



GENDER TRANSFORMATION
& EMPOWERMENT

A SIMPLIFIED VERSION OF THE CIVIL SOCIETY ORGANIZATIONS ALTERNATIVE REPORT ON THE COVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)



September, 2011

VISION:

A Ugandan society free of all forms of gender based discrimination.

MISSION:

To coordinate collective action among members and other stakeholders through networking, capacity building, resource mobilization, policy research and advocacy for the attainment of gender equality in Uganda.

STRATEGIC PRIORITY AREAS

1. Policy advocacy
2. Networking
3. Information Management
4. Institutional Strengthening and Capacity Building

CORE VALUES:

- * Mutual Respect
- * Activism
- * Volunteerism
- * Accountability
- * Transparency
- * Honesty
- * God Fearing
- * Justice

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INTRODUCTION

This is a simplified version of the Alternative report from Civil Society Organizations (CSOs) on the Convention on Elimination of all Forms of Discrimination Against Women (CEDAW) which was presented to the CEDAW committee in 2010. The report is based on findings by CSOs on issues the CEDAW addresses and represents their perspective on the 4th-7th report presented by the Government of Uganda to the CEDAW committee in oct. 2010. The simplified version:

- * Explains the meaning of CEDAW in simple terms;
- * It shows steps government of Uganda has taken to stop the unfair treatment of women;
- * It shows the gaps that still exist with regard to the treatment of women in Uganda despite steps taken by government to address the shortfalls; and
- * It also shows what needs to be done to stop the unfair treatment of women by making recommendations to that effect.

What is CEDAW?

CEDAW is an international law which guides all countries that have signed it on how they should treat women. Once a country signs and agrees to localize CEDAW (through ratification) it in principle agrees to implement the provisions contained in the Convention (binding agreement). In 1985, Uganda agreed to localize CEDAW through ratification. Uganda therefore assumed responsibility to ensure that it formulates laws, policies, puts in place structures and takes administrative steps to ensure that the unfair treatment of women is addressed.

What is unfair treatment?

Unfair treatment is defined as treatment that is biased, unjust and unequal. People can be treated unfairly because of their tribe, colour, sex, age, religion, education status, race, poverty among others. In Uganda, with regard to women, there are several examples to show how they are treated unfairly. These include:

- * Not being given an opportunity to go to school because one is a girl;
- * Not being involved in decision making because one is a woman;
- * Not being listened to because one is young and female;
- * Not being given equal salary for similar work with a male colleague because one is a woman;
- * Not being able to make a decision on matters relating to one's reproductive health for instance the number of children to have or spacing;
- * Not being given equal opportunity with male colleagues to access economic incentives like loans; land, inherit property; rights in marriage; among others as required by CEDAW;

The list could go on and on. Many women and girls in all parts of the world experience unfair treatment in different forms because of their sex.

It is such unfair treatment that made it necessary to have an international law which guides countries on how they should treat women. There are a number of other issues of unfair treatment of women which CEDAW covers. They will be discussed in more detail through-out the document.

What types of women are more likely to be treated unfairly in society?

Women of all categories regardless of whether they are educated or not, rich or poor, black or white have experienced some kind of unfair treatment. The difference is in the level. Some women will experience unfair treatment through-out their lives because of their colour, religion, education level and economic status.

However, women in rural areas with no education, poor and unable to provide for themselves will experience a higher level of unfair treatment than their counterparts who are educated and economically independent. For instance;

- * With regard to health and specifically maternal health among the poor women in Uganda most of whom live in rural areas, the number of births attended by skilled health personnel is low in comparison to the more well off, educated women who live in urban areas. This means that most women will give birth without any assistance from a midwife or doctor. That is one of the reasons why the number of women who die before, during delivery and six weeks after giving birth is high. Every day 16 women in Uganda die due to maternal health related causes. Most of these deaths occur in rural areas.
- * Although women comprise an estimated 70% of those working in agriculture, women experience unequal access to, and control over, important productive resources, like land, which limits their ability to raise productivity and even move out of subsistence agriculture.



Courtesy: uganda-visit-and-travel-guide.com

What has Government of Uganda done to reduce the unfair treatment of women in Uganda?

