



Gender Transformation & Empowerment

The Universal Periodic Review “has great potential to promote and protect human rights in the darkest corners of the world.”
– Ban Ki-moon, UN Secretary-General



INPUTS INTO THE CIVIL SOCIETY UNIVERSAL PEER REVIEW (UPR) REPORT 2016

CLUSTER ON WOMEN'S RIGHTS AND GENDER EQUALITY

Priority Issues for Consideration in the UPR Relating to Women's Rights and Gender Equality

Introduction

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The Universal Periodic Review (UPR) is a unique process which involves a review of the human rights records of all UN Member States. The UPR is a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations. As one of the main features of the Council, the UPR is designed to ensure equal treatment for every country when their human rights situations are assessed.

The UPR was created through the UN General Assembly on 15th March 2006 by resolution 60/251, which established the Human Rights Council itself. It is a cooperative process which, by October 2011, has reviewed the human rights records of all 193 UN Member States. Currently, no other universal mechanism of this kind exists. The UPR is one of the key elements of the Council which reminds States of their responsibility to fully respect and implement all human rights and fundamental freedoms. The ultimate aim of this mechanism is to improve the human rights situation in all countries and address human rights violations wherever they occur. In 2011, UWONET participated in the UPR processes of civil society and contributed comprehensively to the Stakeholders Report submitted to the Human Rights Council on a number of critical issues on gender equality and empowerment.

Several of these issues were considered in the review of Uganda and highlighted in the concluding observations and recommendations. Given that Uganda is undergoing a review. In March 2016, UWONET coordinated the UPR women's rights and gender equality cluster made up of at least 25 women's rights NGO's and developed the Women's Rights and Gender Equality Cluster report, which input into the Stakeholders Report. This report seeks to address 5 critical areas that were identified in a CSO–UPR consultative workshop convened by UWONET for leading women's rights NGOs in Uganda in March 2016.

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Women and Economic Empowerment

Women comprise 51.6 percent of the population (Uganda National Household Survey (UNHS) 2012/13). Women are productive in multidimensional ways and yet remain one of the most impoverished sub populations in Uganda due to externally generated structural barriers at household, societal and national level. Poverty levels have fallen from 56.4 percent in 1992/93 to 24.5 percent in 2009/10, leading to the attainment of MDG 1 but nonetheless gender disparities in income are significant.

30 percent of households in Uganda are headed by women, of which 12% are widows. With a high dependency ratio of 119 and given that an average household has 5 people (UNHS 2012/13), the ability of women to economically sustain themselves and dependents and to be empowered through enabling macro and micro economic frameworks is extremely fundamental. According to the Uganda Poverty Status Report 2014, women comprise 53.5 percent of the poor and in terms of multi dimensional poverty; 62.8 percent. The Multidimensional Poverty Index refers to non-monetary welfare indicators such as education, health, access to public utilities, housing conditions and access to information. Thus an inordinately high number of Ugandans are poor and vulnerable in every possible way—women.

Two thirds of Uganda's women were self-employed in the agriculture or non-agriculture sector at 2011. The incidence of women unemployed at 11 percent was higher than men at 8 percent. The probable cause for this phenomenon relates to the gender gaps in education

and literacy levels of men and women and stereotypes that relate to women being less employable than men in certain sectors. The 2008 Gender and Productivity Survey indicates that women are more involved in agriculture, manufacturing, retailing, restaurant and social services among others. The National Development Plan 2010/2011–2014/15 (NDP I) reveals that in wage employment, 50 percent of the women are in the three lowest paying sectors of agriculture, household and mining and quarrying compared to 33 per cent of men. All these factors have contributed to women fetching low incomes through their economic activities.

Agriculture accounts for the largest employment sector in which women are engaged. According to NDP I in 2008/09 the overall labour force employed in agriculture was 73 per cent, 83 percent of which constituted women who as primary producers contributed 70–75 per cent of agricultural production. The second National Development Plan 2015/16 – 2019/20 (NDPII) reflects that this figure dropped to 77 percent. The NDP II highlights several structural barriers that have constrained the ability of women to improve their lot in the agricultural sector. This includes limited access to land and agricultural finance; weak agricultural extension systems and services that are lowest among women and women farmers' lack of land tenure security—only 28 percent of women own agriculture land. Government has committed in the NDP II to increase access to agricultural finance with specific options for women farmers.

Ugandan women's contributions in the agriculture sector while statistically recognised are rarely monetized or measured in ways that recognise them as meaningful contributors to production and Gross Domestic Product. In general there is a tendency not to see women's work as economic activity. While women make significant inputs in domestic work and care and nurturing, their efforts go unacknowledged monetized. This omission is reiterated in the public arena where services and economic frameworks fail to integrate the experiences and concerns of women.

