy. It reduces the number of unwanted pregnancies, with a resultant decrease in the total exposure to the risk as well as a decrease in the number of unsafe abortions. Proper planning of births can also decrease the number of high risk pregnancies. The Ugandan woman's maternal health needs must be addressed in order to achieve a quality population.

On the aspect of Food Security and Nutrition, women play a decisive role in household food security, dietary diversity and children's health. In developing countries, rural women and men play different roles in guaranteeing food security for their households and communities. While men grow mainly field crops, women are usually responsible for growing and preparing most of the food consumed in the home and raising small livestock, which provide protein. Rural women also carry out most home food processing, which ensures a diverse diet, minimizes losses and provides marketable products. Women are more likely to spend their incomes on food and children's needs—research has shown that a child's chances of survival

104 The State of Uganda's Population Report (2013)

increase by 20 percent when the mother controls the household budget. Women, therefore, play a decisive role in food security, dietary diversity and children's health.

Regarding environment and natural resources management in Uganda, land is predominantly owned by men and transferred through intergeneration to males. This means that women must gain access and user rights to land indirectly, through male family members. Insecurity of tenure discourages women from investing time and resources in sustainable farming practices. For example, because women are primarily responsible for household firewood collection, they bear the greatest cost of forest loss, but without control of land they cannot plant their own trees.

On employment In Uganda, women work as smallholder farmers, school teachers, domestic workers, chief executives, politicians, nurses, volunteers, doctors, taxi drivers, mothers, carpenters, child care workers, and business owners among others. However, Women taking their children for growth monitoring the challenge is that many Uganda women are engaged in unpaid work especially domestic work. For those who are in paid work, the pay is so little that it can hardly enable them live a decent life. Women's economic potential is largely unrealized when they are left out of employment. Enabling women to access more formal employment opportunities will increase the size of Uganda's human resource base, enlarge its professional class and diversify the pool of talent available to both local and international investors.

On leadership and governance, the Constitution of Uganda, 1995 provides the institutional and legal framework for women's participation in all areas including governance and human rights and the Local Government Act of 1997 is an instrument that has enhanced the changes on the rights of women, gender equality, non-discrimination on the local government scene. Women in leadership in local government should continuously be supported to build their capacity to withstand the challenges of leadership.

On the aspect of economic transformation; in recent years, Uganda has put in place several programs that address some of the issues that limit women's participation in the economic growth of the country. For example, in the Plan for Modernization of Agriculture, Government committed itself to finance establishment of rural markets for subsistence farmers, and facilitate establishment of Non-governmental institutions to provide finance and risk insurance to subsistence farmers. Government plans for poverty eradication are focused on transformation of the poor women, from producing predominantly for the household to producing for the market. The focus is to diversify and re-orient subsistence farmers towards commercial agriculture. Other policy measures and plans in place to enhance the status of poor women include the Social Development Sector Strategic Investment Plan (SDIP), one of whose outcomes is increased equality, equity and respect for rights of the poor and vulnerable; land tenure law reforms guided by the implementation of

the 1998 Land Act; and Micro credit schemes and laws to protect the poor from being exploited.

Entrepreneurs' access to financial services is crucial. The availability of credit facilities for women is key to facilitating their contribution to the country's social and economic growth. In Uganda, microfinance institutions are playing a key role in providing financial services to women entrepreneurs and even banks like DFCU and Standard Chartered have introduced tailor made products for women. Provision of credit to the rural poor is implemented by non-traditional financial institutions/NGOs like Uganda Women's Finance Trust, FAULU Uganda, PRIDE AFRICA, FINCA, CEEWA, ACTION AID, NSARWU, SEND A COW and HEIFER PROJECT INTERNATIONAL. These institutions have contributed to uplifting the quality of life of women, especially in the informal sector.

The world population report (2012) reveals that entrepreneurs with at least secondary education and some vocational training have significantly higher revenue per worker than those with no education. Although women in general may have less education, those who are educated obtain more benefit from it by running more productive firms than do their male colleagues. Government programmes like UPE and USE will automatically increase the number of girls that can access higher education. Vocational training is gaining prominence as employers continue to demand for a 'work ready' crop of graduates that have the skills needed in today's economic environment.