Government of Uganda has;

1. Made laws and policies;
2. Established structures;
3. Implemented some programs; and
4. Taken some administrative steps.

Examples of Laws, Policies, Structures and Administrative steps that Government of Uganda has put in place to reduce the unfair treatment of women

1. Laws

- * Uganda's Constitution in Article 21 (1) guarantees equality between women and men, and includes affirmative action measures to increase women's role in decision-making and participation in the development process. It also provides for equal opportunities to be given to girls, boys, women and men in education, work, health, cultural life, and marriage.

The sections on women's rights outlined in Uganda's Constitution are provided for under CEDAW. For example in line with CEDAW a woman can stand with a man for the post of Member of Parliament in any constituency. However, in order to increase the number of women in political offices, government in line with CEDAW also introduced affirmative action. Affirmative action is special consideration given to a group of people who have been treated unfairly as a result of tradition, culture and laws among others. Affirmative action attempts to correct unfair treatment by giving special consideration to the marginalized groups. For instance all districts in Uganda have a female MP. This is important because more women are able to be elected into Parliament and to participate in decision making.

- * The Constitution of Uganda in Article 32 (1) provides for special actions to be taken to protect the rights of women and other groups who experience unfair treatment. This provision is adopted from CEDAW. Government of Uganda has established the Equal Opportunities Commission in line with Article 32 (2) of the Constitution where women and other groups who face unfair treatment can report their cases and be heard. It places a responsibility on Uganda which has signed CEDAW to establish tribunals or institutions that can



provide an avenue for women to be heard if they are treated unfairly and discriminated against.

- * Government has put in place sections in the Land Act which stops a husband from selling family land unless he gets permission from his wife. (This provision also applies to a woman/wife)
- * Government in 2010 passed a Law against Domestic Violence known as the Domestic Violence Act. It provides for a case to be reported to police and the law will assist by bringing the culprit to court. If he/she loses the case he/she will be given a punishment of imprisonment or a fine.

2. Policies

Government has put in place policies to promote equality between girls and boys, women and men.

Education

- * Universal Primary Education (UPE): The UPE policy was introduced in 1997 as a means of ensuring that girls and boys have equal opportunities to education. As a result, the number of girls who are in school increased. The number of children in school-going age who are actually in school, is about 90%. Universal Secondary Education has also been introduced to give both boys and girls an opportunity to get secondary education.



- * The affirmative action of additional points (1.5) to female applicants who wished to gain entry to public universities resulted in an increase in enrolment for girls. For instance in Makerere University the biggest public University in Uganda, the additional 1.5 points to girls increased the female university population to 41% in 2002 [compared to 23% in 1989 before the scheme was introduced].

Health

- * The National Health Policy (NHP) that was passed in 2010 aims to promote health through controlling diseases, promoting sanitation and simple curative and rehabilitative health care. Women are the most affected group in society once there is ill health in the family. They are expected to care for the sick at the expense of doing their productive work and that which earns them an income. In cases where a mother is ill it affects the whole family in terms of resources and development of the family. For instance children may not go to school if a mother is ill because she is the breadwinner in many families today.
- * Parliament in 2010 passed a policy known as the Road map for Accelerating the Reduction of Maternal Mortality and Neonatal Mortality and Morbidity in Uganda. Of the US dollars 130 million allocated to health, advocacy by women members of Parliament resulted into US dollars 30 million being allocated to maternal health. The money allocated to maternal health was supposed to cater for specific areas including: provision of reproductive health supplies, recruitment of midwives, purchasing equipment in hospitals and installing infrastructure for maternal health.

Gender Policy

- * The Uganda National Gender Policy provides a basis for development that takes cares of the needs of males and females. According to the gender policy, government ministries and institutions should among others ensure that they consider how

any government program will affect men and women before implementation. They should separate information with regard to numbers of men and women who benefit from each program. They should track progress and report on how government programs are affecting men and women during implementation. Doing this will make it easier for women and men to benefit equally from any government program.

3. Structures

Judiciary

The Judicial Division of the High Court of Uganda has a family division that has been set up to handle family issues. The Family division section of the High Court handles the following types of cases:

- ✱ Petitions for administration of estates of deceased persons,
- ✱ Adoption of children, guardianship or paternity and maintenance of children.
- ✱ It also hears marriage and divorce cases, civil suits and appeals arising from poor distribution or mismanagement of estates.