Women tend to be unpaid especially in the informal sector where the family labour model is prevalent in agriculture and cottage industries. 36 per cent of the women who work in the agriculture sector are likely not to receive a remuneration and 5 percent of women employed in the agricultural sector are paid in-kind only rather than in cash (UDHS 2011). The 2008 Gender and Productivity Survey revealed that 40 percent of women were unpaid family workers mainly working in agriculture.

There are notably gendered patterns to employment that invariably results in men being better remunerated for their economic activities than women. In every industry sector save for accommodation and food services, male employees dominate. Of the 458,106 business entities documented in the 2011 Business Register, out of 1,074,000 persons, 44.3 percent were female employees.¹ Women are predominantly found in the education, health & social work activities at 69.7 percent and 52.3

1 State of Uganda Population Report, 2014

2 Gender and Productivity Survey, 2008

3 The State of Uganda Population Report 2013 'Population and Social Transformation: Addressing the

needs of Special Interest Groups' 2013

percent respectively. As an example, men fetch higher wages due to working in the informal sector, transport and public administration².

In the private sector, women receive lower pay than men with a wage gap of 39 per cent.³ NDP 1 points to wage differentials in the private sector where in 30 percent of the occupations, women earn less than 75 per cent of the average male wage. UNHS 2013 Survey survey indicates that the median monthly wages of paid employees in Ugandan was Uganda Shillings 110,000; males earned almost double what women earned (Uganda Shillings 132,000) and women (Uganda Shillings 66,000). This is a direct form of gender discrimination that affects women's ability to generate money for entrepreneurship and other individual or family needs.

Women involved in enterprise in the informal with its poor work protections have failed to transition effectively into the formal regulated sector due to several barriers to doing business. Aside from cultural and societal obstacles that women face in the public workplace arena based on constructions on gender roles and discriminatory practices, there are several administrative, legal and financial barriers that women in business are facing on a regular basis. Women often fail to obtain credit from financial institutions due to lack of collateral, failure to obtain spousal permission, user fees dues payable to regulatory authorities and failure to obtain legal registration of various business associations and inputs. Women also lack basic business and financial management and organisation skills and access to networks and markets.

As a result, women continue to run businesses on a small scale that hardly yields meaningful returns.

There are hardly any significant government programmes to promote women's entrepreneurship, with a few NGOs providing economic livelihoods programmes and interventions but at a scale that is hardly transformational. Financial institutions are not geared to provide credit to the majority of women who lack collateral. Government has not put in place substantive programmes to promote women's empowerment. In that regard the NDPII has highlighted the need to prioritise a national programme for women economic empowerment under the Uganda Women Entrepreneurship Project in the next five years.

The State of Uganda Population Report 2014 highlights the constraints of rural women in engaging in enterprising economic activities with good returns. There is also a challenge faced by men appropriating women's financial returns from their labour, which diminishes the little work capital that the women have to input into their economic activities. In addition, the demanding reproductive and gender care giving roles of women have continued apply undue pressure on women's time and productivity. This is aggravated by the lack of labour saving devices that would free women from hard labour to engage in economic related decision making fora and structures in order to improve the quality of their lives.

Recommendations

Based on the above-identified challenges, it is recommended as follows

- i. Government should ensure minimum wages based on equal pay for equal work.
- ii. The Equal Opportunity Commission should vigilantly monitor and take action against private sector policies and practices based on discriminatory labour norms.
- iii. Government entrepreneurship programmes for women should be scaled up and emphasise access to finance as well as equip women with business, finance and managerial skills and provide information relating to markets, incentives and opportunities.
- iv. Government should increase the coverage of social protections for vulnerable women and girls such as the poor, disabled women, widows and child heads of households.

Women and Health

Women in Uganda face several challenges relating to realising the right to enjoy the highest standards of physical and mental health as guaranteed under the International Covenant on Economic, Social and Cultural Rights. The Constitution of Uganda does not guarantee this right though in the case of women, the State undertakes to protect women and their rights, taking into account their unique status and natural maternal functions in society (Article 33 (3)). As it happens, reproductive health is still the single most urgent health issue confronting women of child-bearing age. Women and girls of reproductive age (15–49 years) were estimated to be 7.3 million in 2011, and projected to give birth to 1.5 million children by 2015.⁴ However, women and girls have faced several risks and constraints in exercising their sexual and reproductive health rights due to constraints faced by government in guaranteeing the effective provision of much needed services and information in this regard.