The Business Technical Vocational Education & Training (BTVET) department under the Ministry of Education and Sports regulates and coordinates a varied number of institutions that offer this much needed skills training. With an increased number of girls accessing the education system through UPE and USE, the range of opportunities for skills development is also widened, allowing them to enter the job and entrepreneurship market at all levels. Initiatives like Enterprise Uganda from which many youth have benefited in business skills and entrepreneurship are making efforts to decrease the burden of unemployment. If more young women are involved in such skill enhancing initiatives, their potential to become major players in the country's economy will be enhanced. Enterprise Uganda under its women economic empowerment program, supported by Government of Norway and Government of Uganda, is in the process of identifying women groups and women entrepreneurs for Phase II of Strengthening skills development in Uganda.

Women need to be active in business environment reform, not only because they are strongly involved as entrepreneurs—but also because the obstacles and constraints they face, and the perspectives they bring, can be, and often are, quite different from those of their male counterparts. Institutions like the Uganda Women Entrepreneurs Association (UWEAL) are key in addressing this issue.

There are still several obstacles to attaining the level of gender parity that would help the country achieve more of its development goals. Some of these are the social cultural issues that lead to the marginalization of girls and include discriminatory cultural practices, harmful traditional practices and attitudes, the traditional division of labour according to sex that exerts greater demands on girls, family instability, certain religious beliefs that reinforce negative cultural practices, an insecure environment in and outside school that interfaces with the physical, social and psychological conditioning of girls, and, lastly, the differential motivational force for boys and girls that is reinforced by parental, societal and school expectations.

However, though some challenges can be located at the community or societal levels, the point of interjection of much gender-biased practices is at family or household level with particular reference to the parents of the child. This is aggravated by conditions of poverty that set the decision parameters in the family for example, about who will go to school when there is not enough tuition fees for all the children. Some parents do not send girls to school during times of hardship since it is perceived that the girls' educational benefits are enjoyed by the family into which she marries and not by the family of origin. While there has been an increase in access to education for Uganda's children, the higher the levels of education, the lower the numbers of people attaining that level. Women are disproportionately affected by this trend and they continue to have lower levels representation at the university level. Most of the girls who manage to make it to the top academic levels are those that are able to access high quality lower level schools, leaving many of the rural poor girls out.

Women still face challenges in employment; women and men have disproportionate access to income. Besides, despite the legal provision, most women who work in the private sector are deprived of their rights to full maternity leave. In economic terms, most of Uganda's women live in rural areas where there are limited productive roles which have a quick return in business or investment. While women can be very hard working and agriculture is the easiest source of income for a woman, most of them engage in small scale farming or business activities which normally earn little. Few women know the market dynamics of what they are selling in the market and often under price their produce or products a clear case of poor returns for the months of labour spent in the fields. Even worse, some women will work in the gardens without any support, selling the produce and then being forced to surrender the money to their husbands who may or may not use them for the benefit of the family. Generally, women are more dependent on farm self employment than on non-farm, and formal employment, compared to men, due to inadequate skills, discrimination in formal labour markets, and difficulties of combining employment with care giving, particularly, to children and the sick.

Another cause of gender income inequality is the reproductive roles that are very important to a woman. The natural child bearing and nurturing role of women is time consuming and labour intensive and this can prevent their full participation in economic opportunities especially if they do not receive enough spousal support.

The social, economic and environmental benefits and risks associated with the oil and Gas sector are well documented, but little attention has so far been given to the impact it has on women in Uganda. The potential for exploration operations to result into adverse environmental impact for human and economic activities including fisheries and agriculture is real. In such instances, women pay the heaviest price. Social norms in the communities are also responsible for stereo types that discourage rural women from participating in the sector. As such women are lagging far behind in Oil and Gas production activities in terms of employment, income, compensation, consultation and participation in decision making processes.

The resettlement action plan in Hoima district has in the recent past been critiqued for treating women unfairly, especially by leaving them out of the negotiation process. Crucial information about the action plan has not been circulated to those concerned including the general public and the concerned communities. The vital aspects pertaining to the value of property in the targeted areas is disclosed only to those who consent to the transfer of their property to government while those who do not consent are told to file their grievances with the relevant authorities and denied access to information on the compensation rates. The precondition of acceptance prior to disclosure of the value of the land is the basis of unbalanced negotiations that may be detrimental to the decision making process of the concerned families. The plight of women is amplified by the mode of compensation of the affected families. Women have been “encouraged” to open joint accounts with their husbands in spite of the fact that the officials involved are aware that this is unfeasible in the communities. The legal requirement for spousal consent has also been overlooked by the implementers because of the anticipated potential that it may have to “destabilize families¹⁰⁵” and hamper the progress of implementation. Furthermore, Civil Society and crucial state actors like the Ministry of Gender , Labour and Social Development has also been left out of the implementation of the plan altogether.