Women are the most affected group of people in as far as cases related to the family are concerned. When their husbands die, the family property is taken away from them leaving many without any means to care for their children. In addition, when their husbands marry other wives, some do not receive any financial support to enable them take care of their children. Majority of them are too poor to afford the services of a lawyer when faced with these types of conflicts that require them to go to court as a means of seeking for justice.

Ministry of Gender, Labour and Social Development

- ✱ One of the main structures that have been set up to promote the rights of women in line with CEDAW is the Ministry of Gender, Labour and Social Development. This ministry is directly responsible for the

promotion and advancement of Women's rights in Uganda. Some of the activities that it has carried out to promote women's rights include: conducting regional awareness sessions on the provisions of CEDAW in addition to disseminating the National Action Plan on CEDAW. At the local government level, Local Councils, CSOs and judicial officers have participated in discussing regional action plans for the follow-up of CEDAW recommendations. Some progress has been made on awareness creation within implementing offices at district offices.

4. Administrative steps

One of the administrative steps government has taken to ensure that CEDAW is implemented is the adoption of the first National Action Plan for monitoring the implementation of CEDAW for the period 2007-2010. The National Action Plan is framed against the context of CEDAW Committee's recommendations adopted with respect to Uganda's Third Periodic Report. It outlines specific activities and responsible actors for implementing each of the recommendations from the CEDAW committee.

GAPS IN IMPLEMENTING CEDAW

Despite the steps that government has taken to reduce the unfair treatment of women, there are still gaps that need to be addressed.



Courtesy: apps.facebook.com



1. LAWS

1.1. Employment laws

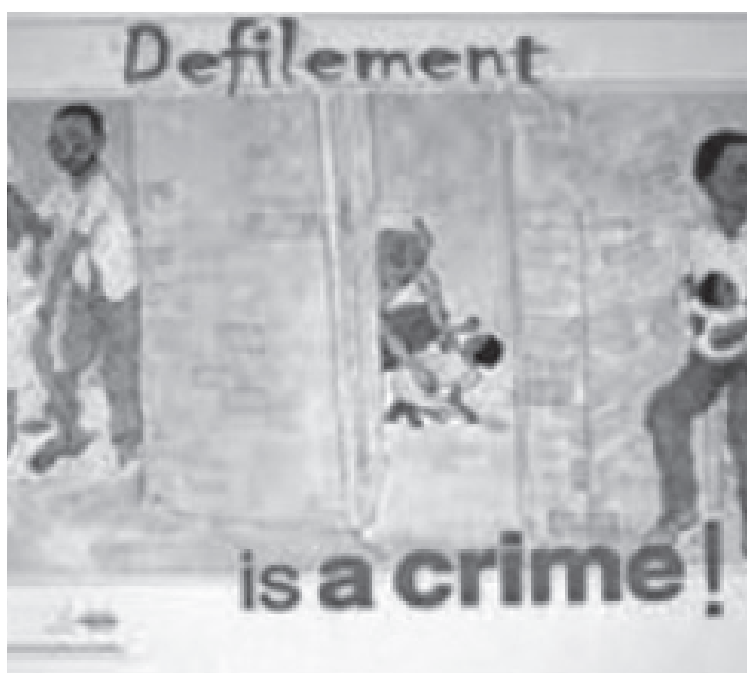
- ✱ Despite the passage of a law on employment and with regard to section 56 (1) on maternity leave which has been increased from 45 to 60 days, some employers do not give women the required number of days. This affects their new born child because it interrupts breast feeding and reduces the time a mother and new born baby should spend together.

Women also still experience unfair treatment even when this law is in place. For example when a woman gives birth, her husband is only given four days of leave. This places more burden on women because when the husband goes back to work after the four days, she has to bear all the responsibility of caring for the child.

- ✱ In terms of income, women still face unfair treatment. Women are paid less for similar work that they do with men. For example the average monthly salary for women in paid employment is at Ug.shs. 40,000/= in comparison for similar work with men whose pay stands at 80,000/= (Gender and Productivity Survey Report by Uganda Bureau of Statistics, 2008). That means even when a woman is the sole provider of all the needs in her home it is not considered because she will still earn less than a man for similar work done.
- ✱ Despite the provisions of the law on sexual harassment under the Employment Act in Section 7, it does not consider it sexual harassment if the person is at the same position in the work place as the woman.