The maternal mortality rate (MMR) in 2011 was 438 deaths per 100,000 live births and estimates in 2013 placed it at 343⁵. Statistics from the Ministry of Health show a drop in institutional maternal death rates from 146 per 100,000 in 2013/14 to 118 per 100,000 in 2014/15.⁶ The Ministry of Health has acknowledged failure in meeting some of the crucial sector targets. Among them is the proportion of births attended by skilled health personnel currently at 41.1

against the MDG target of 90 by 2015; the percentage of pregnant women attending at least 4 antenatal care sessions was at 36.6 percent in 2014/15 falling short of the targeted 60 percent. Deliveries in health facilities have increased from 44 percent in 2013/14 to 52.7 percent, which is essential in reducing MMR and as at 2012, 44 percent of the facilities had at least one staff trained in management of pregnancy and childbirth.⁷ While health-seeking behavior is partly at the root of high incidence of maternal mortality, the Ministry of Health maintains that lack of expertise in staff, absence of critical human resource and inadequate number of staff have been the key factors in the prevalence of maternal mortality rates⁸

Contraceptive services are critical in preventing unwanted pregnancies and sexually transmitted infections particularly in girls, but also for mothers. Due to inability to negotiate safe sexual practices based on male domination of women's sexual rights, contraceptive use is quite low in Uganda. The contraceptive prevalence rate goal for the MDGs was set to increase to 50 percent from 23.9 percent. However, contraceptive use for women is low; as at 2013, 34.3 percent women of childbearing age had an unmet need for contraceptive services in Uganda.⁹ In the case of girls, the inability to access effective contraceptive services and information has resulted in high health risks associated with unsafe abortions, posing a serious public health concern.

In 2012 the families of two women who died following of labour related complications lodged a constitutional case that is yet to be concluded against the government of Uganda. Among the various issues raised in the petition was the shortage of doctors and midwives, lack of required and emergency transport. According to recent statistics it is estimated that consequentially 16 women die daily in Uganda. The Constitutional Court in 2012¹⁰ avoided addressing the substantial issues raised in the petition, ruling that to judge on the matter would be an incursion into political issues that is outside their jurisdiction. Fortunately the matter has been restored by the ruling of the Supreme court that the

Of approximately 1.4 million pregnancies that occur annually, it is estimated that 91,000 (6.5 percent) are HIV positive, raising the risk of 30 percent of the pregnant women transmitting HIV to their babies in the absence of an intervention

4 Uganda Bureau of Statistics 'National Population and Housing Census 2014 Provisional Results' 2014 Revised Edition

5 <http://data.worldbank.org/indicator/SH.STA.MMRT> <accessed 12th March 2016>

6 Ministry of Health 'Annual Health Sector Performance Report for Financial Year 2014/15'

7 Ministry of Health 'Uganda Services Availability and Readiness Assessment 2013' 2013

8 Supra at 8

9 The State of Uganda Population Report 2014

10 Centre for Health, Human Rights and Development (CEHURD) and others v. Attorney General, Constitutional Petition No. 16 of 2011 (Constitutional

Court of Uganda) [2012] UGCC 4, 5 June 2012

Constitutional Court should hear and determine the matter.

There have been improvements in services for pregnant women to receive professional health care. The UDHS 2011 puts the figure of women receiving antenatal care from a skilled provider at approximately 95 percent. However, only 21 percent had an initial antenatal care visit before the fourth month of pregnancy, which is important in preventing infant mortality. The majority of the women face challenges in accessing health care services due to long distances and high user fees including having to buy all related paraphernalia that the hospitals lack, including medicine, gloves, injections and their own care givers.

Information and services around maternal health are critical for women living with HIV/AIDs who require adequate information and early provision of services to address their health and that of the unborn child. Of approximately 1.4 million pregnancies that occur annually, it is estimated that 91,000 (6.5 percent) are HIV positive, raising the risk of 30 percent of the pregnant women transmitting HIV to their babies in the absence of an intervention.¹¹ The Ministry of Health targets for reducing the percentage of children exposed to HIV from their mothers accessing HIV testing within 12 months for the year 2014/15 was 75 percent but only 58 percent was achieved, pointing to

a deficiency in the information and services extended to pregnant women.

The People Living with HIV Stigma Index as at 2013 estimated that 1,390,000 people are living with HIV in Uganda. The HIV prevalence among women and men who are 15–49 years has increased from 6.4 percent in the 2004–05 to 7.3 percent by 2011. As at 2014, HIV prevalence was higher among women at 8.3 percent against 6.1 per cent for men.¹²

Women with disabilities continue to have little access to reproductive health care despite having very specific reproductive health needs and maternal care. There are no effective strategies to target and improve reproductive health care for persons with disabilities. A survey done by NUWODU showed that only 10 percent of women with disabilities sampled use family planning while 48 percent do not understand its relevance due to lack of information. Women with disabilities are also exposed to extreme forms of discrimination when seeking services related to pregnancy and child birth by health care professionals.¹³

Not as much attention is given to other reproductive related diseases like fistula, which is a serious health concern. The UDHS 2011 noted that Uganda has the third highest rate of fistula in the world and noted that only 62 percent of those suffering from fistula sought treatment.