In order to increase the participation of women in national growth and development and make use of their full potential, the government of Uganda and its development partners should consider the following recommendations:

- 1. Gender mainstreaming:** The practice of gender analysis should become an integral part of policy and decision making in order to realize long-term

105 Africa institute for Energy Governance in conjunction and the Global Rights Alert (2013) Report on the National dialogue on the implementation of the Resettlement Action Plan and the rights of the host communities in Kabaale–Hoima

sustainable development. Program designers should use gender analysis to understand the different roles, interests and priorities of women and men, and tailor policies, programmes and projects accordingly. Baseline data should be collected so that a case can be made for gender Sensitive policy making as well as to document its value. It is important to apply continuous learning and analysis based on field experiences to develop more effective approaches and to generate information for evidence based advocacy and policy dialogue. In addition, monitoring and reporting on programs should include sex disaggregation and implementers should use this data to plan for inclusion of women in development initiatives, as well as address the barriers to their participation. Main streaming gender will lead managers of development initiatives to ask different questions and ask questions differently; to formulate more effective policies and programmes, and to seek solutions in development that are sensitive and responsive to the roles that women and men play in the lives of their communities and the future of their countries.

2. **Increasing access to economic opportunities:** women need to be empowered to make their own choices and respond to increasing economic opportunities. The regulatory requirements for business registration and public tendering differentially affect women and men's capacity to engage in large business activities. Consequently, women's businesses are largely confined to the informal sector, unable to grow and to create jobs. It is critical that growth enhancing and poverty reducing policies take account of these issues and seek to tackle the gender based inequalities not only to promote equity and justice, but also to promote efficiency in economic growth. There is need to address the disparities in income and ensure the enforcement of the labour law.
3. **Property and Legal rights:** Ultimately, a woman's ability to engage in economic activity is shaped by what property rights she enjoys and what legal capacity she possesses. Discriminatory family, marital property, and inheritance laws are serious barriers that need to be addressed. There is need to improve and update the existing laws that discriminate against women and the government needs to strengthen its efforts to explain the benefits of such laws which are usually misconstrued to be feminist propaganda.
4. **Strengthening women's voices in business environment reforms:** there is need to encourage greater participation of women in business associations and to build the capacity of business associations to provide better services to members and to contribute more to advocacy for policy reforms. The GoU should consider carrying out a systematic, gender informed analysis of business environment obstacles to highlight issues of concern to businesswomen and then integrate this analysis into dialogue and policy making.

5. **Oil and gas:** Uganda is currently developing its legislation and policy pertaining to Oil and Gas exploration. Thus it is timely to focus on ensuring that the benefits are shared equally among citizens including women, children and vulnerable populations, and that the risks are minimized. In order to ensure equal benefits for all in Uganda's development, Government should ensure gender mainstreaming in the Oil and Gas sector as a priority.
6. **Address socio cultural barriers:** A lot of efforts need to be put into speaking to men (and women) about women's empowerment and to push for society's recognition of women's role and place in the development process and decision making.
7. **Reproductive health:** there is need to develop, implement and evaluate effective policies and strategies related to sexual and reproductive health. Without due attention to gender equality, health services, programmes, laws and policies will have limited effects. Women and men will not achieve their full health potential over the life course. For reproductive health services to be woman friendly, they have to recognize and respond to the continuum of reproductive health care needs, they have to see the woman behind the mother, they have to see women as ends and not means, and they have to tailor their services according to women's needs and perceptions. It is of utmost importance that interventions to address the barriers between rural mothers and the formal health care system are developed and implemented. Furthermore, the concept of reproductive health dictates that special attention should be social disadvantage of being a female in societies that discriminate against girls. It is also recognition of the impact of the health and nutrition of the female child on the woman's future reproductive health.

Conclusion

If Government and other stakeholders particularly, religious and cultural leaders, media, men, boys, women and girls do not work towards eliminating discrimination against women, there will be grave implications for Uganda particularly with regard to its pace of development. There are still a number of issues the Government of Uganda did not adequately address following recommendations by the committee from the last report. This report has provided the current status of women and girls with regard to government's obligations on CEDAW and provided recommendations which if acted upon will contribute to reducing and eventually eliminating discrimination against women and girls in Uganda.

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