UGANDA BASELINE SURVEY ON THE AFRICAN WOMEN’S RIGHTS PROTOCOL - *THE MAPUTO PROTOCOL*
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### Acronyms and Abbreviations

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<tr>
<td>ACPHR</td>
<td>African Charter on Human and Peoples’ Rights</td>
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<td>APRM</td>
<td>Africa Peer Review Mechanism</td>
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<td>AU</td>
<td>African Union</td>
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<td>CAT</td>
<td>Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment</td>
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<td>CDO</td>
<td>Community Development Officer</td>
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<td>CEDAW</td>
<td>Convention on the Elimination of all Forms of Discrimination Against Women</td>
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<td>CERD</td>
<td>Convention on Elimination of Racial Discrimination</td>
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<td>CRC</td>
<td>Convention on the Rights of Children</td>
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<td>ECCA</td>
<td>Empower Children and Communities against Abuse</td>
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<td>EoC</td>
<td>Equal Opportunities Commission</td>
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<td>FGM</td>
<td>Female Genital Mutilation</td>
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<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
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<td>ICPD</td>
<td>International Conference on Population and Development</td>
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<td>IDP</td>
<td>Internally Displaced Person</td>
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<td>JLOS</td>
<td>Justice Law and Order Sector</td>
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<tr>
<td>LGBTI</td>
<td>Lesbians, Gays Bisexual, Transgender</td>
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<tr>
<td>MoFPED</td>
<td>Ministry of Finance, Planning and Economic Development</td>
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<td>MoGLSD</td>
<td>Ministry of Gender Labour and Social Development</td>
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<td>MoJ</td>
<td>Ministry of Justice and Constitutional Affairs</td>
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<td>NEPAD</td>
<td>New Partnership for Africa’s Development</td>
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<td>NDP</td>
<td>National Development Plan</td>
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<td>NGC</td>
<td>National Governing Council</td>
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<td>NGP</td>
<td>National Gender Policy</td>
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<td>NPOA</td>
<td>National Programme of Action (APRM)</td>
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<td>NRM-O</td>
<td>National Resistance Movement Organisation</td>
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<td>NTF</td>
<td>National Task Force on the Maputo Protocol</td>
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<td>RHV</td>
<td>Raising Her Voice Project</td>
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<td>SC</td>
<td>Security Council</td>
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<td>SGBV</td>
<td>Sexual and Gender Based Violence</td>
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<td>TASO</td>
<td>The Aids Support Organisation</td>
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<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
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<td>UDHS</td>
<td>Uganda National Demographic Health Survey</td>
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<td>UN HRC</td>
<td>United Nations Human Rights Committee</td>
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<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNSCR</td>
<td>United Nations Security Council Resolution</td>
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<td>UWM</td>
<td>Uganda Women’s Movement</td>
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The Baseline Study on the Maputo Protocol in Uganda was conducted as part of the Uganda Raising Her Voices project in July and August 2009 by a Team of consultants that comprised:

Ms. Allen Asiimwe - Team leader
Ms. Zahara Nampewo - Coordinator
Ms. Carol Adoch- Kashanku - Researcher
Ms. Jackie Tumusiime - Researcher

The Study Team would like to extend its appreciation to Akina Mama wa Afrika- management and staff who supported and willingly shared their views and experiences with the team, answered innumerable questions and whose passion for their work clearly came through in the ensuing discussions and reports. The Team also extends its gratitude to Oxfam Uganda which funded this study and to the staff at AMwA who coordinated the study, scheduled meetings, and supported the team visits. Thanks also go to the National Task Force on the Maputo Protocol who engaged the Study Team in interesting discussions and shared their experiences and challenges working to promote women’s human rights and gender equality in Uganda. Special thanks go to ICON/ ECCA which supported the Study Team by conducting Focus Group Discussions with women in Kampala and Gulu Districts.

The Baseline Study has further been enriched by the insights of various stakeholders at the national and district level who readily and openly shared their views and insights with the Study Team. Special thanks go to the Community Development Officers who responded to the questionnaires and to all the women who participated in interviews and Focus Group Discussions and invited us into their private space by willingly sharing their stories and experiences in their personal quests for the fulfilment of their rights.

The struggle for the full realisation of women’s rights in Uganda continues and we hope that this study will lay a baseline upon which progress as regards the ratification, domestication and implementation of the Maputo Protocol can be measured.

The Team takes full responsibility for the views expressed in this report.

October 2009
I: The Maputo Protocol: An Introduction

The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, (commonly known as the AU Women’s Rights Protocol or the Maputo Protocol) was adopted by the Africa Union on July 11th 2003 and entered into force on November 25th 2005. The Maputo Protocol is a progressive human rights instrument that has been hailed as the first of its kind at a regional level and seeks to address the marginalization and exclusion of women within the broader political, economic, cultural and social contexts that constrain women’s human rights on the African Continent.

Why the Maputo Protocol? A key question posed by many stakeholders is why the Maputo Protocol in light of existing laws and human rights instruments at the international, regional and national levels. The Maputo Protocol builds upon existing instruments especially CEDAW but more specifically addresses challenges that are predominant on the African Continent. The Maputo Protocol is key for changing negative power relations, gender inequality and disempowerment and impoverishment of women in Africa and guarantees comprehensive rights to women including economic and social welfare rights; the right to social and political equality with men; the right for women to take part in political and decision making processes and to control their sexual and reproductive health. The Protocol also addresses issues specific to the African Continent including the elimination of harmful traditional practices like female genital mutilation, early marriage, widow inheritance and property grabbing and looks at the specific rights of women during marriage, separation and divorce; and during armed conflict.

Why the Protocol?

The Maputo Protocol is key for changing negative power relations, gender inequality and disempowerment and impoverishment of women in Africa and guarantees comprehensive rights to women.

The Maputo Protocol also affirms the rights of vulnerable groups such as widows, the elderly and disabled and “women in distress”, which includes poor women, women from marginalized populations, and pregnant or nursing women in detention. The Maputo Protocol calls upon States to put in place critical measures and resources necessary to promote women’s rights and also sets forth a broad range of remedies where rights have been denied or violated. States are obliged to report every two years to the AU on progress made in promoting and attaining these rights.
II: Progress and Challenges to Signing, Ratification and Implementation of the Protocol

Progress and challenges: Since 2003, several African Countries have signed and ratified the Maputo Protocol; however there has also been huge opposition, particularly in relation to rights within the context of family relations, from various sections including religious groups (especially the Catholic Church and Moslems) and Traditionalists that have delayed the ratification and adoption of the Protocol in several countries including Uganda. Opposition has largely been on two key grounds: the first is on religion with opposition to the provisions on marriage, separation and divorce and more critically, articles on the right to reproductive health (Article 14(2)(c)), which are touted as being against biblical teachings. Another key ground for opposition is based on tradition with traditionalists and Muslims opposing articles on female genital mutilation and polygamous marriage as contrary to tradition and the Koran.

With such opposition and pressure, a number of countries have resisted signing and ratifying the Protocol and those that have adopted have done so with reservations to specific provisions. Even in those countries where the Protocol has been ratified, implementation has been very slow and to date, the majority of African Women still face the same marginalization and human rights challenges the Protocol sought to address.

The need for organized and public demand: At the African level, a number of CSOs and coalitions most notably the Pan African Solidarity for African Women’s Rights Coalition (SOAWR) hosted by Equality Now are working together with the AU Women, Gender and Development Directorate (WGDD) and the Special Rapporteur on Women’s Rights in Africa to advocate for the signing, ratification and implementation of the Maputo Protocol. In 2008, working with other initiatives aimed at promoting women’s human rights on the global level; the SOAWR Coalition partnered with Oxfam to set up the Raising Her voice Project which works through National SOAWR partners in eight (8) countries in Africa. The Coalition has witnessed successes with more countries ratifying the Protocol over the last year. As at July 2009, 27 African countries had ratified the Protocol. (See Annex 1). However, there have been continued challenges with radical opposition and delayed implementation even in countries that have ratified the Maputo Protocol.

III: Status of the Maputo Protocol in Uganda

Uganda is one of those countries that immediately signed in 2003, but has failed to ratify the protocol to date owing to massive opposition from the religious and traditional groups. The delay in ratification has also been due to limited awareness on the Protocol which has contributed to limited support and mobilization among the population. In 2007, a group of CSOs working on Women’s human rights came together under the leadership of Akina Mama wa Afrika (AMwA)\(^1\) to establish the a National Task Force on the Maputo Protocol with the key aim of lobbying the Government of Uganda (GoU) to ratify and domesticate the Maputo Protocol.

The National Task Force on the Maputo Protocol, hereafter referred to as the National Taskforce (NTF), is currently comprised of over 20 Women’s Human Rights organizations and other CSOs\(^2\) and is guided by a Steering Committee chaired by AMwA.

Since 2008, National Task Force has been implementing the Uganda Raising Her Voice Project (RHV) that seeks to promote the rights and capacity of poor and marginalized women to engage in governance and particularly in decision-making processes affecting their lives.\(^3\) The effective implementation of the Maputo Protocol is seen as central to the realization of these rights and a five year advocacy campaign was embarked upon.

Through the RHV Project, the NTF has established key structures and processes and networked with various agencies including government institutions, the Parliament, media, women activists and development partners to implement activities aimed at promoting awareness of the Maputo Protocol and lobbying and advocating for its ratification. Progress however often seems slow and uncertain and the process for ratification remains unclear making it difficult for the NTF to design critical strategies that target the real blockages to the effective ratification and implementation of the Maputo Protocol; measure progress and account to the various stakeholders.

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\(^1\) AMwA is an international, Pan African non-governmental development organisation for women based in Uganda. AMWA is a historical Steering Committee member of SOAWR and is the Secretariat of the National Taskforce.

\(^2\) The members of the Task Force include AMwA, FIDA-U, UWONET, FOWODE, NAWOU, ECCA, ICON, DOWNRO, CEDOVIP/ RAISING VOICES, ACORD, WOUGNET, ISIS WICCE,

\(^3\) The RHV Project is a global project being implemented through Oxfam with DFID funding and is currently operational in 8 African Countries including Sudan, Tanzania, Uganda, The Gambia, Mozambique, Liberia, Nigeria and South Africa.
IV: National Baseline on the Maputo Protocol

Objectives for the National Baseline: In late 2008, it was agreed\(^4\) that a National Baseline Survey\(^5\) be undertaken to "objectively establish the current situation of women, key stakeholders and the legal and political situation and gather a sense of prevailing public policies and institutional practices, attitudes and beliefs related to the Protocol in relation to the Protocol". The specific objectives of the Baseline Study were to provide an overview and assessment of:

Current public policies, laws and budgets with regards to the protocol

The status of women’s rights nationally and in designated project areas and the degree of understanding among poor and marginalised women in designated project areas of the rights contained

The understanding and degree of ownership among key constituencies and alliances to implement and/or support the implementation of the campaign

The current capacity of the implementing agency of the protocol i.e. the National Taskforce on the Protocol

Advocacy Strategy:

The end result of the baseline is to provide objective information to enable the NTF to prioritise key activities, design an advocacy strategy aimed at reviving debate on the Maputo Protocol, seeking for its ratification and effective implementation in Uganda and measure progress made in effecting change in attainment and promotion of women’s human rights based on agreed indicators.

Methodology- the Baseline Survey was undertaken over a period one and a half months from mid July to end of August 2009 and is based on an assessment template designed for all the national baselines carried out in 8 countries implementing the Raising Her Voice (RHV) project. Data and information on the legal and policy framework and current status of women’s rights in Uganda and perceptions around the Maputo Protocol were gathered through:

- Desk review (including internet research) of existing documents, policies, laws
- See Annex 3 for a list of key laws and Policies and Annex 7 for a list of Documents
- Interviews with key stakeholders including State institutions, leading women’s rights and human rights organisations, donor and UN agencies and women activists and community members;
- See Annex 8 for a list of people interviewed
- Round Table Discussion with Members of the National Taskforce and the Chalising Organisation AMWA
- FGDs with women in communities in Kampala District (Muyonyo, and St. Balikuddebe Market) and Gulu District (Lanca Ward and Forest Division). FGDs were conducted by ICON/ ECCA (members of NTF)
- Questionnaires were administered to Community Development Officers (MGLSD) in 29 Districts
- Questionnaires were administered to Members of the National Taskforce
- Field Visit was conducted to Iyendojo District (in the center and in Mbya Sub County where the Team interacted with district authorities, NGOs, and Community members
- The Team analysed the findings and drafted this report

\(^4\) National Baselines on the Maputo Protocol have been undertaken in various countries that are implementing the Raising Her Voice Project on the Continent. The main supporters/ funders are Oxfam GB and SOAWR

\(^5\) Given the limited timelines, this baseline was meant to be a ‘light study’. See Terms of Reference for the baseline study for the AU Women’s Protocol Campaign in Uganda, July 2009
Limitations to the Study:
Given the time limitations for conducting the Baseline, a lot of reliance was placed on use of existing information through desk reviews while seeking views and perceptions from various stakeholders through meetings. A key challenge was in the scheduling of meetings with high level personalities such as the Attorney General within the limited timeframe and in receiving timely feedback from stakeholders especially where questionnaires were administered.