Recommendations

Based on the above–identified challenges, it is recommended as follows

- i. Government should increase allocations to the Ministry of Health in the area of increased staffing of the critical human resources needed to curb maternal mortality.
- ii. Specific focus should be placed on the various sub populations of women and girls to ensure responsive and relevant service delivery, including the provision of information in a user–friendly manner.

11 State of the Population Report 2013 p48

12 USAID 'Uganda Vulnerability Index Assessment Results April 2014

13 Human Rights 'Watch As If We Weren't Human: Discrimination

and Violence against Women with Disabilities in Northern Uganda' 2010

Gender Based Violence

Gender Based Violence (GBV) present immense multi-dimensional challenges from a socio-cultural, legal, security, economic and public health aspect. Persistent and pervasive norms that encourage violence against women and girls continue unchecked due to lack of effective laws and enforcement frameworks. New challenges have arisen in the past four years from traditional, religious and cultural forces against gender equality advocacy and norms.

Gender based violence is not abating despite the best efforts of various actors to combat the vice. As documented in Uganda Police's Annual Crime and Traffic Road Safety Report 2013, domestic violence incidence increased by 18.4 percent and defilements by 15.8 percent; death through domestic violence increased by 51 percent of which 49 percent were female. Prosecution of offenders remains low given the high case backlog in the judiciary and resource constraints in the Police Family Protection Units and Gender desks as well as Criminal Investigation and Intelligence Departments. In a positive move, the Directorate of Public Prosecution created a department to address gender based violence and structural barriers to victims and survivors accessing justice, however it lacks commensurate material and financial resources to push through much needed institutional reforms.

The Domestic Violence Act 2010 while a very good law in principle has faced challenges in its implementation, including the establishment of a fast

tracking system in the courts, police and Directorate of Public Prosecution (DPP) to expedite the handling of cases of this nature. The GBV shelters in existence to protect victims from immediate harm are few and not well resourced.

There is a draft National Gender Based Violence policy. The Domestic Violence regulations were established in 2011. The anti-Female Genital Mutilation Act of 2010, and the Prevention in Trafficking Act was passed in 2010. In 2012 regulations to give effect to the provisions on sexual harassment in the Employment Act were developed.

Despite these positive and enabling frameworks few cases have been prosecuted despite the high incidence of violence in these two areas. Failure to pass important provisions of the Marriage and Divorce Bill that address the ability to negotiate sexual intercourse, protect property rights of cohabiting couples, outlaws the demand for the refund of bride price and widow inheritance has resulted in gaps in protecting women from abuse including intimate partner rape. As a result, violence against women continues being perpetrated with impunity.

Women not only face violence in the domestic arena but in the public sphere, in particular sexual harassment. This has gained notoriety more abroad than at national level due to the spotlight cast on the predicament of migrant Ugandan workers. The government estimates that as at 2013 about 628,845 Ugandans were economic migrants, of which 53 percent were women (NDPIL).

Approximately 42,000 Ugandans have migrated to Iraq, United Arab Emirates, Qatar, Saudi Arabia, Afghanistan, Somalia and South Sudan in search of work opportunities. However, for years now, various media and human rights actors have raised the urgent plight of women workers in the Middle East who face extreme forms of abuse and sexual violence when deployed to the various countries. The government has failed to successfully license and regulate the middleman-Ugandan recruitment companies—or to monitor the situation of the workers in destination countries and ensure the protection of female workers migrating to or trapped and victimized in these high-risk areas.

The UDHS 2011 records that 6 percent of women have experienced intimate partner violence from current or most recent husband/partner, with over 51 percent of married¹³ women experiencing sexual violence. This has been linked to HIV infection prevalence of over four times greater than non-abused women¹⁵ Further, UDHS 2011 data reveals that the prevalence of sexually transmitted infections among female victims of violence doubles that of those who have not been subjected to violence.

Women with disabilities face grave attacks on their physical integrity and suffer sexual assaults and exploitation in the form of rape, defilement, forced marriages, psychological torture and forced family planning. And yet due to their disability, face challenges in accessing justice institutions which create a disabling environment.¹⁶ One

¹⁵ Human Rights Watch' I Already Bought You: Abuse and Exploitation of Female Migrant Domestic Workers in the United Arab Emirates' 2014

Women and Education

study shows that: 8 percent of the respondents with disabilities were raped, resulting into pregnancies and sexually transmitted disease: at least 80 percent of women with disabilities above fifteen years have been sexually violated in some way.