1.2. Laws on Sexual Violence against Women

- ✱ Levels of sexual and gender-based violence are unacceptably high in Uganda, with 40% of women compared to 11% of men having experienced sexual violence in their lifetime. Access to justice for victims of violence is considered extremely weak, as are prevention and treatment services. The first sexual encounter of 25% of girls is associated with the use of force (UDHS 2005/2006).
- ✱ There is still no detailed and sufficient law against sexual violence although a Sexual Offences Bill was presented to Parliament in 2009. It has not been passed into law. Government has therefore not made much progress in the area of protecting women and girls from sexual violence.



- * The number of Police surgeons required to examine victims of sexual violence in order to provide evidence when such cases are reported to Court is extremely insufficient. Currently, the Uganda Police Force has only four surgeons in the entire country and yet it is they who must collect forensic/scientific evidence in cases of sexual violence. Scientific evidence helps the court to solve cases. In addition, medical forms relating to sexual offences are usually “purchased” at the police. Lack of surgeons and trained Police to handle cases of sexual violence remains a major challenge affecting progress in bringing successful cases against sexual offenders.³
- * A high number of defilement cases continue to be associated with negative cultural practices, beliefs and weak enforcement of the law on defilement and rape. In most cases, parents of the victims decide to negotiate with the offender or his family to drop the charges to the disadvantage of the survivor. Some parents/guardians ask for money from the person who defiled their daughter or others give her into marriage in exchange for cows. Poverty is a leading cause of such behavior in such cases. Even though there are laws against defilement, enforcing them is difficult for this and other reasons including:
 - * The girl who is defiled is not ready to give evidence in court against the person who defiled her. In such cases the court dismisses the case.
 - * The victim is threatened by the person who defiled her and keeps quiet. Some offenders threaten to kill the victim.
 - * The defiler is a relative of the family and the parents are afraid of taking steps against the offender with claims that it will bring shame on the family.
- * The victim is not taken for medical examination immediately after the defilement occurs and this affects the collection of evidence.
- * The police surgeons are only four in the entire country and are responsible for examining defilement victims. The small number makes it difficult for them to serve all the victims thereby affecting collection of evidence and building of a case against the defiler.
- * The failure by Parliament to pass into law the HIV/AIDs Prevention and Control Bill is having a negative impact in effectively dealing with cases where offenders knowingly infect people with HIV through defilement and rape. There are a number of cases of defilement and rape by people who know they are infected with HIV and knowingly defile and rape their victims.

1.3. Laws on Land



Courtesy: UNHCR, M. Pearson



There is no law on co-ownership of land for women and men who stay together without formalizing their relationship in accordance with the laws on Marriage in Uganda. Enforcement of laws to protect women who are usually the victims when such relationships end. Insufficient legal provisions has had negative effects on women. In several cases women are denied land even when they contributed financially to acquiring it with their partner. In a number of cases women and children suffer the consequences when they are thrown off land to which their mothers contributed to acquiring. This increases their vulnerability and poverty in some of such families becomes a cycle.

1.4. Laws on Cultures, Practices and Traditions that undermine the dignity of women

There is no law that mentions in detail and provides penalties on cultures, practices and traditions that undermine the status of women and should be banned. The Constitution of Uganda in Article 33 (6) provides that cultures, practices and traditions that undermine the welfare, dignity and interests of women should be considered as if they never existed. Negative attitudes, mind-set, cultural practices and perception continue to affect the fair treatment of women.

2. POLICIES

2.1. Policies on gender mainstreaming

In practice, gender mainstreaming means identifying gaps in gender equality. Equality is about giving equal opportunities to boys and girls, women and men in all economic, social and political life. This includes equal opportunities to education, access to health services and work and equal pay for similar work among others.

- * At the national level, failure to follow guidelines for mainstreaming gender by the line Ministries has resulted in

uncoordinated gender mainstreaming efforts. For example, lack of indicators (tool to measure what has been achieved) for monitoring and evaluation has made it difficult to assess impact attributable to gender mainstreaming efforts in the road sector. In addition, there is a weak monitoring and evaluation system on gender and the MGLSD does not have gender monitoring indicators, resulting in inconsistent monitoring and evaluation.