Structure of the Report:
The report is structured into five key sections including; Section 1: an analysis of key policies, laws, institutions and budgets for women’s rights and gender equality; Section 2 presents an overview of the status of women’s rights in Uganda; Section 3 highlights the degree of understanding of the Maputo Protocol among poor and marginalized women; Section 4 shows the understanding and degree of ownership among key constituencies while Section 5 shows the degree of understanding and ownership within the implementing agency of the Maputo Protocol.

V. Summary of Key findings:

Policy and Legal Overview:
Uganda is a member of the United Nations General Assembly and the African Union and has signed and ratified most of the major human rights instruments at the international and regional level. However, there is a slow pace of implementation of ratified treaties with several standards at the international and regional levels not yet incorporated in national legislation. Uganda’s reporting to international bodies is sporadic and there is a lack of clarity on responsibility for reporting with a number of line ministries. There is low awareness to both the existence and content of treaties such as CEDAW and the Maputo Protocol and very low use of international treaty bodies and mechanisms such as the CEDAW Committee, the UN Special Rapporteur on Violence Against Women, its Causes and Consequences; or the AU Special Rapporteur on the Rights of Women in Africa; or the African Commission on Human and People’s Rights, by women’s rights organizations in Uganda to complain/report violations and seek remedies and enforcement of women’s rights and gender equality. Uganda has also delayed to ratify a number of key protocols including Maputo protocol and Optional Protocols including those on CEDAW and the ICESCR.

At the national level
Progress has been made in passing relevant Policies e.g. on Affirmative Action, the National Gender Policy (1997) recently amended in 2007; enacting and amending some key laws e.g. the Children’s Act 1995, the Equal Opportunities Act 2007, and the Penal Code Amendment Act 2006 that guarantee additional protection for women’s human rights. There have however been delays with the debate and enactment of key laws on domestic relations (marriage, separation, divorce), and domestic violence.

Government institutions
Have been established for the promotion of women’s rights and gender equality, however, these institutions are largely weak, politically marginalised, and under resourced. Funding for Gender equality remains very low and largely un-prioritized across government. In the FY 2009/10, the Social Development Sector (which is housed by the Ministry of Gender, Labour and Social Development) has a ceiling of 0.5% of the national budget (Shs. 28.27bn) largely for wages and a small balance to carry out all activities under its Ministerial Policy Statement. These institutions largely lack capacity to fulfil their mandates and to implement, monitor and enforce policies and laws that protect women’s rights.

Status of Women’s Rights:
Uganda has made considerable progress in designing and implementing measures to eliminate discrimination against women through putting in place a legal and policy framework, undertaking interventions designed at improving women’s access to justice and women’s socio-economic status and addressing gender inequalities prevalent in Ugandan society. However, a number of challenges remain including: existence of cultural and traditional practices that discriminate against women and the girl child, persistence of patriarchal patterns of behaviour, a very slow law reform process, low literacy levels among women that impede their access to social services and their participation in economic activities, high levels of prevalence of poverty and violence against women, high incidence of violence against women, and ineffective mechanisms for the enforcement of women’s rights.
Degree of understanding among constituencies:

Generally, the majority of the population is not aware of their rights and mechanisms to claim them. Almost 25 years after its ratification by Uganda, CEDAW remains widely unknown and majority of people interviewed did not know about the Maputo Protocol. Even where they are aware of their rights e.g. reproductive health rights through access to family planning, they are often curtailed by cultural and religious beliefs. In addition, in a number of instances, basic needs come first before women think of their rights and the linkages between needs and rights. More often than not, women’s understanding is conditioned by the cultural, religious and traditional norms and context in which they live. These norms are often shaped by patriarchy which bestows more powers on men while seeking to enhance the subordination of women to men. Several examples exist of existing community beliefs that are at variance with the standards in the Protocol. For instance under the UDHS 2006, 7 in ten women agreed that there are justifiable reasons for wife beating.

Understanding and degree of ownership and support among stakeholders:

There are various stakeholders relevant to the process of ratifying and implementing the Maputo Protocol with some supporting including women’s rights organizations and others including the Religious groups opposing. The Government has the primary duty of supporting and implementing the Protocol and three key ministries have played a role to date: The Ministry of Foreign Affairs, the Ministry of Justice and Constitutional Affairs and the Ministry of Gender, Labour and Social Development. A key challenge has been in establishing who leads on the process for the ratification of the Protocol among these Ministries. The lack of clarity has contributed to inactivity on the Protocol for the last few years.

Low awareness of Maputo Protocol and its contents:

While a considerable number of people interviewed had heard of the Maputo Protocol, hardly any had an in-depth knowledge of the content of the Protocol. Majority are aware of a few contentious provisions which they have heard quoted to them or in the media. The lack of knowledge and awareness by those supposed to implement the Protocol poses a challenge for the Campaign and must be addressed even before the campaign is launched. Most of those interviewed, including those in the donor community, generally felt that the Protocol is still new and there is need to unpack it for most people.

The NTF is clearly engaged in the process of advocating for the ratification of the Protocol and has increased its visibility in the last few months especially through the high level meetings, participation in various fora by the Women’s Movement- including the 8th March Light a Candle Vigil in memoriam of victims of Gender Based Violence and for the speedy enactment of key gender laws. The legal literacy campaigns and other work of the NTF have contributed to empowerment of women in various spheres of NTF members’ specialisations building upon the intentions of the Maputo Protocol. More work needs to be done to enhance awareness around the Protocol and to advocate for its ratification and implementation in Uganda. This baseline provides a starting point to measure progress.

VI: Summary of Overall Recommendations

Clarity of procedure:

The National Task Force should advocate for a clearly written procedure from the Ministry of Foreign Affairs and the Ministry of Justice and Constitutional Affairs on the ratification process for the Maputo Protocol and should utilize various entry points for the continued advocacy including one on one engagement with key ministries. A starting point is to seek the full list treaties/ instruments signed, ratified and acceded to by Uganda and advocate for this list to be boosted with information on reporting obligations, timelines, and responsibility centers to enhance timely reporting and follow-up. Further advocacy should be undertaken for Uganda to ratify pending instruments including the Maputo Protocol and to fulfill its reporting obligations.

Engage with treaty body mechanisms:

Women’s organizations should also prepare timely shadow reports, meet their own obligations at the various treaty body mechanisms; and increase the use of international and regional treaty mechanisms. The use of Strategic Interest litigation to question the existence of certain laws or practices that affect women’s rights should be fully supported by the NTF.
Public Education and Literacy Campaign:

The NTF should advocate for a Public education and legal literacy campaign relating to the international and regional treaties, the Constitution and national policies and laws are critical to raise awareness of Uganda’s commitments on the elimination of discrimination against women including the Maputo Protocol. Literacy campaigns are also crucial in empowering women and enhancing their active participation in decision making.

Step up Advocacy for increased funding for women’s rights including Ratification and Implementation of instruments.

Women’s organizations should also tap into the APRM National Programme of Action 2008 budgetary resources and continue/upscale programmes for Training in Gender Responsive Budgeting and use of sex-disaggregated data as a basis for targeting resources is still very critical and the NTF can play a key role in enhancing awareness and capacity skills of officials at the central and local governments.

Wider Governance and Political Economy:

Advocacy efforts for women’s rights must target the wider governance and political economy issues and build coalitions with the wider Human Rights NGOs to ensure women’s issues are integrated in the broader campaigns for governance and accountability. In the lineup to the 2011 General Elections, a strategic approach must be taken to place and support women in places of power through training and team building to ensure that women leaders push a common political agenda for women.

Pursue more Strategic litigation and public interest cases to push for the realization of rights of a wide group of people.

In this case, consideration should be given to strategic litigation to establish women’s rights in aspects which are lagging behind including maternal health and access to land especially in regions where customary land law still operates e.g. in Northern Uganda.

Enhance access to Legal Aid

Through advocating for a National Legal Aid Policy and legal aid programmes to underpin women’s efforts to demand and enforce their rights and access justice and for the strengthening of complaints mechanisms (such as the Uganda Human Rights Commission) to handle issues raised by women at community and national level.

Build the capacity of the NTF

To influence and popularize the Protocol through training (both on the content of the Protocol and on technical aspects e.g. advocacy skills and human rights monitoring), development of materials and institutional support. NTF members need to aggressively utilize their grass roots links to campaign for the ratification and implementation of the Protocol using existing tools such as the Documentary on the Protocol (“As Time Ticks”).

Develop a Monitoring Framework

Utilizing identified baselines and established targets set by government (based on agreed international human rights standards) against which progress for specific areas can be tracked and measured by the NTF over the next 5 years. This framework should be widely disseminated and shared with stakeholders including Government ministries responsible for attaining agreed targets.
Legal and Policy Framework for the Protection and Promotion of Women’s Human Rights in Uganda

1.1 International and Regional Human Rights Framework

All people are born free and equal in dignity and rights. This crucial article passed by the UN General Assembly in the Universal Declaration of Human Rights in 1948 is meant to affirm the equality of all people regardless of sex, religion, race, age and other stated categories of discrimination. However, taking into account the generational and multifaceted discrimination and exclusion of women wrought by patriarchy, colonialism and other political, cultural and social-economic factors, it has been found necessary to further specifically guarantee women’s human rights under several international, regional and national human rights instruments. States are legally obliged and required to put in place mechanisms and structures to realize the basic standards for women’s human rights to be attained. State Parties have to report periodically to different committees and complaint mechanisms have been put in place to enable inter-state parties, groups and individuals to complain and seek remedies for gross and systematic violations of rights including where rights are not protected, promoted, respected or fulfilled.

Uganda is a member of the United Nations General Assembly and has signed and ratified most of the major human rights instruments at the international level including the Convention on the Elimination of all Forms of Violence Against Women (CEDAW) 1979; and acceded to the Declaration on Violence against Women (DEVAW) 1993, the International Conference on Population and Development (IPD) 1994, the Beijing Platform for Action (1995), the Millennium Declaration (2000) and the Commonwealth Plan of Action on Gender and Development for Advancing the Commonwealth Agenda into the New Millennium (2005-2010). (See Annex 2 and 3 On key instruments ratified and adopted by Uganda)

All people are born equal in dignity and rights regardless of sex, religion, race, age and other categories of discrimination.

6 Article 1 of the Universal Declaration of Human Rights (UDHR) 1948
Key Issues and findings:

Uganda has ratified several treaties which are all legally binding and enforceable. However, some key issues arise:

- Delayed ratification of key Optional Protocols such as those on CEDAW, the ICESCR, and the Convention against Torture which provide for individual complaints to the relevant treaty mechanism bodies and increase options for remedies;

- Slow pace of implementation of ratified treaties with several standards at the international level not yet incorporated in national legislation. Uganda is unlikely to meet the MDG 3 on Gender Equality, MGD 4 on reducing child death and illness and MDG 5 on reducing Maternal Mortality by 2015.

- Sporadic Country reporting to international bodies save for CEDAW under which Uganda has presented 4 reports to date (see annex 2 on reporting) but none for other treaties such as the ICESCR.

- Lack of clarity on reporting: responsibility for reporting to treaty bodies is placed in a number of ministries (Ministry of Foreign Affairs, Ministry of Justice and Constitutional Affairs and at times MGLSD) leading to confusion as to who takes the lead and who reports on what and when to report. It was only in June 2009 that the Ministry of Foreign Affairs presented to Parliament for the very first time, a compendium of all instruments, dates entered to, signed, ratified and acceded to.

- Very low awareness of both the existence and content of treaties such as CEDAW and the Maputo Protocol among women organizations, policy makers, politicians and the general population. This has contributed to very low accountability levels and low public demand for the implementation of ratified treaties.

- Very low/ almost nonexistent use of international treaty bodies and mechanisms such as the CEDAW committee, the UN Special Rapporteur on Violence Against Women, its Causes and Consequences; or the AU Special Rapporteur on the Rights of Women in Africa; or the African Commission on Human and People’s Rights, by women’s rights organizations in Uganda to complain/ report violations and seek remedies and enforcement of women’s rights.

At the Regional Level, Uganda is a member of the African Union and the East African Community and has ratified the African Charter for Human and People’s Rights (ACHPR) and other instruments that incorporate international human rights standards. Uganda has also signed several instruments for the promotion of Gender Equality in Africa e.g. the AU Gender Policy, Solemn Declaration on Gender Equality, the Protocol on the Suppression of Sexual Violence of the International Conference on the Great Lakes Region (ICGLR), and the Goma Declaration on Eradicating Sexual Violence and Ending Impunity in the Great Lakes Region, June 2008.

1.2 Rationale for the Maputo Protocol

With all these instruments signed and ratified and some domesticated, a key question that was posed by stakeholders throughout this study was:

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Why then do we need an additional instrument such as the Maputo Protocol? Aren’t there already simply too many laws in place and yet less being done on implementation?
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Indeed a myriad of instruments relating to women’s rights exist at the international and regional levels and there might be need to rationalize and streamline these for coherence. However, this does not negate the rationale for the Maputo Protocol which recognizes the continued discrimination suffered by women on the African Continent and the specific situations that are not addressed by existing international instruments such as CEDAW.