Older women in Uganda face various forms of violence despite their age related vulnerabilities. Older women suffer land and property grabbing when their partners or spouses die. This is due to discriminatory cultural practices that give more rights and entitlements to male lineage and overlook the fact that the matrimonial residence and properties are not to be tampered with. While Local Council Courts are vested with powers to protect the properties of a deceased male, this is more to do with protecting it for the benefit of children than the widow.¹⁷ Older persons associations have highlighted the plight of older women who face domestic and sexual violence due to their vulnerability.¹⁸ Older women also face challenges accessing health care and justice law and order services due to remoteness,

costs of services/user fees and negative gender stereotypes and attitudes.

Child marriage is another form of gender violence committed against children who have not yet attained the age of 18. This form of 'marriage' targets girls of school going age and who are too young to have safe pregnancies and is perpetuated by families and communities. In Uganda 49 percent (approximately three million women) aged 20–49 years were already married by the age of 18 and 15 per cent had been married by the age of 15.¹⁹ Such unions have grave consequences for the physiological and psychological development.

Recommendations

Based on the above-identified challenges, it is recommended as follows

- i. The judiciary, police and directorate of public prosecution personnel should be well capacitated to enforce the laws that have been made to deter gender-based violence.
- ii. The timely passing of the Marriage and Divorce bill should be prioritised to ensure gender equality within intimate partner relations.

Under MDG 2, Government sought to achieve universal primary education including targets for all boys and girls to complete a full course of primary schooling. In a positive development, the gender gap in education is closing at various levels; the ratio of girls to boys in primary has increased from 93.2 percent in 2000 to 99.9 percent in 2012.²⁰

Government has finalised the review of the National Strategy for Girls' education (2015–2019) and revised the Gender in Education Policy, 2009 in a bid to increase the enrolment and retention of girls in education. The National Strategy for Girls' Education emphasises the various barriers that girls face around social cultural, school related, political, economic and administrative factors. Government recognised the shortfalls in schools with capacity to absorb the increment of students from primary school and entered into public private partnerships with secondary schools that were introduced in 2007 as a means to increasing the number of girls and boys in schools. This has resulted in an increase in girls from especially poorer households accessing secondary education.

Quantitative increments in girl child enrolment have been noted in the education sector, although the qualitative aspects reveal serious problems. By 2015, the Ministry of Education and sports registered an increased percentage of girls to total enrolment from 46.9 percent from 46.0 percent in 2013. However the statistics reveal that

16 State of the Uganda Population Report 2013

17 NUWODU 'Research Project Report on Knowledge, Attitudes and Use of Rights for Girls and Women with Disabilities in Sexual and Reproductive

Health Case Study: Mpigi and Kamuli Districts, April 2012

18 S 10(3) Children Act 1997
19 Help Age International, Uganda Reach the Aged Association (URAA), Action for Development (ACFODE), and the

Foundation for Human Rights Initiative 'Discrimination against older women- parallel report submitted to the 47th session of the CEDAW Committee, 2009

20 Government launches National Strategy to end Child Marriage and Teenage Pregnancy http://www.unicef.org/uganda/media_16600.html < accessed 5 March 2015>

the higher up in the education levels girls go, the higher the drop out rates, hence the problem of retention of girls in the education system.

At primary school level, enrolment increased by 3.7 percent from 8,459,720 (4,219,523 boys; 4,240,197) girls in 2013/14 to 8,772,655 in 2014/15. Gender parity in primary school was achieved at 50:50; for boys and girls. However, only 70.5 percent of the boys and 70.5 percent of the girls transitioned to senior one, owing to failure to be absorbed by secondary schools among other things.

At secondary school level, enrolment increased by 2.1 percent from 1,362,739 (727,212 boys; 635,527 girls) in financial year 2013/14 to 1,391,250 (738,391 boys, 652,859 girls) in 2014/15. Overall, higher education enrolment of girls increased by 26 percent from 87,572 in 2013/14 to 109,957 in 2014/15.²¹ However, only 33.6 percent of the boys and 25.9 percent of the girls transitioned to S5.

Completion rates are also improving, with slight gender gaps. The Primary 7 Completion Rate increased by 4.6 percentage points from 67.4 percent (boys 68 percent; Girls 67 percent), in 2013/14 to 72 percent (boys 72 percent; girls 72 percent) in 2014/15. Overall the girls' completion rate has improved by 18 percent from 54 percent in 2004 to 72 percent in 2014. At secondary school level, Senior 4 completion rate increased from 35.3 percent (36.7 percent male; 33.8 percent female) in FY2013/14 to 39.1 percent (41.4 percent male; 36.9 percent female) in 2014/15.