- * At local government level, there is limited availability of data (facts) that shows how men and women will benefit from a program during implementation. There are no tools to analyze information on how men and women benefit from government programs. As a result, many programmes implemented at that level do not necessarily address women's priority concerns.
- * The lack of adequate funding for the Gender Focal Point Persons who were trained on the implementation of gender action plans needs to be addressed. As a result progress in the area of gender budgeting (budgets that ensure that the needs of men and women are considered when budgeting), training of planning staff for different sectors like health, education and others and facilitators on gender and equity budgeting according to the government's report to CEDAW, has not been implemented fully.
- * To date, implementation of the Gender Policy remains wanting due to inadequate resources and personnel. The Uganda Gender Policy, a revision of the National Gender Policy of 1997, was approved by Cabinet in 2007. This policy provides a structure for identification, implementation and coordination of activities designed to achieve gender equality.

PROGRAMS IN PLACE TO ADDRESS UNFAIR TREATMENT OF WOMEN

What programs has the government put in place in its attempts to reduce unfair treatment of women?

Health

- * Programs for family planning, safe motherhood, antenatal and HIV/AIDs among others.



Family planning must have higher priority. Clinic in Kampala, Uganda.© Hugh Rigby/CCP, Courtesy of Photoshare

- * Programs to increase awareness targeting prevention of HIV/AIDs among the women and girls. Other activities that are taking place with regard to HIV/AIDs include: formation of post test clubs, peer education, programmes for youth and women, Abstinence, Behaviour change, Condoms (ABC), community HIV initiatives. All these programs have been effective in raising awareness on HIV/AIDs.



Uganda abstinence poster

- * Programs to reduce HIV infection rates for instance from mother to child. The PMTCT program has contributed to reduction of infection rates from mothers to their children.

What are some of the challenges that women still face in accessing good health services?

- * Lack of money for getting treatment;
- * Lack of transport to go to a health center or hospital;
- * Long distance to the health center/hospital;
- * Some women have to get permission from their husbands in order to go for treatment. Some of them are left to die if their husbands do not give the permission;



- * Many women still die when giving birth or after giving birth because of complications some of which are not detected early, lack of drugs in hospitals, lack of skilled medical personnel in the health center where they may have gone to give birth among others. Maternal mortality remains very high with 16 women in Uganda dying every day from pregnancy related causes while every year the number of women who die from pregnancy related causes is 6,000.

Education

- * As a result of UPE and USE policies, more girls and boys are going to school.
- * However, the dropout rate for girls is higher than boys. Some girls drop out because of:
- * Pregnancy,
- * Early marriage,
- * Lack of encouragement from their parents to remain in school,
- * Lack of money to buy basic school requirements and lack of interest in school.
- * Negative cultures which still favor boy child education to girl child education'
- * In some schools girls and boys share toilets. During menstruation some girls are unable to go to the same toilet with boys and in some cases some girls do not have pads to stop them from spoiling their clothes. The teasing at school as a result therefore makes some of them hate school and drop out.



Training Rural poor women in savings and resource mobilization to enable them set up micro-businesses to generate income for their households.
Source: BIDE Microfinance loans

Income generating activities for women

Government has developed some programs to increase income for women.

Saving cooperatives popularly known as SACCOS have been established to enable women to save and earn some money. Programs like NAADS have benefited some women and enabled them to increase their income.



A women's ward at the Buwenge Health Center in Jinja District of Uganda; woman lying in bed-Source photoshare

However, for very poor women these programs have not had much effect because:

- * They have no money to join the SACCOS. A minimum in most SACCOS is 5,000/= per week.
- * Some women do not have skills and knowledge to save and invest.
- * Some husbands take away the money their wives get from their income generating activities thereby leading to collapse of their businesses.
- * Most women, especially those in rural areas do not have property that they can give as security to banks in order to get loans.

CIVIL SOCIETY ORGANIZATIONS PROMOTING WOMEN'S RIGHTS

What are CSOs that promote the rights of women doing to stop the unfair treatment of women?