But perhaps the most compelling argument for the Maputo Protocol is that it is a binding legal instrument that advocates for women’s right to control their sexuality and reproductive health rights- a critical factor for changing negative power relations and gender inequality in Africa where control of women’s sexuality through harmful traditional practices such as FGM, bride price and control of fertility has been used to suppress women’s rights. Other key arguments for the Maputo Protocol are:

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7 Article 18 of the ACPHR calls on all State Parties to eliminate all forms of discrimination against women and to ensure the protection of women’s rights as stipulated in international instruments.
• It’s a comprehensive and binding legal instrument affirming international standards for women’s rights while addressing some issues specific to the African Continent

• It provides a critical framework for addressing other issues integral for realizing women’s rights such as economic rights, right to sustainable development,

• It affirms the principle of non discrimination of women on the basis of sex, gender and calls upon states to put in place legislative reforms to ensure equality between women and men (Article 3)

• Its premised on the women’s right to control their fertility and states that women’s sexual and reproductive health is to be respected and promoted (Article 14)

• It provides for legal authorization of medical abortion in cases of rape, assault and incest or to preserve the physical and mental health of the mother (Article 14(2)(c)

• It demands that governments establish and strengthen existing prenatal, delivery and post natal service (Article 14)

• It endorses affirmative action to promote the equal participation of women in elected office, judiciary, law enforcement etc and to participate in the promotion and maintenance of peace (9)

• It affirms the rights of inheritance (Article 21), widows’ rights (Article 20), and calls for the elimination of harmful traditional practices (Article 5) such as FGM

• It underscores the need for the full realization of economic and social rights of women which are present in other International Human Rights instruments and It affirms women’s rights to food security (15), land and property (19), adequate housing (16)

• It recognises and seeks protection for marginalised groups including widows, elderly, distressed, IDPs, refugees

• It requires States to protect the rights of women during armed conflict (Article 11)

• It requires States to provide for remedies where women’s rights have been violated (Article 25)

• It provides for Monitoring and Reporting Mechanisms- every 2 years to the AU

Indeed, several countries have signed onto and ratified the Maputo Protocol. In the same spirit, the UN High Commissioner for Human Rights rightly observed that the adoption by the African Union of the Specific Treaty on the Rights of women reinforces the message that women’s rights require priority attention in the protection of universal and inalienable rights. By June 2009, out of 53 member countries in the African Union, 45 countries had signed the protocol, and of these 27 countries had ratified and deposited the Protocol instruments with the AU. The latest countries to ratify this year were DRC in February and Cameroon in May 2009. Uganda has signed but not ratified the Protocol. (See Annex 1 on Status of Ratifications).

Acts of domestic violence, sexual harassment, marital rape are rampant.


Key issues and findings:

The non ratification of Maputo Protocol by Uganda has been raised at various regional forums with strong calls coming from Civil Society and the African Union. In 2007 Uganda underwent a Country Self Assessment and in 2008, was peer reviewed by a Panel of Eminent Persons under the Africa Peer Review Mechanism (APRM) of the New Partnership for Africa’s Development (NEPAD). The APRM calls upon Uganda to sign, ratify, accede to, domestic and popularise key instruments including the Maputo Protocol.4

Delayed implementation of the APRM National Programme of Action (NPOA).5 AU State Parties are expected to present 6 monthly reports to the AU Commission and Uganda was expected to present its First Annual Progress Implementation Report, 2008/9 (June 2009) at the recent meeting of the AU in Libya in July 2009. However, Uganda’s president did not attend and hence the country’s report was not presented. An Extra Ordinary summit of the AU has been scheduled for October 2009 in Addis Ababa and Uganda is expected to present its report at this summit including progress made and status toward ratification of the Maputo Protocol.

External pressure: Uganda is slated to host the AU summit in July 2010. The AU Secretariat intends to use this opportunity to launch the African Union Women’s Decade. However, there have been calls and pressure from various regional activists for Uganda6 to be denied the opportunity to host this prestigious summit if it is not ready to meet its obligations at the AU including the ratification of the Maputo Protocol.

The rising external pressure for Uganda to ratify the Maputo Protocol lends weight to internal efforts by the Uganda Women’s Movement (UWM). The UWM has come along way from the first days of advocacy where there was no shared and agreed position on the Maputo Protocol with some women citing moral, ethical and religious grounds for not personally supporting the Protocol. This position has changed in the recent years as more women in the UWM learnt about the Protocol as a result of early advocacy work done by AMWA and its partners including the Ministry of Gender in the development of the Protocol, to the accelerated advocacy since the creation of the NTF in October 2007. In addition, taking into account lessons from other countries, the Women’s organisations have generally agreed to compromise and push for the ratification of the Protocol even with reservations on Article 14 (2)(c) and Article 6 (c).7

Lack of clarity around the process for ratification: with this progress made, the Ratification of the Maputo Protocol may even be closer than most people anticipate. A key issue however is the need to clarify the process for Ratification and Domestication of treaties which has been quite confusing. Uganda enacted the Ratification of Treaties Act 1998, which spells out the mechanisms for ratifying and domesticating treaties and conventions. The Act requires all treaties are to be ratified by the Cabinet. The exception to this process is treaties whose implementation would require an amendment to the Constitution which can only be ratified by a resolution of Parliament. The Instrument of Ratification is to be signed, sealed and deposited with the relevant body - in this case the African Union (AU) - by the Ministry of Foreign Affairs. After ratification, the treaty is then laid before Parliament and the process of domestication begins.8

The issue now raised is whether the ratification of the Maputo Protocol requires a constitutional amendment given the provisions of Article 14 (2) (c) and Article 6 (c) and hence approval of Parliament prior to ratification? The general view held by stakeholders9 is that ratifying with reservations will appease both the opposition and the UWM and also negate the need for a constitutional amendment and hence there is no requirement for prior approval of Parliament. All that is required is for the Cabinet to Ratify the Protocol and for the Ministry of Foreign Affairs to deposit the Instruments with the AU Commission. Clearly, there is need for further clarity on the process for ratification.

1.3 National Legislative Framework:

At the national level, Uganda has made progress in ratifying and domesticating several instruments and has what is regarded by many a progressive Constitution10 that incorporates a gender-sensitive approach to the definition of discrimination on the grounds of sex, in harmony with the CEDAW Convention and guarantees the equality of men and women and freedom from discrimination (Article 21). The Constitution goes further to provide for equal rights in marriage (Article 31(1)), affirmative action for marginalized groups (Article 32) and places the rights of women at the forefront of the legal and development agenda (Article 33).

While no comprehensive law exists covering all aspects of women’s rights in Uganda, progress has been made in passing relevant Policies e.g. on Affirmative Action, the National Gender Policy (1997) recently amended in 2007; enacting some key laws e.g. the Children’s Act 1995, the Equal Opportunities Act 2007, and more recently the Trafficking in Persons Act 200811; amending some laws incorporating provisions that guarantee additional protection for women’s human rights e.g. Penal Code Amendment Act to further categorize Sexual Violence Acts especially defilement.

10 Concluding Comments of the CEDAW to Uganda’s third period report (CEDAW/C/SR.575 and 576) 9/8/ 2002
11 Passed by Parliament on 2nd April 2008 to address the increasing levels of human trafficking in the country with children and women as the primary targets of this vice
These legislative reforms have translated into some progress in the realization of women’s rights including increased numbers of women representatives at various elected and appointed positions (ranging from 20% in the cabinet to 30% in parliament and almost 40% in government service), increased numbers of girls accessing education at all levels, and establishment of relevant women’s institutions.

**Key Issues and findings:**

<table>
<thead>
<tr>
<th>Gaps in the existing laws – the current legislative framework does not (fully) address crucial issues relating to women’s rights including domestic violence, sexual harassment, marital rape, domestic relations, harmful practices such as FGM; and rights of women in conflict situations. Definitions of sexual offences such as Rape do not yet match the internationally accepted definitions e.g. under the UNSCR 1325 which also caters for cases of non-penetrative sex and non-penile rape involving use of objects such as metals, bottles - a practice common during war when systematic rape is used as a tool of war</th>
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<tbody>
<tr>
<td>Discriminatory provisions continue to exist on the statute books even after successful petitions through strategic litigation cases in the Constitutional Court. Two cases in point are the Succession Act, S. 27 thereof which denied women equal rights and opportunity to inherit property was declared discriminatory and unconstitutional by the Constitution Court after a petition by the Women’s Movement led by FIDA-U. Similarly, sections of the Divorce Act that preferred different grounds for divorce for men and women and the Penal Code that had differing definitions for criminal adultery based on gender were declared unconstitutional after a petition by LAWA-U. However, several years after these decisions, the laws are yet to be amended by the Attorney General’s Office and discretion is left to the Judges when handling cases under these provisions. The existence of outdated laws such as the Witchcraft Act have the potential to further discriminate against women on the basis of their gender especially in the rural communities where women are often the first to be targeted and accused to be witches and there have been fatal cases of mob justice.</td>
</tr>
<tr>
<td>Delayed implementation and poor institutional mechanisms to enforce reforms mean that several years after enacting the Employment Act in 2006, women are still denied access to full maternity leave (of 60 working days) especially in the private sector, while wages for women are still substantially lower than those for men at the same level especially within the private sector.</td>
</tr>
<tr>
<td>Delayed law reforms- several laws still remain at various stages of the legislative process even after advocacy by women’s organizations and the wider civil society over the last 4 decades. This connotes a lack of political will to seriously tackle the challenges facing women through legislative reforms despite government obligations under the Constitution and International and regional treaties. Some of the pending bills include:</td>
</tr>
</tbody>
</table>

**There is lack of political will to seriously tackle the challenges facing women through legislative reforms.**
Domestic Relations Bill (now split into two)

- The Marriage and Divorce Law 2008 - yet to be Tabled in Parliament
- The Administration of Muslim Personal Law- still under redrafting

Domestic Violence Bill- Tabled in Parliament for the 1st Reading on 17th June 2009

Sexual Offences Bill 2004- its status is unclear following incorporation of various key sections in the Penal Code Act and the Trafficking in Persons Act 2008

Prohibition of Female Genital Mutilation- under drafting by the First Parliamentary Counsel (MoJCA)

Land (Amendment) Act- drafting of a national Land Policy and national consultations are ongoing. However, the recently enacted Mortgage (Amendment) Act 2009 has pushed back some of the gains achieved under the Land (Amendment) Act 2004 by narrowing the definition of family land (under S.40) to cover only matrimonial property for purposes of seeking spousal consent for mortgages

Community Mobilization and Empowerment Bill- currently being drafted

Ongoing law reforms that are discriminatory, seek to impose stricter penalties and violate the rights of sexual minority groups including Lesbians, Gays, Bisexual, Transgender (LGBTI) and Sex Workers. Other similarly outrageous law reforms are sought in legislating how women dress with proposals to ban women from wearing mini-skirts.

Gender mainstreaming or ‘gender male streaming’? The gender mainstreaming policy has over the years been watered down leading to a dilution on the core principles of gender equality and women empowerment and more emphasis on not disrupting the status quo and especially the power structures that tend to favor men as a result of institutionalized patriarchy

Inadequate use of community bylaws to address injustices and inequalities at the community level- these are much easier and quicker to agree to and enact and should be an option given the lengthy delays in legislative reforms.

It would seem that despite several areas of progress in ratifying international and regional instruments and enacting a gender sensitive constitution and some policies, de jure discrimination still exists with provisions that discriminate against women continuing to exist on the statute books. In addition, enactments of legislative reforms have been slow further preventing the elimination of de facto discrimination against women. Awareness levels are low and mechanisms to enforce the constitutional provisions on non-discrimination are not widely known and are inaccessible to women.

1.4 General Recommendations on Legal and Policy Framework

Given the interdependence, indivisibility and inalienability of rights, women’s human rights are hinged on the realization of other rights including Civil and Political Rights such as the right to freedom of association, freedom of speech, access to justice, and Economic and Social Cultural Rights such as the right to health, water, food, adequate housing, education and the right to development. Advocacy efforts for women’s rights should take this factor into account and contain a multidimensional and broader approach for the fulfilment of all rights.

Women’s organizations should further advocate for Uganda to ratify pending instruments including the Maputo Protocol and Optional Protocols for CEDAW and ICESCR, and to fulfill its reporting obligations. Women’s organizations should also prepare timely shadow reports and meet their own obligations at the various treaty body mechanisms e.g. submitting relevant reports and fulfilling observer status at the UN Human Rights Council and African Commission on Human and Peoples’ Rights. A starting point is to seek the full list treaties/ instruments signed, ratified and acceded to by Uganda and advocate for this list to be boosted with information on reporting obligations, timelines, and responsibility centers to enhance timely reporting and follow-up.

Increased use of international and regional treaty mechanisms (including treaty bodies such as CEDAW Committee, African Commission on Human and Peoples’ Rights, AU and the East Africa Courts of Justice would raise the profile of women’s rights in Uganda to the international arena, increase options for remedies, enhance accountability for women’s rights and impetus for their fulfillment at national level.

12 Also see comments of the CEDAW Committee 9th August 2002
Strategic Cases/Public Interest Litigation (PIL): the use of strategic litigation to question the existence of certain laws or practices that affect women’s rights is increasingly taking root and should be strongly supported for its potential to have wider impact on promoting the rights of women in Uganda. Currently, two cases are in the Constitutional court—one by Mifumi (an NGO based in Tororo District) seeking to outlaw Bride Price as a condition for traditional marriage given its unconstitutionality and contribution to domestic violence.13 The other case is by LAW-U seeking to declare Female Genital Mutilation unconstitutional. Both cases are pending court decisions, but more cases such as these should be supported.