However, at the tertiary level, despite the introduction of affirmative action measures, scholarship and bursary schemes to encourage girl child education, the presence of girl's drops dramatically. While enrolment of girls in tertiary institutions increased by 72 percent over ten years in 2014, female

enrolment stagnated at 43.5 percent for the two financial years.

Given the trends in Uganda, it can be assumed that girls who drop out at secondary school and tertiary level do not do so voluntarily. The causes of this occurrence (some of which are recognised in the National Strategy for Girls' Education) revolve around gender stereotypes, discrimination and violence. The prevalent poverty levels; low premium on girl child education; sexual abuse and violence; early pregnancy and child marriage; long distances involved to education facilities; lack of scholastic materials and accommodation at educational facilities; lack of positive female models and teachers; low quality of education and inadequate life skills are some of the many triggers for high drop out rates of girls. The dilemma that child mothers still undergoing the education system face when they drop out of school has not been resolved through policy and these girls tend to be denied entry back into school.

The quality of education particularly in the universal education schools has come under much scrutiny and critique and is attributable to low literacy and numeracy levels among learners. The inordinately high student classroom ratios (57:1 in 2013/14 to 59:1 in 2014/15 at primary and pre primary level and secondary school level)²² and curricula that do not adequately emphasise human rights and gender equality norms is inimical to promoting rights of girls in schools. Teacher absenteeism has been rated at 27 percent in Uganda; a 2011 survey of schools in Uganda established an average rate of 21 percent of head teachers who were absent on the day of visits.²³ All these factors discourage qualitative instructional methods and approaches.

Despite the progress noted in achieving gender parity in education, reductions

in resource allocation to the sector have been evidenced, in 2015 the education sector budget was reduced from Uganda shillings 1,761.59 billion in 2013/14 to Uganda shillings 1,663.54 billion.²⁵ This is likely to exacerbate the challenges identified in the qualitative and quantitative aspects of service delivery in the education sector.

Pupils and students with disabilities often are widely marginalised in Uganda's education system, which has not adopted successful approaches of inclusive education in the mainstream education system.²⁴ Little to no data has been collected to facilitate planning and remedial action, despite calls by the National Council of Disability and disabled people's organisations to ensure the right to education for disabled girls and boys. Lack of skilled teachers, scholastic materials and reasonable accommodations in the physical and learning environment have shut out this vulnerable group despite the constitutional imperative of affirmative action required to enable them realise their rights.

Recommendations

- i. Government should undertake gender analyses of girls' enrolment and recruitment, transfer, retention and completion rates to ensure that programmes are responsive to the needs of girls through gender specific interventions.
- ii. Affirmative action measures should be reviewed to ensure effectiveness and the boosting of scholarships: bursaries and accommodation should be prioritised.

21 Ministry of Education and Sports 'Education, Science, Technology and Sports Sector Annual Performance Report FY 2014/15'

22 ibid

23 Education For All Global Monitoring Report 2013/4

24 NGO Forum 'Citizens' Survey on Uganda Vision 2040' 2014

25 Nyirinkindi L 'A critical analysis of paradigms and rights in disability

discourses' (2006) 12 East African Journal of Peace and Human Rights 49 54

Women and Governance

The increased numbers of women in the various governance mechanisms including in decision-making processes has to some extent integrated gender perspectives into government programmes and policies. However, the past two years have been foreshadowed by elections leading to acrimonious party politics with lines being drawn along party positions at the expense of ideology, principle and agenda. In such a setting, women leader's gender agenda was often not articulated as such. In such settings, gender gains tend to be attributable to individuals rather than to a cause. In the past few years, too, women leaders from the opposition have been targeted for physical violence, a prominent case in point being the manhandling of Ingrid Turinawe and Nabilah. Ugandan female citizens expressing their views on critical governance issues through peaceful demonstrations and campaigns have also faced assaults and arrests, leading many women to shy away from governance and politics, which are seen as hotspots.

There have been increased appointments in the executive and public institutions, though the data is not readily available. In 2013 and 2016, the Judiciary has appointed a number of women as judges and magistrates. In the public service, women have been prominently appointed to head for example the Uganda National Roads Authority, the Uganda Revenue Authority and Kampala City Council Authority.

Despite this, a study conducted by the Forum for Women in Democracy

show gender disparities in appointment to key positions in public institutions and leadership positions.²⁶ Women constitute 42 percent of all the public service posts, which is an increase from 33 percent in 2011²⁷. In 2012, female secretaries of commissions consisted 34 percent, permanent secretaries 13 percent, Commissioners 20 percent, Ambassadors and deputy ambassadors 22 percent. Cabinet Ministers were 32 percent and Ministers of state 28 percent. Only 25 per cent of Uganda's 7 universities have women in top leadership positions as vice chancellors. Currently there are 112 districts in Uganda but few female district chairpersons; in a reshuffle in 2014, only 17 female Resident District Commissioners out of 112 were female (15%) and 16 out of 66 Deputy resident district commissioners (24 percent).