A number of CSOs spread all over Uganda are implementing programs to promote the rights of women and to stop unfair treatment of women. At national level, CSOs like UWONET, FIDA-U, ACFODE, FOWODE NAWOU and others are doing the following to stop the unfair treatment of women:

- * Creating awareness about women's rights;
- * Training women to participate in politics and leadership;
- * Engaging with government and other groups interested in promoting women's rights on existing gaps in the struggle for fair treatment of women;
- * Using the courts to declare sections of the laws that still discriminate against women illegal;
- * Advocacy and capacity building;



Courtesy: UWONET

What should women who are discriminated against because of their sex do to encourage respect for their rights?

- * Attend meetings organized by different groups that are concerned about women's low status in society and contribute ideas on how the status of women should be improved;
- * Attend activities organized by groups that promote equal opportunities for women with men. It may be peaceful demonstrations or signing a petition to be presented to relevant authorities;



- * Report cases of unfair treatment to relevant authorities
- * Listen to radio and attend community meetings that discuss women's rights
- * Do not keep quiet when faced with discrimination. By speaking out you help in creating more awareness about the struggles women go through and help those seeking to improve women's status in society with information required for them to do so.



RECOMMENDATIONS

In order to address unfair treatment of women in Uganda, there are a number of actions that should be taken. Examples of these are given below.

Legal Actions

- * Pass the Marriage and Divorce Bill and the HIV/AIDs Prevention and Control Bill. Passage of the Marriage & Divorce Bill will create more harmony within families and contribute to reducing conflicts. Controversial sections in the Marriage and Divorce Bill and the HIV/AIDs Prevention and Control Bill can be agreed upon by the stakeholders so that the Bills are passed into law.
- * In line with the Constitution of Uganda, take steps by passing a law to outlaw cultures and practices that undermine the rights of women and strengthen enforcement of laws in this regard. Carry out sensitization on the law so that it is understood and enforce it.
- * Put in place laws to promote equal pay for similar work between men and women. In addition, increase funding to maternal health and prioritize the needs according to information that is supported by facts on the ground.
- * Pass a law on maternal health as a contribution to reducing maternal and infant mortality.

Administrative actions

- * Promote adequate and urgent funding for the gender and women affairs department at the MGLSD, the National Action Plan and enforce policy on gender to guarantee implementation of the plans.
- * Gender mainstreaming needs to be prioritized and funded in planning, implementation and monitoring and

evaluation of government programs. NGOs working on women's rights can be of assistance to personnel in MGLSD mandated to ensure that gender mainstreaming is undertaken by all government ministries.

- * Allocate more resources to the health sector, agriculture and credit facilities and monitor use of the budget to ensure that programs for which they are planned for are implemented. Ensure that in budgeting there is segregation of information that relates to women and men so that adequate funds are allocated to each of their programs.
- * Address the high drop out rate of girls in school.
- * Enforce laws that have been put in place to stop unfair treatment of women.

Programs

- * Programs and change of practices to ensure that women actually participate in decision making by addressing issues of limited resources, stereo types and prejudices against women, negative cultural beliefs that hinder women's participation should be addressed.
- * Allocate adequate resources to enable the Equal Opportunities Commission to operate effectively.
- * Develop continuous programs to mentor, share new ideas and experiences amongst organizations and government institutions. Continue advocacy on the rights of women who are being abused.
- * Hold regular meetings between the Government and NGOs working on women's rights to track progress in implementation of CEDAW.

Others

- * Implementation of previous CEDAW committee recommendations that have not been effected.
- * Government should sign and agree to be guided by the Optional Protocol to CEDAW to enable individuals who are dissatisfied with national court decisions to file complaints with the CEDAW committee.

CONCLUSIONS

Women in Uganda still face mistreatment and unfairness in their daily lives because of their sex. Despite the existence of laws, policies and programs a lot still needs to be done to ensure that what is written on paper with regard to equal opportunity and fair treatment becomes a reality for many women in Uganda. It is also necessary for NGOs to increase advocacy by collecting information and engaging with government on key challenges that women still face that need to be addressed. More women also need to be brought on board in the fight for their rights. Information sharing, empowerment through training and participation in decision making are some of the steps that need to be taken to reduce unfair treatment against women and collective action in advocacy for their rights.

With Support from;



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