Public education and legal literacy campaigns relating to the international and regional treaties, the Constitution and national policies and laws are critical to raise awareness of Uganda’s commitments on the elimination of discrimination against women. Literacy campaigns are also crucial in empowering women and enhancing their active participation in decision making.

The National Task Force should advocate for a clearly written procedure from the Ministry of Foreign Affairs and the Ministry of Justice and Constitutional Affairs on the ratification process for the Maputo Protocol and should utilize various entry points for the continued advocacy including one on one engagement with key ministries. The upcoming AU extraordinary Summit in Kampala in October 2009 and the AU Summit in July 2010 that Uganda will host present an opportunity to engage the government at the regional level. Women’s organizations should increasingly support women to take up key positions of influence within regional structures so as to engage from within.14

Uganda is currently chairing the UN Security Council for 2009/2010 and this is an opportune moment for Women’s rights organisations to push for government to put aside relevant resources to meet its obligations under international treaty bodies and to specifically meet commitments under UN SCR 1325 and 1820 on the rights of women in conflict situations.

Support the initiation and enactment of gender sensitive bylaws at community level.

Key Institutional Framework for the Protection of Women’s Rights in Uganda

1.5 Existing Institutional Framework:

For women’s rights to be effectively protected and enforced, functioning and effective institutions must be in place. Several institutions have been established in the last two decades including the Ministry of Gender, Labour and Social Development (MGLSD) and the National Women’s Council (NWC). These institutions have been key to initiating and promoting gender laws, policies and guidelines; implementing programmes aimed at reducing vulnerabilities e.g. the Functional Adult Literacy Programme (FAL), the Orphans and Vulnerable Children Programme (OVC); imparting Gender budgeting skills; and enhancing gender equality through affirmative action in education and in politics; raising awareness about women’s rights through legal literacy campaigns and use of International Women’s Day Celebrations on March 8th and extending their reach/access through establishment of structures at the community level e.g. through the Community Development Officers at Local Government Level.

Other key institutions that exist and have played a key role are the Parliament and more specifically the Uganda Women Parliamentarians Association (UWOPA) and the Gender Committee. These have worked hard to engender various laws across government and to promote the enactment of gender laws; independent mechanisms like the Uganda Human Rights Commission (UHRC) for human rights violation-up to 24% of complaints in 2008 were for cases of child neglect and lack of maintenance.15 The Police Child and Family Protection Units (CFPU) and the Family and Children Courts (FCC) exist to address and adjudicate complaints relating to family matters such as domestic issues, maintenance. At the community level exist the Local Councils Courts (LCCs) that seek to address issues and settle disputes within the community. A Joint Survey of LCCs and Legal Aid Service Providers undertaken in 2006, found that they were the first point of resort for dispute resolution at that level.16

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13 Mifumi and Others Vs. Attorney General; Constitutional Petition No.12 of 2007
14 For instance, Ms. Solome Nakaweesi Kimbuge- ED of AMwA was this year appointed by Government to the National Governing Council on which she now serves as the Vice Chair and Chairperson of the Social Economic Development Committee. This has enabled her to keep key issues such as the ratification of the Maputo Protocol alive & on the table for debate
15 UHRC Annual Report 2008
16 LABF and UNCDF- Joint Survey of LCCs and Legal Aid Service Providers, NCG, 2006
Key Issues and Findings:

Weak institutions largely politically marginalised and under funded. The majority of institutions named above are heavily underfunded and lack the mechanisms (including staffing and equipment) to implement, monitor and enforce policies and laws to protect women’s rights. Perpetrators are often not prosecuted or punished and this has contributed to a growing culture of impunity for instance on non-enforcement of maintenance orders and repeat incidences of domestic violence.

The MOGLSD has since its creation, been seen as a mismatched and disjointed ministry, lacking political clout and marginalised on the national agenda as evidenced by the limited financial and other resources allocated to the ministry in light of its huge mandate. The delayed establishment of the Equal Opportunities Commission more than 4 years after the Policy was passed is seen as another example of low political will for the fulfilment of constitutional obligations for gender equality.

Weak links between institutions/ ministries- the role of gender desk officers within line ministries is often weakened by the appointment of junior officers often lacking clout and decision making powers to influence any change during planning and resource allocation.

Low awareness of laws and roles among state institutions as duty bearers contributing to low accountability for the promotion of women’s rights, Gender insensitivity, bias and poor attitudes to women as evidenced by actions of officials for instance at the LCC, the police stations and within the courts.

Low levels of specialization to address women specific issues for instance there are no specialized units for Sexual Offences Crimes in the Police, DPP and Judiciary, despite the rising incidence of these crimes. This has contributed to poor handling of cases leading to high attrition rates in the justice system. In 2008, out of over 500 reported rape cases, only 5 were convictions with the rest either acquittals or dismissals for technicalities.

Incapacity of state institutions to fulfill all their duties leading to CSOs taking up roles and responsibilities in service delivery in key areas such as public and legal literacy campaigns and legal aid service provision. This detracts CSOs from carrying our monitoring and advocacy functions which are vital for enhancing accountability among state institutions.

The situation at the district and local level is weak- a number of districts especially the newly created ones lack staffing like the Community Development Officers and their assistants creating a vacuum for women seeking protection.

Lack of clarity around which ministry takes the lead for promoting the ratification of the Maputo Protocol- the three key ministries of Justice, Foreign Affairs and MGLSD each have a key role to play, but no clear lead has emerged to take full responsibility. This has led to a back and forth scenario without any tangible action being taken in the last few years.

1.6  Recommendations for Strengthening Institutional Framework for protection of women’s rights:

Advocacy for Stronger Institutions: Hence advocacy for law and policy reforms should also focus on strengthening of existing institutions through adequate staffing, funding, and equipping.

MGLSD should strengthen linkages with line ministries/ agencies by revitalizing the role of Gender Desk Officers through creating clear guidelines and TORs establishing level of designations (at least not lower than Assistant Commissioner), funding, training, and streamlining communication and feedback mechanisms.

Awareness raising and gender sensitive training for all public officials in the laws, their functions, and in establishing basic guidelines for handling complaints and cases of women’s rights violations. Specific focus of training should target law enforcement officials including the police, prisons, DPP and Judiciary; medical and health workers, local councils.

Strengthening of functioning independent complaints mechanisms to enable women have avenues to report their complaints and seek redress and remedies for violations of rights.

Women’s organizations should continue to support calls for decongesting the MGLSD and strengthening structures to specifically address issues of women empowerment and gender equality. The MGLSD should take the lead on promoting the ratification of the Maputo Protocol given that it will have a lead role in its implementation and reporting while the MoJCA plays a key role in providing legal advice to Cabinet on key issues e.g. process of ratification with reservations. The role of the MoFA will be to conclude the process by depositing the ratification instruments and following up on reporting obligations.

17 The National Governing Council of the APRM NPOA has made this call in the First Annual Progress Report 2008/9
1.7 Resourcing Women’s rights

States are required to put aside adequate resourcing to support reforms aimed at gender equality. While Uganda does not have a comprehensive budget for gender related issues, different ministerial budgets contain aspects of gender budgeting. A key challenge has been the lack of skills for effective gender budgeting. To support this process, the Ministry of Finance Planning and Economic Development mandated all sectors to integrate gender and equity issues in their Budget Frame Work Papers (BFPs). The MoFPED has worked closely with the Social Development Sector to develop guidelines for integration of gender and equity issues in the sector plans and budgets.

There is some progress in gender budgeting at Ministerial level. For instance, the Ministry of Internal Affairs has dedicated an estimated 2% of its budget to gender and equity issues including mainstreaming the gender policy. The Police force seeks to increase recruitment of female officers from 30% to 32% of the Police Force; ensuring that at least 20% of promotions in each promotion lot are allocated to women so as to mitigate the low numbers of high level female officers. The Ministry of Education and Sports has initiated deliberate policies and strategies to respond to issues which discriminate against women e.g. through the student Bursary Scheme provides that 50% of all beneficiaries must be girls. The Universal Secondary Education Programme has seen improved enrolment for girls from 37% (2006) to 47% (2008). Ministry of Defence seeks to establish a Directorate to handle Women’s affairs in the Army. The Ministry of Health has budgeted Shs. 1.7bn in FY 2009/10 up from 1.1bn in 2008/9 to scale up basic emergency obstetric and neonatal care to 400 more health care III units so as to improve access and quality of family planning and maternal, training and supervision of workers and provision of health care equipment.

Key issues and findings:

Funding for Gender equality remains very low and largely un-prioritized across government. In the FY 2009/10, the Social Development Sector has a ceiling of 0.5% of the budget (see table 1 below and annex 4) which translates to Shs. 28.27bn largely for wages and a small balance to carry out all activities under its Ministerial Policy Statement (see table 2 below). As a result, MoGLSD has a huge dependency on donor funding to implement some crucial programmes such as fulfilling reporting requirements under CEDAW and the AU, counseling, awareness raising and response to Sexual and Gender Based Violence. The situation is worse at the district level where CDOs are not funded or facilitated to effectively undertake their work. In response to the questionnaire for this study, several CDOs indicated that the district’s budget is less than 1% for gender equality work greatly undermining the implementation of agreed standards.

Gender budgeting skills are still quite weak across government resulting in low identification and prioritization of sector specific gender issues in the planning and budgeting process.

Potential sources of funding are not tapped e.g. under the APRM National Programme of Action, approximately US$ 4.85bn has been allocated for the implementation of activities under the Social Economic Development Component with US$ 238,023 of that put aside for the signing and ratification of key instruments including the Maputo Protocol and the rest towards key areas including strengthening policies, delivery mechanisms and outcomes for social development including in HIV/ AIDS; enhance access to water, sanitation, energy, finance, markets, ICT, land; support initiatives geared to gender equality and capacity building and awareness raising among communities. Government has to set aside these resources to meet agreed objectives.

1.8 Recommendations for resourcing women’s rights

Advocacy for increased funding for women’s rights including Ratification and Implementation of instruments. Women’s organizations should step up advocacy efforts for increased prioritization of additional/ substantial funding to key sectors and institutions if Government is to meet agreed standards on women’s rights under various international/ regional agreements.

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18 Through the Budget Call Circulars of 2004/5 and 2005/6, MoFPED
19 Ministry of Finance, Planning & Economic Development Ministerial Policy Statement; Financial Year 2009/2010,
20 Ministry of Internal Affairs Ministerial Policy Statement; Financial Year 2009/2010, Presented to Parliament
22 Ministry of Defence Ministerial Policy Statement; Financial Year 2009/2010, Presented to Parliament
23 Ministry of Health Ministerial Policy Statement; Financial Year 2009/2010, Presented to Parliament
The National Task Force should prepare for the eventuality of the ratification of the Maputo Protocol and its subsequent implementation which will require considerable resources. Lessons from other countries that have ratified shows that there are challenges in implementation due to non allocation of resources.

Tap into the APRM National Programme of Action 2008 budgetary resources. The NPOA provides a very opportune funding option to push for the ratification of the Maputo Protocol, Optional Protocols for CEDAW, ICESCR and CAT. However clear guidelines should be developed by the APRM Secretariat to enable the National Task Force access these resources for its work.

Training in Gender Responsive Budgeting and use of sex-disaggregated data as a basis for targeting resources is still very critical and the NTF can play a key role in enhancing awareness and capacity skills of officials at the central and local governments.

### Table 1: MTEF Sector Shares 2006/7-2013/14 Excluding Non Vat Taxes and Arrears

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<td>SECURITY</td>
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<td>8.1%</td>
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<td>7.5%</td>
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<td>17.0%</td>
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<td>10.1%</td>
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<td>4.5%</td>
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<td>ENERGY AND MINERAL DEVELOPMENT</td>
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<td>0.4%</td>
<td>0.5%</td>
<td>0.5%</td>
<td>0.5%</td>
<td>0.7%</td>
</tr>
<tr>
<td>ICT</td>
<td>0.0%</td>
<td>0.1%</td>
<td>0.1%</td>
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<tr>
<td>PUBLIC SECTOR MANAGEMENT</td>
<td>7.2%</td>
<td>10.2%</td>
<td>2.1%</td>
<td>0.2%</td>
<td>0.2%</td>
<td>0.1%</td>
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</tr>
<tr>
<td>PUBLIC ADMINISTRATION</td>
<td>4.3%</td>
<td>3.7%</td>
<td>2.3%</td>
<td>2.7%</td>
<td>3.5%</td>
<td>4.1%</td>
<td>3.5%</td>
</tr>
<tr>
<td>LEGISLATURE</td>
<td>1.3%</td>
<td>1.7%</td>
<td>1.9%</td>
<td>1.8%</td>
<td>1.5%</td>
<td>1.7%</td>
<td>1.8%</td>
</tr>
<tr>
<td>INTEREST PAYMENTS DUE</td>
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<td>0.1%</td>
<td>0.5%</td>
<td>0.5%</td>
<td>0.3%</td>
<td>0.4%</td>
<td>0.2%</td>
</tr>
<tr>
<td>UNAL LOCATED</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>1.6%</td>
<td>2.2%</td>
<td>5.3%</td>
<td>11.1%</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: National Budget Framework Paper FY 2009/10, MoFPED

### Table 2: Overview of Social Development Sector Expenditure 2007/8-2011/12 (Ush Bn)

<table>
<thead>
<tr>
<th></th>
<th>2007/8 Outturn</th>
<th>Approved Budget</th>
<th>Half Year Outturn</th>
<th>MTEF Budget Projections</th>
</tr>
</thead>
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<tr>
<td></td>
<td>2008/9</td>
<td></td>
<td></td>
<td>2009-10</td>
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<tr>
<td>Recurrent Wage</td>
<td>21.1</td>
<td>21.9</td>
<td>8.8</td>
<td>22.8</td>
</tr>
<tr>
<td>Non-Wage Development</td>
<td>23.0</td>
<td>23.9</td>
<td>8.8</td>
<td>25.0</td>
</tr>
<tr>
<td>GoU Total**</td>
<td>23.0</td>
<td>25.8</td>
<td>N/A</td>
<td>28.3</td>
</tr>
<tr>
<td>Grand Total</td>
<td>N/A</td>
<td>24.8</td>
<td>N/A</td>
<td>28.3</td>
</tr>
</tbody>
</table>

Source: Ministerial Policy Statement of the MGLSD 2009/10

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24 Crossing the next frontier: a states capacity needs assessment on domestication, implementation and monitoring of the AU Women’s Rights Protocol- A Study conducted in Liberia, Nigeria and Tanzania, Jackie Asiimwe, 2009
2.1 Measuring and establishing the status of women’s rights in Uganda

The International and Regional human rights framework lays down basic standards upon which progress in attainment of women’s rights will be measured. The CEDAW Committee and other mechanisms like the UN Special Rapporteur on Violence Against Women, its Causes and Consequences and the AU Special Rapporteur on the Rights of Women in Africa have spent considerable time elucidating on these standards and providing guidelines and measures through General Comments, and recommendations, Declarations, Concluding observations to State Country reports and through Status reports derived from country visits and observations.