While the affirmative action policy has welcome for Uganda's gender landscape, it seems to have led to a silo mentality whereby women leaders are consigned to the affirmative action quarters and not considered part of mainstream politics. Out of 29 Political party, only 1 party is led by a women; Betty Kamywa Turwomwe leads the Uganda Federal Alliance. Political parties in Uganda have reinforced patriarchal patterns of gender discrimination and exclusion in several instances where women are relegated to the affirmative action seats rather than directly elected seats, and party lists tend to reflect a minority of female candidates. In addition, internally parties do not practice affirmative action for female candidates or gender priorities which would account for the low number

of directly elected representatives. In the recently concluded parliamentary elections of February 2016, only 18 women were directly elected.

The monetisation of politics especially vote buying has become a challenge for women who aspire to leadership but have no monies to fund campaigns in the entire district, where their male counterparts only have to canvass a constituency.

Governance at the local government level is critical as important aspects of accountability, service delivery and participation come into play at this level. It is crucial that women leaders and female citizens participate at all levels of governance.

However outside of allotted affirmative action seats, few women are elected to local government units. Even fewer women participate in local government decision making and deliberations for a due to the multiple gender roles that women have to bear. In a study by CEWIGO in one district, it was clear that the positions of LC1 chairpersonship for example are skewed in favour of males as women hold less than 10percent of LC1 chairpersonship in virtually all the sub-counties in Hoima district.²⁸ This has largely resulted in gender neutral or gender blind programming. While the Ministry of Finance has adopted gender budgeting frameworks, the lack of gender budgeting analytical skills in the majority of women leaders leads to lack of required vigilance in monitoring gender targets in national and local government programmes.

26 FOWODE 'Women in Leadership Positions in Uganda' 2014

27 Ibid

28 CEWIGO 'Baseline Study on the Impact of Oil Exploration on Women

and Women's Leadership in the Albertine Sub-Region of Uganda, 2012'

The Constitution and Local Government Act 2001 as well as Parliamentary Elections Act 1996 recognises the need for women leaders in elective positions to represent the concerns and aspirations of Ugandan women. However, the elected leaders are not always capable of executing their mandates well due to individual capacity constraints and extraneous factors. Women leaders lack skills in policy and budget analysis, public speaking, and negotiations among other things and. Lack of adequate resources to undertake consultative activities with large districts to which women members of parliament are now accountable to is a big problem.

While it is the expectation of the public and particularly women constituencies that women elected on a affirmative action tickets will articulate gender equality issues, this has not been the case in the past five years, as in the case of the Domestic Relations Bill. Despite the efforts of UWOPA, the Uganda Women's Parliamentary Association that serves as a women's caucus, women representatives are more prone to adopt party positions rather than promote a unifying gender agenda. Further, women representatives have tended to argue that since they are elected by an entire district rather than women's electoral college, they serve the interests of men and women as opposed to promoting a women's rights agenda, hence refusing to promote critical concerns of women in the process.

Women with disabilities are constitutionally guaranteed affirmative action seats under the National Women's Council (Amendment) Act 2002, at national and local government level. Nevertheless, there have been incidences in several districts in the past where women with disabilities were disenfranchised and denied the opportunity to be represented on the council, as happened in Lira, Gulu, Kabale, Wakiso.²⁹

Recommendations

Based on the above-identified challenges, it is recommended as follows

- i. Legal reforms to the Political Parties Act are required to ensure that political parties conform to the constitutional requirements of affirmative action and gender equality by assigning quotas to women in their internal organisational structures.
- ii. Government should build the capacity of women leaders in all public offices to undertake their leadership roles effectively. This will involve training, access to information and experience-sharing to enable women leaders enhance their analytical, presentation and public speaking skills.

Land ownership, use and control poses a problem for women's rights to property and wealth. Land administration services covering planning, allocation and titling have failed to take into account the rights of women under the law, creating immense socio-economic challenges. The various institutions set up at district level for land registration, allocation and titling as well as dispute resolution are time consuming, costly and intimidating for the majority of women

Land tenure insecurity in Uganda has proven to be a source of great conflict and dispute, arising out of a clash of customary and statutory codes. Women are primary land users but secondary holders of rights through male relatives in a continuum of patriarchal ties; from father to husband to male heir. Because of this, even when they have equitable rights, they often lack legal documentation to substantiate their stake in land claimed.