Given that Uganda has not yet ratified the Maputo Protocol and hence no specific reporting has been done to the AU on progress in attaining women’s rights, the most comprehensive source of information on the current status of women in Uganda can largely be derived from the Country Status Reports to the CEDAW Committee and the Shadow Reports by Civil Society Organisations. Reports of bodies such as UNIFEM, UNFPA, UNDP and reports of other organisations such as the Uganda Human Rights Commission provide an insight into different aspects of the status of women’s rights.

Status of Women’s Rights in Uganda:

According to the 4th, 5th, 6th and 7th Uganda Country Status Report to CEDAW, 2008, Uganda has made considerable progress in designing and implementing measures to eliminate discrimination against women through:

- Putting in place a legal and policy framework,
- Undertaking interventions designed at improving women’s access to justice and women’s socio-economic status and
- Addressing gender inequalities prevalent in Ugandan society

---

25 See General Recommendation 19 of the CEDAW Committee on violence against women
26 E.g. the UN Declaration on Violence Against Women 1993 which defines violence in detail and lays parameters
27 E.g. See 15 Years of the UN Special Rapporteur on Violence Against Women, its causes and consequences, by Yakin Erzak UN SRVAW, 2009
A number of challenges remain:

- Slow law reform process, cultural and traditional practices that discriminate against women and the girl child
- Low literacy levels among women that impede their access to social services and their participation in economic activities,
- High levels of prevalence of poverty and violence against women

Overall however, there is no comprehensive providing an overview of trends and progress for women’s rights in Uganda in the last 20 years in all spheres – civil, political, economic, social and cultural rights. Before 2008, Uganda had last submitted a report to the UN CEDAW Committee in 2000 and received Concluding Observations from the CEDAW Committee in 2002. The Committee welcomed the adoption of the gender sensitive Constitution of 1995, the Affirmative Action Policy and the National Gender Policy and noted progress in some areas including an increase in women’s representation in decision-making positions from 16.9 per cent in 1994 to 39 per cent in 2002 and increased enrolment of girls in school by 3.3m in 2001 as a result of Universal primary Education. The Committee however also noted that in many areas, the status of women’s rights had not improved especially in:

- delayed law reforms,
- ineffective mechanisms for the enforcement of women’s rights;
- persistence of patriarchal patterns of behaviour in the State party;
- existence of stereotypes relating to the role of women in the home and society, and expectations of women’s subordination to men;
- high incidence of violence against women, such as domestic violence, rape, including marital rape, incest, sexual harassment,
- lack of legal and other measures to address violence against women and
- Persistence of female genital mutilation.

Since then, a number of reforms have been undertaken, however the Concluding Observations of the CEDAW Committee in 2002 still hold true. The current analysis for this baseline survey is based on Uganda’s Status Report to CEDAW, 2008, several other reports by CSOs and agencies, through perceptions of stakeholders and interaction with women at all levels. The general finding is that there has been considerable progress in the status of women’s rights in Uganda in areas of establishing legal and institutional framework; in increasing Political Representation and participation of women in various spheres of government; in access to education and economic opportunities. There is however also consensus that in some areas, progress in women’s rights has stagnated especially in the area of reproductive rights- maternal health and delayed law reforms and in others there is considerable decline such as regards violence against women and enforcement of women’s rights.

This section will examine more in depth the status of women’s rights in some identified areas:

- Women in Political Participation and Decision Making
- Power relations and inequalities of women
- Women’s sexual and reproductive health (including HIV/AIDS)
- Elimination of Violence Against Women and access to justice

2.2 Women in Political Participation and Decision making (in line with Article 9 of Maputo protocol)

Increased numbers and presence:

The outcome of the 2006 election – the first under a multi-party dispensation, reflected a 35% increase in the number of women parliamentarians, from 75 in 2001 to 100 in 2006 out of a total of 333 MPs. The number of women holding ministerial positions, chairing Standing Committees in parliament and senior positions in party structures has risen. The number of women heading critical public bodies has also risen. The table below shows a range of women representation from 19% in Cabinet to 30% in Parliament and 38% in Civil Service.

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28 Concluding Comments of the CEDAW to Uganda’s third period report (CEDAW/C/SR.575 and 576) 9/8/2002
29 As reflected in institutions such as the Uganda Revenue Authority, Uganda Investment Authority, Uganda Electricity Distribution Company Limited, the Inspectorate of Government
Table 1: Women in Leadership Positions

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>F</td>
<td>%</td>
</tr>
<tr>
<td>Cabinet &amp; Ministers of State</td>
<td>15</td>
<td>40%</td>
</tr>
<tr>
<td>Parliament</td>
<td>75</td>
<td>24.6%</td>
</tr>
<tr>
<td>Top Civil Service 25</td>
<td>15</td>
<td>58%</td>
</tr>
<tr>
<td>Judiciary 26</td>
<td>31.3%</td>
<td>68.9%</td>
</tr>
<tr>
<td>Local Government</td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Chairs and Vice Chairpersons</td>
<td>1</td>
<td>1.8%</td>
</tr>
<tr>
<td>Municipality (Local Council 111)</td>
<td>2</td>
<td>5.5%</td>
</tr>
<tr>
<td>Sub county Chairpersons</td>
<td>16</td>
<td>15%</td>
</tr>
</tbody>
</table>


Women’s presence on Sessional Committees of Parliament has transformed the male dominated character of Parliament. In the 8th Parliament, 5 women Members of Parliament (MPs) head parliamentary committees while 9 are deputies. Of particular importance is their presence on Standing Committees which are critical entry points for addressing gender concerns in government programmes. Women representatives have brought a gender perspective to the legislative process. They have used their positions through specific bodies like UWOPA and the Gender Committee to draw attention to issues of concern to women such as domestic violence, property rights, gender based violence, reproductive health and have realized some success in ensuring that the laws enacted are more gender sensitive.31

And still more numbers needed - the ratio of women in the Cabinet does not meet the minimum required 30 percent female representation while that in Parliament can certainly be improved beyond the mandatory women representative at district level. Very few women are competing on merit against the male representatives at sub county level. The example of Rwanda which at 56% representation now has the highest percentage of women representatives in parliament in the world is commendable and should be emulated. Within the armed forces (police, army, prisons), the representation of women is dismal. In Prisons, only one woman out of 32 Officers holds a top management position while in the Police Force, there are only 3 women out of 32 top officials. Within other structures there are few women in the diplomatic services and in international organizations. At the district, municipal and Sub County levels, women’s representation in positions of power is very low. There is only one female District Chair Person, Town Clerk and Deputy Mayor countrywide.

Moving beyond numbers- overall, while numbers have grown quantitatively, women’s presence in positions of influence is limited and hence women’s capacity and power to transform leadership from within the political structures is very low. An analysis of the representation in Parliament (See Annex 5) shows that women representation on key committees such as Standing Committees on National Economy (3/20 or 15%), Business Committee (2/10 or 20%) and Public Accounts Committee (5/20 or 25%) is low. On the Sessional Committees of Defence; Finance, Planning and Economic Development; and Legal and Parliamentary Affairs representation of women parliamentarians on each is at 20% or 4/20.

Fragmented voices: Women’s participation in these structures has been curtailed by the stringent political party structures and rules introduced after the 2006 multi party elections. Ironically, while re-introducing multi party politics in Uganda, these reforms have had an inadvertent effect on hindering women from moving beyond party lines to coalesce as one voice on women’s issues. This coupled with oppressive patriarchal structures and patterns has contributed to divisionism among women representatives in parliament along party lines and further contributing to delayed law reforms.

2.3 Strengthening Power Relations and reducing Inequalities of Women

EDUCATION:

Access to Education raises girls and women’s knowledge, empowerment and increases opportunities for them to beat the gender divide. With the introduction of UPE initial progress was witnessed with the tremendous increment of primary enrolment to 5.3 million in 1997 from 3 million in 1996. By 2001, over 3.3. Million girls had been enrolled and by 2008, gender parity had

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30 See Annex 5 on detailed breakdown of positions of women in parliament
31 e.g. the Land (Amendment) Act 2004, clause 39A and 40 provide for spousal consent, enhanced security of tenure for women
almost been achieved in enrolment of girls (49%) and for boys (50.1%). However, the success story has been curtailed with the high drop out rate and low completion levels for girls. Boys too have not fared much better, but girls are more affected by early marriages, pregnancies, absence of gender sensitive sanitation facilities in schools, preferential treatment to boys as opposed to girls in accessing education, family responsibilities, sickness, financial constraints, sexual harassment in the communities and at school and the absence of life-skills or guidance and education on adolescents’ reproductive health and rights. The quality of education received is generally very low. The Situation in Northern Uganda and Karamoja is worse and has been exacerbated by decades of conflicts.

**UNIVERSAL SECONDARY EDUCATION (USE)**

Which was introduced in 2007 has contributed to narrowing enrolment sex disparities in enrolment to secondary schools from 46% in 2007 to 69% in 2008 and further addressed the aspect of retention of girls in schools. Affirmative action at University has increased percentage of female students admitted to Makerere University from 35% in 1998 to 46% in 2008 and also contributed to higher enrolment of girls in science subjects.33 Affirmative action has also contributed to higher literacy levels among younger women 15-19 (73%) as compared to older women 45-49 (38%). Through Functional Adult Literacy (FAL), attempts are being made to reduce the illiteracy levels among women living in communities.34

**Table 2: Enrolment and Completion Rates in Primary School Education**

<table>
<thead>
<tr>
<th></th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Enrollment figures</strong></td>
<td>48%</td>
<td>52%</td>
</tr>
<tr>
<td><strong>Completion</strong></td>
<td>42%</td>
<td>55%</td>
</tr>
<tr>
<td><strong>Drop out</strong></td>
<td>53.5%</td>
<td>46.3%</td>
</tr>
</tbody>
</table>


Government is putting in place policies and strategies to address the gender issues that contribute to early school dropout and low retention rates by girls. Key among these are: a National Strategy on Girl Child Education; a Gender in Education Policy, Engendering the education curricula and operationalisation of Guidelines for mainstreaming gender in education; designing gender responsive teaching, learning materials, methods and facilities, sensitization of publishers on gender, development of gender sensitive language, rules and practices and ensuring equity in the classroom.35 Article 12 of the Maputo Protocol complements these interventions.

On the other side, one of the unintended gender outcomes of increased enrollment of girls in school is that it has reduced the available reproductive labor available within homes for fetching water, fetching firewood, laundry work, childcare, health care, and cooking food and increasing the burden on mothers and other women in the homestead. This however should be viewed as a short term discomfort that will be overcome with the benefits from educating girl children.

**EMPLOYMENT**

The 2006 Uganda Demographic and Health Survey (UDHS) report highlights areas of inequality between men and women in employment as an important indicator of status, empowerment and well being. The number of women working in the informal sector has increased but because women did not have equal access to education, their opportunities have largely been restricted to sectors with low productivity and hence low wages. Overall women have more opportunities to work but still face challenges from their spouses who restrict their work or take proceedings of work and use these for alcohol and drugs.38 The UDHS conclusively provides that:

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32 Millennium Development Goals; Uganda’s Progress Report, 2007
33 This has been achieved with support of the Female Scholarship Initiative (FSI) (2001 - 2007) funded by Carnegie Corporation
34 This objective could easily be achieved given that FAL attracts more women than men: 2004-5 males – 6,276, Females – 98,328 (Total 134,328)
36 Uganda Bureau of Statistics (UBOS) and Macro International Inc. 2007. Key findings from the 2006 UDHS: A Gender Perspective. Kampala, Uganda and Calverton, Maryland, USA
37 Informal sector here refers to small businesses whose functioning is not regulated by government. Examples include road side markets, small businesses selling fruits, sweets,
38 Responses during FGDs with women in Gala and Kampala August 2009
• 19% of women have no former schooling versus 5% of men,
• 30% of women receive no payment for their work versus 13% of men
• 50% of the employed women work in the lowest three paying sectors that often don’t require highly skilled labour- (agriculture, household, and mining and quarrying) as compared to 33% of the men.
• 73% of women take up the lowest paying occupations (as day labourers, farmers and sales persons) as compared to 68% of men
• 22% and 68% of the gender wage gap in the urban and rural areas respectively is due to discrimination against females.

Women are more likely to be discriminated against and earn less on basis of their sex.

A recently concluded Gender Productivity Survey carried out in Uganda between 2007-2008 showed that this status still stands. The median monthly salary for women in paid employment is Ushs 40,000 per month and is only half of that received by their male counterparts. Article 2 and 13 of the Maputo Protocol seeks to address these inequalities.

POVERTY, PROPERTY RIGHTS AND THE ECONOMY:

Poverty levels remain high with 32% of the population falling under the Poverty line. There has been considerable progress in making poverty reduction policies and programmes more gender responsive and increased access to gender disaggregated data. A significant breakthrough was achieved through the Uganda Participatory Poverty Assessment Process (UPPAP, 2002) which provided evidence of how differently women and men perceive and are affected by poverty; and therefore made the case for the integration of gender perspectives to increase the effectiveness of the existing poverty reduction policies.

This has resulted in the establishment of a PEAP Gender Group (PEAP/GG), gender reviews of Uganda’s poverty eradication initiatives as well as development of PEAP sector guidelines for gender mainstreaming. The analysis from these processes informed the PEAP revision exercise and the PEAP 2004/2008 for the first time explicitly recognised gender inequality as a key poverty issue, causing both deprivation and inefficiency.

LAND

Is the biggest asset and factor of production in Uganda, and yet less than 10% women own land. This limits women’s ability to take decisions on the use, transfer or sale of this land and they can not access loans due to lack of collateral. While women will often have access to this land for farming purposes, lack of ownership often increases their vulnerability and they are prone to being chased off the land when their social circumstances change e.g. when they are widowed or when the husband acquires another wife. In Northern Uganda, as a result of conflict, social structures have broken down and widows and orphans are increasingly being chased off the customarily owned land.

2.4 Women’s Sexual and Reproductive Health (including HIV/ AIDS) (Article 14 Maputo Protocol)

The Right of women to control their fertility- According to the World Population data sheet (November 2007) Uganda has the world’s third fastest growing population (3.2% per annum) and will as a result have the biggest population increase in the next four years. According to the UDHS, many women have more children than they would prefer. Married women consider 5.3 children to be the ideal number of children. However, the high unmet need for family planning (41%) has led to an increase in unplanned births from 38% in 2000 to 41% in 2006. Indeed at 6.7 children per woman, Uganda has a much higher fertility rate than her neighbours Kenya (5.3) and Tanzania (4.9) and this poses not only a strain on the women’s health but also places a high demand on the economy for various social services including health and education. (See chart next page)

In addition, misconceptions about family planning abound due to lack of information, limited access to services, and high costs. This coupled with limited decision-making power on reproductive choices and opposition from male partners has led to a high rate of unplanned pregnancies estimated at 775,000 each year (approximately 25% of these being adolescents) and hence

39 Interview with Richard Nakkuruayo, Department of Statistical Co-ordination, Uganda Bureau of Statistics
40 UBOS- Uganda National Household Service Delivery Survey 2006
41 The ongoing exercise to develop a National Development Plan (NDP) has involved the MGLSD and gender experts to ensure that the NDP effectively addresses gender poverty issues
42 Report from FIDA-U Gulu Offices, May 2008
43 Study by the Family Planning Association of Uganda, 2006/7.
44 During the field visit to Kyenjojo (Hapuyo Sub County) it was revealed in discussions with the Sub County Chief that in the last year alone, 20 girls all below 16 had fallen pregnant in one secondary school alone!
the high number of induced abortions – estimated at 297,000 per year. While abortion remains criminalised on the statute books, Uganda through the Ministry of Health is already implementing the National Policy on Post Abortion Care and the Africa Plan of Action (POA) for abortion to try and stem this catastrophe. However there is a clear need for law reform on the right to abortion.

**Chart 1 Showing Uganda’s Fertility Rate as Compared to others**

![Chart showing fertility rates](chart.png)

MATERNAL HEALTH: Women continue to die due to maternal related complications and service delivery constraints and Uganda is not likely to meet MDG 5 on halving Maternal Mortality by 2015. Uganda’s maternal mortality is high and stands at 435 deaths out of every 100,000 live births. According to the UDHS 2006:

- 86% of women said they encounter at least one serious problem in gaining access to health care.
- 94% of Ugandan mothers receive antenatal care from a skilled provider but only 7% receive care before the fourth month of pregnancy, and only 47% have the recommended four visits.
- Many more births occur at home than in a health facility.
- Only 42% of births are attended to by a skilled provider.
- Only 23% of mothers receive postpartum care within the critical first two days after a delivery while 74% do not receive any postpartum care.

Maternal health is further compromised by long distance to health centers, absenteeism of health officers from health centers, limited access to drugs through leakages/ corruption. According to the Uganda Service Provision Assessment Survey 2007 up to 40% of health workers are absent from their assigned duties at any one time and the average for midwives is the highest at 49%.

**Table 3: National Status on Reproductive Health**

<table>
<thead>
<tr>
<th>Indicator</th>
<th>1995</th>
<th>2001</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maternal Mortality</td>
<td>506</td>
<td>505</td>
<td>435</td>
</tr>
<tr>
<td>Infant Mortality (&lt;1)</td>
<td>81</td>
<td>88</td>
<td>75</td>
</tr>
<tr>
<td>CMR (&lt;5)</td>
<td>72</td>
<td>69</td>
<td>137</td>
</tr>
<tr>
<td>TFR</td>
<td>6.9</td>
<td>6.9</td>
<td>6.5%</td>
</tr>
<tr>
<td>CPR</td>
<td>15%</td>
<td>23%</td>
<td>24%</td>
</tr>
<tr>
<td>Adolescent pregnancies</td>
<td>43%</td>
<td>32%</td>
<td></td>
</tr>
<tr>
<td>Unmet FP need</td>
<td>29%</td>
<td>35%</td>
<td></td>
</tr>
</tbody>
</table>

45 Guttmacher Institute: Unintended Pregnancy and Induced Abortions in Uganda: Causes and Consequences
46 Also see Public Expenditure Review 2008, Some Initial Findings and Recommendations, Dino Merotto, Charlotte Lundgren, & Rachel Sebudde July 2008
47 Uganda Service Provision Assessment Survey 2007, March 2009: MoE, UBOS and DRC Macro
Herstories: During the focus Group Discussions conducted for this Baseline Survey in Kampala, Gulu Districts48, and Kyenjojo, several women shared their experiences on maternal health- access to family planning, cultural, and religious prejudices, and abortion.

“I had three girls, so my mother in law and husband demanded for a boy. I had to get pregnant every year and I got a boy in my sixth pregnancy. I almost lost my life because the uterus was weak due to getting pregnant every year”

“My husband did not want me to use pills, so I used the injection as a family planning method and I was not able to conceive for over three years when I stopped using injection”

“I got pregnant; my boyfriend did not want the child and I had to remove it using a traditional doctor because it is not done in hospital. It was so painful, I almost lost my life”

“I am 36 years old, I have borne 12 children but one died last year. I have heard of family planning, but I am not ready to stop until God tells us to.”

The women also noted that many of them get unwanted pregnancies but have to abort secretly and often under dangerous condition. They identified other challenges as poor functioning of health units especially at night and on weekends, lack of qualified medical personnel and absence of drugs. The influence of religion and culture on women’s reproductive health rights can not be understated. Women can not access family planning because of religious beliefs while cultural norms and preferences for the boy child have led to some women continuing to try for another baby even at the cost of their own health.

HIV/ AIDS- as a result of several factors including lack of control of their sexuality and increasing domestic violence, women have been found to have a higher prevalence of HIV/ AIDS at 8% as compared to 5% in men.49 Married women are more at risk of HIV infection because of low couple counselling and testing and limited negotiation power for condom use. Women generally are unable to negotiate for safer sex and their full sexual rights. In a separate survey, 42% of women admitted that they cannot ask their partners to use condoms, compared to 25% of the men.50 The burden on women is worsened by their traditional role as care givers where other members of the family get affected by HIV/ AIDS.

The link between gender based violence and increasing incidence of HIV/AIDS is well documented.51 That said, Article 14 (1)(d) of the Maputo Protocol calls upon States to put in place measures to protect women against sexually transmitted diseases including HIV/ AIDS. The existing HIV/AIDS Policy is inadequate to protect the rights of women living with AIDS and to reduce the infection rate of HIV/ AIDS among women. Uganda has drafted the HIV/AIDS Draft Bill 2008 to address some of the concerns raised and consultations are ongoing. However, key issues are raised around some of the provisions of the Bill which violate core human rights principles for instance on proposed criminalization of mother to child transmission.

48 Focus Group Discussions held by ICON/ ECCA with women in Kampala District- Munyonyo and St. Balikuddembe Market and in Gulu- Laroo Ward and Forest Division
51 Human Sciences Research Council, 2008
2.5 Elimination of Violence against Women and right to access justice

Violence Against Women is widespread across ethnic, social, class, educational, and religious groups and is caused by an imbalance between men and women that is rooted in gender norms and attitudes. Traditional norms indicate that women must accept and tolerate violence. This attitude is accelerated by a culture of silence where women are hesitant to report or seek help for violence from appropriate authorities. All forms of violence against women are common in Uganda including sexual violence, physical, emotional and psychological, socio-economic and harmful traditional practices. Women continue to lose their lives to gender based violence. According to the 2006 UDHS survey:

- 59.6% of women had experienced physical violence since the age of 15 committed by either their husband or partner with the rate higher in rural areas at 61%
- one in 6 women have experienced violence during pregnancy
- At least 70% of women will experience physical and sexual violence in their lifetime
- Over 39% of women and only 11% of men had ever experienced sexual violence since the age 15.
- 48% of those women who had ever married were physically violated by their husband or partner.
- Only 35% of women who have experienced physical or sexual violence sought any help. Most frequently, family is the predominant source of help.
- 7 in ten women agreed that there are justifiable reasons for wife beating. The most widely accepted reason was neglecting the children (56%) and going out without informing the husband (52%).

Access to Justice and Legal Aid: Where women’s rights are violated, they have often found themselves unable to access justice due to a number of barriers including: lack of knowledge about their rights and mechanisms to claim and enforce them; high legal costs; lack of knowledge of the procedures of the criminal justice system; gender biases among the duty bearers especially the Local Council Courts and the Police; traditional norms and cultures that deter women from seeking justice outside family circles. In addition, there is no legal aid framework (policy and law) and funding for legal assistance for vulnerable women and the burden is largely left to civil society organizations like FIDA-U and the Uganda Law Society Legal Aid Project. The Justice Law and Order Sector has made an undertaking to have a legal aid policy in place by December 2009.

Table 4: Handling of Sexual Offences

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rape</td>
<td>Defilement</td>
</tr>
<tr>
<td>No. of cases reported</td>
<td>750</td>
<td>15,385</td>
</tr>
<tr>
<td>Not detected</td>
<td>213</td>
<td>4,353</td>
</tr>
<tr>
<td>Under investigation</td>
<td>314</td>
<td>7,426</td>
</tr>
<tr>
<td>Taken to court</td>
<td>223</td>
<td>3,666</td>
</tr>
<tr>
<td>Convictions</td>
<td>5</td>
<td>37</td>
</tr>
</tbody>
</table>

Source: Police Criminal Investigation Department 2006-7

Where cases finally make it into the justice system, the chances of successful detection, prosecution and conviction are low given the institutional weaknesses within the Police, DPP and Judiciary; poor attitudes, lack of specialization, limited resources and gaps in legislative framework. There are no counseling services nor witness protection for victims of violence. This coupled with poor enforcement mechanisms offer women no protection and have contributed to a high culture of impunity and increasing levels of violence against women.
“Her story:
Busingye in Kyenjojo, beaten and chased away from her home one week after delivering a baby

During the field visit in Kyenjojo, the Team met Busingye who had a one week old baby and had been beaten almost to a coma by her husband. She was thrown out of the home and on going to the Sub County Police Station (5 kilo meters away) she was told by the Police that they could not do much since they did not have fuel for their motor bike. With the intervention of the community, the husband was arrested but again the Police indicated that they could not detain him for long given that they did not have food to sustain him as they conducted the investigations and charged him. And so, after 2 days, he was released to go back home without being charged or prosecuted. The chances of retaliation are high.

Overall Conclusions on the Status of Women’s Rights in Uganda:

The general finding is that there has been considerable progress in the status of women’s rights in Uganda in areas of establishing legal and institutional framework and in increasing Political Representation and participation of women in various spheres of government; in access to education and economic opportunities. There is however also consensus that in some areas, progress in women’s rights has stagnated especially in the area of reproductive rights- maternal health, and delayed law reforms and in others there is considerable decline as regards low awareness of rights, increased violence against women, poor protection and enforcement of women’s rights.