Thus for example, while women are recognised by law as having a right to matrimonial land and user/access rights over communal lands; upon divorce or even during the subsistence of a marriage, the spouse is only deemed to have usufruct rights and no decision making role, due to cultural and patriarchal norms. Law enforcement has proven ineffective in curbing these practices given that many of these cultural practices are accepted in the communities, in which they occur, including in law and order authorities. This has limited the ability of women to utilise the land as a source of collateral and wealth generation.

Cultural norms interpreted through patriarchal interests and power relations

29 NUWODU 'Research Project Report on Knowledge, Attitudes and Use of Rights for Girls and Women

with Disabilities in Sexual and Reproductive Health Case Study: Mpigi and Kamuli Districts, April 2012

Land, Property and Environmental Rights

prevent women from inheriting land from fathers or spouses in general, leaving women landless and homeless. Amendments to the Succession (Amendment) Bill 2011 have been proposed to address in part the rights of widows to inherit property, but this bill is yet to be passed into law. The fallacy that women cannot own land under customary tenure has been used to perpetuate the exclusion of women from land ownership and control. Registered and secure land rights are a catalyst for economic growth; in the absence of this the majority of Ugandan women have failed to stimulate productivity, investment and entrepreneurship. Overall, women lack land tenure security, which is critical to combat poverty reduction and ensure food security, access to water and habitation.

Women in cohabitation relations are most at risk, as their rights are not protected under existing laws. The UDHS 2011 shows that they are a significant statistic of close to a third of the female population (27 percent). The land management and dispute resolution mechanisms are male dominated and operate in a gender blind or exclusionary manner that reinforces victimization of women seeking to assert ownership rights. Women's subordinate status often makes them reluctant to claim legal rights and participate in the land governance institutions perceived as men's domains.

The exploitation of natural resources in the Albertine Graben region while having great potential to improve the wellbeing of women under the right circumstances, also has a profound impact on their livelihoods and social circumstances.³⁰ The appropriation of properties hitherto utilised for growing food crops and residences has resulted in food scarcity and displacement, which affects women and children primarily. Women in Bunyoro region have found themselves locked out of their lands due to lack of control over private and communal lands. Wives have been victimized by sales of lands by their husbands without prior consent and demands for a share have led to increased violence against women in the area. The compensation model favours men and omits women due to land holding systems that discriminate against female ownership in the region. Some women who have been abandoned by partners and spouses in the face of extreme poverty have turned to prostitution.

In the exploration of natural resources, concerns have been abounding over the potential risk of environmental damage, with grave consequences for communities. In March 2016 numerous environmental activists have called on government not to license out the Ngaji oil block at in order to preserve the environment of the Virunga National Park. It is feared that this will have a deleterious impact on Lake Edward,

plant and animal ecosystems and the livelihoods of 200,000 fishermen. In a study conducted in Karamoja in 2014, communities at risk of water contamination and affected livelihoods through mining activities have not been consulted.³¹

Recommendations

Based on the above-identified challenges, it is recommended as follows

- i. Government should enforce the Children Act and pass the Succession (Amendment) Bill expeditiously to protect women and the girl child in particular.
- ii. Formalizing the marriage and divorce status of women under all legal regimes will help determine property rights including land. Governments should ensure gender equality and affirmative action in the allocation of state land.
- iii. It is necessary to review customary forms of tenure and as well as land administration and management systems from a gender perspective and inform legislative reform.
- iv. NEMA must conduct environmental impact assessments that take into account the risks of natural resources exploitation from a gender perspective.

30 NAPE 'Women-led Action-Oriented Research on the negative impacts of oil on women's rights, land and food

sovereignty in Uganda's oil region 2015/16'

31 Human Rights Watch 'How Can We Survive Here?: The Impact of Mining on Human Rights in

Conclusion

The above areas identified as priority issues highlight the fact that women continue to face multidimensional challenges and problems in the personal and public sphere. While strides have been made in some instances to legislate and develop policy and even programmes around certain themes, it is in the area of implementing international and regional and national commitments that the most challenges are registered.

In many areas touching on women's personal status, government has shown limited political will to undertake transformational reforms through laws

and education and sensitisation of the public to address negative cultural and social attitudes that subordinate women to men in society. In the public arena, low resource allocation to high priority and impact areas has been evidenced in many critical sectors that are relevant to the realization of women's rights. This has resulted in limited efforts and interventions aimed at promoting rights and capacities for gender mainstreaming, gender empowerment and equality.

It is incumbent on government to undertake to meet the priorities it

has committed to under regional and international women's rights instruments to ensure that Ugandan women enjoy and attain their human rights. The timely passing of critical laws and substantive enforcement of existing ones as well as capacitating the actors in service delivery with much needed gender analytical and mainstreaming skills is key to the attainment of sustainable and inclusive development in Uganda for men and women.

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