Influence of Patriarchy

More often than not, women’s understanding is conditioned by the cultural, religious and traditional norms and context in which they live. These norms are often shaped by patriarchy which bestows more powers on men while seeking to enhance the subordination of women to men.

Women are also increasingly facing a backlash from the male population which has had to cede some of the privileges and powers bestowed by patriarchy. As women empowerment takes root and gender equality becomes more of a reality, patriarchal patterns of behaviour continue to rear an ugly head culminating in increased violence against women. Rising religious and cultural fundamentalisms that seek to keep women subordinate to men in all sphere of public and private life have further compounded the situation.

By ratifying the Maputo Protocol, the Government would be restating its commitment to put in place interventions, requisite resources to promote women’s rights and gender equality. The provisions of the Maputo Protocol cover several gaps in the existing legal framework and would provide an entry point for activists seeking to address power structures and promote and protect the rights of women.

Recommendations:

Put women’s issues firmly on the wider agenda: The rights of women must be viewed within the wider political, economic and social contexts. Corruption and low accountability levels have contributed to weak institutions and poor service delivery in areas critical for women’s rights particularly on health, education and justice. Advocacy efforts for women’s rights must target the wider governance and political economy issues and hence women’s organizations must align themselves closer with the mainstream
human rights organizations such as HURINET, DENIVA, UDN, FHRI and NGO Forum to ensure women’s issues are integrated in the broader campaigns for governance and accountability.

More effort must be put in mass public awareness and legal literacy campaigns to enhance women’s awareness of their rights, and mechanisms to claim them. Awareness sessions should also be held for men to raise consciousness around the rights of women and increase support for interventions aimed at enhancing gender equality. Joint campaigns should be conducted by women’s organizations to enhance coherence and maximally utilize limited resources.

Advocacy efforts for women’s political participation must move beyond numbers to target positions of influence. In the lineup to the 2011 General Elections, a strategic approach must be taken to place and support women in places of power through training and team building to ensure that women leaders push a common political agenda for women.

Women’s organizations should pursue more Strategic litigation and public interest cases to push for the realization of rights of a wide group of people. In this case, consideration should be given to strategic litigation to establish women’s rights in aspects which are lagging behind including maternal health and access to land especially in regions where customary land law still operates e.g. in Northern Uganda.

A careful review of all ongoing legislative reforms is required to see to what extent the provisions are in line with established standards under the Maputo Protocol. A case in point is the HIV/AIDS Bill which while intended to protect women has the potential to hamper rather than promote women’s rights.

Many women in rural areas experience physical violence since the age of 15 committed by either their husbands or partners
3.1 Knowledge and awareness of rights

The various standards established on women’s rights can only be brought to life if people are aware of these rights, and how they can access, claim and protect them. The State has an obligation to undertake massive legal literacy and awareness campaigns to inform the public of the various treaties and protocols signed their content and the rights that are guaranteed.

The State is also obligated to undertake national Civic Education to raise the consciousness of the population as to their rights and duties not only under the standards established in the Constitution but under the wider international and regional human rights framework as well. However, in a country like Uganda that is lacking a basic national civic and human rights education programme, and where the education and literacy levels are quite low, the majority of the population is unaware of the existence of their basic rights and how to claim and protect them. Most often than not, their understanding is conditioned by the cultural, religious and traditional norms and context in which they live. These norms are often shaped by patriarchy which bestows more powers on men while seeing to enhance the subordination of women.

It is therefore imperative that for gender equality to be attained, legal literacy and awareness raising must be undertaken. In Uganda, there are several institutions that play a role in awareness raising but the UHRC is the key institution mandated to undertake human rights awareness raising countrywide. However, given its relative youth and institutional challenges, awareness and legal literacy campaigns have largely been left to Civil Society Organizations. The absence of guidelines and a framework have led to inconsistency, different standards and poor quality of training and information generated. In addition, through politicization, basic rights such as Universal Primary Education and Universal Health Care which the State is obligated to provide are bestowed like favors to an unsuspecting and largely unaware population.

Generally, the majority of the population is not aware of their rights and mechanisms to claim them. Even where they are aware of their rights e.g. reproductive health rights through access to family planning, they are often curtailed by cultural and religious
beliefs. In addition, in a number of instances, basic needs come first before women think of their rights and the linkages between needs and rights. In one instance, when asked about availability of sanitation facilities, one respondent replied:

“Sincerely how can we think of toilets when we have a lot of bush around us, we have enough problems, poverty is killing us and the government has not helped us resettle back, we use these bushes”

FGD Respondent Laroo Ward, Gulu

Almost 25 years after its ratification by Uganda, CEDAW remains widely unknown. The CEDAW Committee noted this gap in Uganda’s 3rd Status Report (2000), and in its concluding observations requested the State party to disseminate widely: the Convention and its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration and Platform for Action.56

3.2 Examples and/or trends of existing community beliefs, attitudes and practises that are at variance with the standards set in the Protocol

Several examples exist of existing community beliefs that are at variance with the standards in the Protocol. For instance under the UDHS 2006, 7 in ten women agreed that there are justifiable reasons for wife beating. The most widely accepted reason was neglecting the children (56%) and going out without informing the husband (52%). With FGM, communities that practice it in Eastern Uganda feel that the act symbolizes a rite of passage and without it the girls would be unclean and not fit to be part of society. Indeed, because of these beliefs, even girls that have successful eluded FGM during their youth will be forced by societal attitudes to undergo it once they get married so as to gain acceptance.

Community Voices: during the survey, women from all walks of life were engaged in discussions around these patriarchal attitudes and perceptions. In St. Balikuddembe Market where FGDs were held with women market leaders; in Munyonyo discussions involved women from Self Help Groups within that community (mainly composed of semi-illiterate housewives, self employed women with small groceries, tailoring services etc, and retired civil servants); and in Gulu- in Laroo division and Forest ward in Gulu District semi-illiterate women involved in small income generating projects such as selling tomatoes, cabbages, ground nuts and mandazi. Key informant interviews were also held with other women in the informal sectors, and private sectors e.g. housemaids and airtime kiosk operators.

Bride Price:

“I was very excited during my traditional function. My father asked for 5 cows and Shs 2m for bride price and my Fiancé paid. I approve of Bride Price because its part of our tradition, it bestows pride on the girl’s family and is a sign of appreciation by the man”

Young Bride, 25 years

Women as Leaders:

“People believe that men are natural leaders and do things better. As a woman in a male dominated environment, I am often second guessed and I constantly have to prove myself”

Female Town Clerk

The existence of stereotypical attitudes about the roles and responsibilities of women and men continue to perpetuate direct and indirect discrimination against women as shown in some of the perceptions shared below:

56 Concluding Observations of the CEDAW Committee 9th August 2002
On Polygamy:
“Even our Kabaka has more than one wife, we have learnt to live with co-wives and girlfriends as long as you are the official wife and the man takes care of you, then what more can a woman ask for. Our mothers had co-wives and girlfriends, why do you think we should be different much as we would like to be in monogamous relationships?”
Respondent, FGD Munyonyo Market

On Family Planning:
“We are aware of family planning and reproductive health but culture does not allow women to use family planning methods though we find them very good and safe”
Respondent FGD Forest Division, Gulu

3.3 Awareness about the Protocol and Support/ Objections for the Protocol

What Protocol? Given the low levels of awareness around the CEDAW, and other laws, it was hardly surprising that the majority of persons interviewed outside the women’s movement had never heard of the Maputo Protocol- not from the women’s organizations, not from the government and certainly not from their leaders. Some women had heard about the Constitution but not its contents especially the provisions on equality of women and men.

However, when the provisions of the Protocol were briefly outlined, the perceptions expressed by some of the women on some provisions were negative and largely shaped by religious, cultural and often personal beliefs. Almost as a whole, women found it difficult to comprehend that men and women can be equal and access equal opportunities within the African setting. One respondent in Laroo Ward, Gulu said:

“The only law I know is that as a woman you are supposed to take care of your husband and in-laws. We have never heard about the African Women’s Protocol”

Some issues such as abortion are also seen as taboo. While women acknowledge that these issues affect them, and are part of their society, they are reluctant and often unwilling to openly discuss these topics. Some respondents thought the Maputo Protocol would not benefit them. On respondent noted:

“We have culture and religion which is a part of us, so we don’t think this Protocol can ever benefit us.”

A number of respondents however also identified positive attributes that they thought would further promote the rights of the girl child and women, particularly through:

- Empowerment of the girl child
- Right to inheritance from husband and father
- Women will have a voice since they have a law that speaks for them
- Women and men can bring children up together and peaceful
- Women can choose reproductive health issues - they have a say
- Women access to education – After pregnancies they can go back to school
- Women economic rights will be improved

Clearly the lack of awareness of rights and the persistence of patriarchal patterns and attitudes that view men as natural leaders and women as subordinate may hamper efforts to promote women’s rights.
3.4 Recommendations:

The Primary recommendation is to enhance Knowledge and Awareness of the Protocol and other laws through implementation of systematic and consistent public awareness and education campaigns. These campaigns should be designed to both women and men and targeted at doing away with the stereotypes that undermine women’s rights and addressing some of the perceptions that abound about specific issues in the Protocol. A series of strategies can be utilized including the media, school campaigns, community meetings, focus group discussions.

Enhance access to Legal Aid through advocating for a National Legal Aid Policy and framework and legal aid programmes to underpin women’s efforts to demand and enforce their rights and access justice.

Advocate for the strengthening of complaints mechanisms to handle issues raised by women at community and national level (e.g. UHRC)

*Ignorance about their rights is their downfall*
WHO IS WHO ON MAPUTO PROTOCOL?

There are various stakeholders relevant to the process of ratifying and implementing the Maputo Protocol. Other constituents are identified for their potential to either support or reject the Protocol. The Key constituencies identified for purposes of this Protocol Campaign include the Government Ministries, the Parliament, Civil Society Organizations, Religious and Cultural Leaders, Media, donors and the Public. Some support the Protocol, others like the Media have potential to become allies while the Religious and cultural groups are currently vehemently opposed to the Protocol. Several interventions are ongoing around the Protocol and it is critical that the NTF is aware of these so as to engage effectively and devise strategies to address opposition where it arises.
4.2 Understanding of the Protocol and Degree of Support/ Opposition

The Government has the primary duty of supporting and implementing the Protocol and three key ministries have played a role to date: The Ministry of Foreign Affairs, the Ministry of Justice and Constitutional Affairs and the Ministry of Gender, Labour and Social Development. A key challenge has been in establishing who leads on the process for the ratification of the Protocol among these Ministries. The lack of clarity has contributed to inactivity on the Protocol for the last few years.

With the lacuna left by the Government Ministries, CSOs have come up to play a key role in raising awareness and disseminating information about the Protocol. In addition, over the last few months, the Women’s Movement working through the National Task Force has embarked on engaging the leadership of the three ministries to establish the status of the Maputo Protocol and the division of labour. The meetings have enabled the NTF to establish the status of the Protocol, identify the key bottlenecks, and open doors of communication with the institutional leadership.

Another key issue that arises is the degree of understanding of the Maputo Protocol. The Statement made below is generally echoed by many stakeholders working in key institutions that have a clear role to play in the ratification and implementation of the Protocol. While a considerable number of people interviewed had heard of the Maputo Protocol, hardly any had an in-depth knowledge of the content of the Protocol. Majority are aware of a few contentious provisions which they have heard quoted to them or in the media.

“This “Maputo” thing is very complicated and cannot be understood by the average man”

Interviewee in the Office of the Minster of Gender

The lack of knowledge and awareness by those supposed to implement the Protocol poses a challenge for the Campaign and must be addressed even before the campaign is launched. Most of those interviewed, generally felt that the Protocol is still new and there is need to unpack it for most people, including those in the donor community.

MoFPED: The situation is the same within the Ministry of Finance, Planning and Economic Development. The lack of awareness around the Protocol could prove problematic when it comes to the implementation phase. One key respondent notes that she is not aware of anything that has been done by the ministry to advance its ratification and this includes creating fiscal space in the Medium Term Expenditure Framework for its ratification and implementation. Once ratification is completed but before domestication, the MoFPED has to issue a certificate indicating the anticipated costs of implementation of the protocol and the anticipated sources of funding. Engagement of the MoFPED is critical to ensure that adequate and timely funding is set aside to prevent delays in implementation as was witnessed in other countries that have already ratified the Protocol.

The Abortion Law?

“Never before has an International Protocol gone so far; we believe strongly that the people of Africa have no wish to see such a protocol introduced in their laws. We are sure the people of Uganda would never wish it……… the situations of severe distress mentioned by the text of the Protocol (rape, incest, sexual harassment) cannot create the right to suppress an innocent life. This applies even less to a much less well defined ‘danger to the mental and physical health of the mother or life of the foetus’ which, as a matter of fact, is the open door to abortion on demand”

Statement by the Ugandan Catholic Bishops Conference on Jan. 19, 2006

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57 A series of activities have been undertaken by the CSOs either individually or as part of the NTF. In December 2008, AMwA together with several CSOs launched three Policy Briefs in Gulu on key provisions in the Maputo Protocol- a) Violence Against Women, b) The Right to Sexual and Reproductive Health Rights and c) The Right to Water and Sanitation.
58 In February 2009, meetings were held with Mrs. Jane Mpagi- Director Gender and Community Development. In April 2009, meetings were held with the Minister of Justice- Hon Ruhindi and in August 2009, with the Hon. Nakadama- Minister of State for Gender.
59 At the meeting with CSOs in August, the Minister of State for Gender Hon Nakadama agreed to take forward the process of engaging the Attorney General to seek a conclusive agreement on the status of the Maputo Protocol.
60 Interview with Susan Oregede, OXFAM Programme Officer, 13 July 2009.
61 Interview with Ms. Margaret Kakande, Head Gender Department, MoFPED; also Chairperson of CEEWA a Women Economic Rights NGO
62 Study on Implementation Status in Liberia, Nigeria and Tanzania- Jackie Asiimwe, 2009
CDOs are a critical resource for engaging communities at the local level and should be capacitated to acquire more knowledge on the Protocol and how it links with other existing legal frameworks they are working with.

Parliament: A Round Table Committee of UWOPA was created to directly handle issues related to the Maputo Protocol and this committee has been active over the last few years. The Committee has undergone some training and last year carried out a study tour to Tanzania to learn from the experiences in ratifying the Protocol. The Committee has also met and engaged various stakeholders including the Deputy Speaker and the NTF and has written to the MGLSD and MoFA and MoJCA seeking clarification as to why the ratification process has stalled. The Committee has gone further to place an Oral Question to the Clerk seeking for the Minister responsible for the Maputo Protocol to answer pertinent questions on the Floor of Parliament. However, given the backlog within the parliamentary system, the question is yet to come up for answering.

The Committee is further challenged with low awareness levels among both female and male MPs and fear lack of ownership, support and a possible backlash once the Question is finally posed on the floor of Parliament. The Committee requires two fold support- in-depth capacity building for members of the Committee and UWOPA on the Maputo Protocol and awareness raising around the Protocol and Women’s Rights in general.

The Media plays a key role in creating public awareness on human rights, and if well trained, can prove to be a strong ally in the Campaign for the Ratification and implementation for the Maputo Protocol. In July 2008, the NTF held a Media Breakfast Meeting for Editors on the Protocol to explain the rationale for the Protocol, its background and current status and to seek media support in informing and educating the public and also enhancing accountability for women’s rights through reporting violations. While there has been a general improved coverage of women’s rights issues especially as regards gender based violence, there are still challenges around balanced reporting on the Maputo Protocol. To date, the Media has at times been ambivalent and quite sensational in their reporting of issues around the Protocol. Focus has largely dwelt on Article 14 on Sexual and Reproductive Health Rights with emphasis on abortion. Clearly, more systematic engagement is required between the NTF and the Media so as to keep balanced reporting and informative analysis while keeping the Protocol on the agenda of government and the Public.

Religious and Cultural Institutions: The most vocal opposition to the Maputo Protocol in Uganda has largely come from two fronts- The Christian religious front with the Catholics strongly opposing the Protocol on grounds of Article 14 on the right to control fertility and use contraceptives and more specifically on Article 14(2)C – right to medical abortion in cases of rape, assault and incest citing biblical and moral reasons; and from the Muslim and traditional front on the basis of Article 6 on monogamy being the preferred form of marriage citing their right to polygamous marriages under the Koran.

Religious Fundamentalism or Moral Degeneration? Religious leaders have identified the Protocol as a western instrument that will destroy the African and Christian way of life and one that would bring with it contradictions in the national laws especially on the aspect of abortion and the accepted forms of marriage. The Religious movement under the Human Rights International has created a number of tools including a well researched website (www.maputoprotocol.org) and written a compelling article as to why the ratification process should not be achieved. The report centers on features such as false advertisement of the Protocol as an instrument primarily aimed at combating female genital mutilation thus diverting attention from other essential concerns of the Protocol, which to the HRI is primarily Abortion.

63 Out of 29 CDOs country wide to whom the Questionnaire was sent, 10 responded. However, none of them knew the Protocol
64 Ampaire Christine, District CDO, Mukono
65 The Round Table Committee is Chaired by Hon Bintu Jalia who is also the previous chair of the EOC Committee
66 Parliament is currently responding to questions raised in 2008
67 See the Final Report by NTF, Media Breakfast Meeting for Editors on the Protocol, 29th July 2008 at Protea Hotel in Kampala.
69 The report centers on features such as false advertisement of the Protocol as an instrument primarily aimed at combating female genital mutilation thus diverting attention from other essential concerns of the Protocol, which to the HRI is primarily Abortion.

39
On the other hand, many women activists and some men regard this as religious fundamentalism at work and think that underlying arguments used by the religious groups mask a lot of hypocrisy arising from the need to regulate women’s sexuality, autonomy and bodily integrity. However, others urge caution. If progress is to be made, then the debate should be linked to other gains that have already been made in the area of women’s rights such as the now tabled Domestic Violence Bill. In this regard, the view held is that issues of choice can not enter the debate now, and instead focus should be on the winning the battle for women and girls based on grounds highlighted in the Protocol.

Compromise? Clearly a compromise is got to be reached between the various constituencies and the challenge for constituency building falls on the NTF. In the interim, some gains will have to be made and others lost if the NTF wishes to see the Protocol ratified soon. According to the Minister of Gender, the Protocol can only be ratified with reservations on Article 14(2)(c) and Article 6(c).

"Definitely Uganda can only ratify the Maputo Protocol with reservations. The clause on marriage interferes with religious (in this case Muslim) and culturally accepted forms of marriage. Also, if we are to ratify Article 14 on reproductive rights, where would we draw the line between true cases of rape and incest and those young girls who have just been careless and want to carry out abortions?"

(Hon. Lucia Nakadama, Minister of State for Gender)

4.3 Recommendations

The NTF should continue the process of engagement and constituency building among the key ministries including the MoFPED. Engagement should be continuous and consistent with in built feedback for both the ministries and the wider Women’s Movement.

Majority of the Stakeholders surveyed are totally unaware of the Protocol and capacity building is urgently required in this area especially for MoGLSD, CDOs, Parliament, the Media,

Open Channels of Dialogue with the Religious and Cultural Institutions and seek to engage on both contentious and non contentious aspects of the Maputo Protocol

Work with the media to further popularize the Protocol

Increase use of ICT (Information and Communication Technologies) in facilitating the campaign for the Maputo Protocol. Strategies should directly influence public opinion in favour of ratification and engage the mass media, especially targeting the grass root levels.

"I commend Uganda women activists and AMwA for the strong advocacy done in the area of women’s rights. However there is still a lot to be done in respect to changing attitudes and perceptions about the Maputo Protocol. Nonetheless, there is hope......”

Richard Ndikuryayo, Department of Statistical Co-ordination, UBOS
5.1 The Implementing Partner

The National Task Force (NTF) was established in 2007 with the key aim of lobbying the Government of Uganda (GoU) to ratify and domesticate the Maputo Protocol. The NTF is hosted by AMwA and is currently comprised of over 20 Women’s Human Rights organizations and other CSOs based in Kampala and upcountry and is guided by a Steering Committee chaired by AMwA. Since 2008, the National Task Force has been implementing the Uganda Raising Her Voice Project (RHV) that seeks to promote the rights and capacity of poor and marginalized women to engage in governance and particularly in decision-making processes affecting their lives. The effective implementation of the Maputo Protocol is seen as central to the realization of these rights and a five year advocacy campaign has been embarked upon.

Through the RHV Project, the NTF has established key structures and processes and networked with various agencies including government institutions, the Parliament, media, women activists and development partners to implement activities aimed at promoting awareness of the Maputo Protocol and lobbying and advocating for its ratification. Key activities have included:

- Awareness raising and Sensitization of the Public about the Maputo Protocol
- Media Engagement
- Publicity through public events, radio broadcasts,
- High impact meetings with members of Parliament, senior government officials, Ministers and in identified Ministries
- Production of a documentary dubbed ‘As Time Ticks’ which has been widely used in dissemination of information on the Protocol.

73 The members of the Task Force include AMwA, FIDA-U, UWONET, FOWODE, NAWOU, ECCA, ICON, DWNRO, CEDOVIP/ RAISING VOICES, ACORD, WOUGNET, ISIS WICCE, ACFODE, Bahai, CEEWA, MGLSD, UWOPA, EASSI, UMWA, WORUDET, MIFUMI.

74 The RHV Project is a global project being implemented through Oxfam with DFID funding and is currently operational in 8 African Countries including Sudan, Tanzania, Uganda, The Gambia, Mozambique, Liberia, Nigeria and South Africa.

75 See Quarterly Progress Reports of the NTF.

76 At the launch of the Maputo Protocol Documentary “As Time Ticks” in 2007, the Deputy Speaker of Parliament Hon. Rebecca Kadaga stated that that the documentary is very timely because women’s rights are an important issue that must be recognised everywhere.
• Policy briefs on the Protocol focusing on key issues of Violence against Women; Water and Sanitation; and Sexual and Reproductive Health Rights that are used as an advocacy tool targeting policy makers.
• Translation of the Protocol in 5 key local languages for dissemination countrywide
• Creation of an internet blog and a list serve to increase awareness on the Protocol and to ease communication between taskforce members

5.2 Degree of Understanding and Ownership

The NTF is clearly engaged in the process of advocating for the ratification of the Protocol and has increased its visibility in the last few months especially through the high level meetings, participation in various fora by the Women’s Movement- including the 8th March Light a Candle Vigil in memoriam of victims of Gender Based Violence and for the speedy enactment of key gender laws. The legal literacy campaigns and other work of the NTF have contributed to empowerment of women in various spheres of NTF members’ specialisations building upon the intentions of the Maputo Protocol.

Progress however often seems slow and uncertain and the process for ratification remains unclear making it difficult for the NTF to design critical strategies that target the real blockages to the effective ratification and implementation of the Maputo Protocol; measure progress and account to the various stakeholders. This study should provide a starting ground for the NTF in terms of establishing baselines and targets.

Understanding of the Protocol- as vanguards of the Maputo Protocol, the members of the NTF requires in-depth capacity building on its content so as to enhance their capacity to engage other stakeholders.77 Capacity building should extend to other key treaties and laws so as to enhance awareness of key standards, processes and mechanisms and enable members to draw linkages between these treaties / laws and the Maputo Protocol

Low capacity in terms of Staffing: Most of the NTF members have staffing limitations and none of them has staff specifically working only on Protocol related issues. ACORD has less than 10% of their staff working on issues concerning the Maputo Protocol while AMwA which runs the Secretariat has had to deploy its entire programme Staff (2) plus the Executive Director and an Intern on work related to the Protocol in addition to already existing programmes. However, the plan is to have a project officer working specifically on this the Protocol.

Financial Challenges- NTF members also face limitations as a result of limited financing. This is a general problem that has been exacerbated by the global economic and financial down turn, which has in turn had a negative impact on the cash flow for women’s rights organisations. For instance, only 1% of UWONET’s budget goes to projects directly relating to the Maputo Protocol.

While these challenges hamper the capacity of the NTF members to implement programmes it does not deter them from effectively advocating for the ratification of the Protocol through joint interventions.

5.3 Recommendations

• There is need to build the capacity of the NTF to influence and popularise the Protocol through training (both on the content of the Protocol and on technical aspects e.g. advocacy skills and human rights monitoring), development of materials and institutional support.
• NTF members need to aggressively utilise their grass roots links to campaign for the ratification and implementation of the Protocol. Effective use should be made of the documentary on the Protocol that was developed by AmwA
• Building Coalitions with the wider mainstream Human Rights NGOs78
• Link and influence national data tracking mechanisms such as Surveys by the Uganda Bureau of Services

77 During a meeting held with NTF members on 15 July 2009 at AMwA offices, it transpired that while they knew of the Protocol, majority did not have an idea of the content of the Protocol
78 For example, the Foundation for Human Rights Initiative (FHRI) which is one of the stronger human rights NGOs in Uganda is not working on the protocol and its provisions in particular. It is however working on other instruments that share the spirit of the Protocol like the CEDAW, the ICCPR and African Charter per interview with Ms. Sheila Mawanga, Deputy, FHRI
Conclusion:

Uganda has attained considerable progress in the promotion of women’s rights and gender equality in Uganda in areas of establishing legal and institutional framework; in increasing Political Representation and participation of women in various spheres of government; in access to education and economic opportunities. There is however also consensus that in some areas, progress in women’s rights has stagnated especially in the area of reproductive rights - maternal health and delayed law reforms and in others there is considerable decline such as regards violence against women and enforcement of women’s rights. The Maputo Protocol if ratified, would enable stakeholders to build upon and consolidate progress towards women’s empowerment and rejuvenate the struggle for gender equality in Uganda.

Agreed timelines for the ratification and implementation of the Maputo Protocol including assigning of specific resources for women’s rights- NTF should continue to engage relevant stakeholders especially line ministries and the Ministry of Finance, Planning and Economic Development to come up with an agreed timeline and targets for the Ratification and implementation of the Maputo Protocol.

The Baseline provides an overview of current status in Uganda with specific areas highlighted for the attention of the National Task Force to enable it monitor progress of interventions. Advocacy and interventions should continue beyond the ratification to the implementation phase. The NTF should develop a Monitoring Framework utilizing identified baselines and established targets set by government (based on agreed international human rights standards) against which progress for specific areas can be tracked and measured by the NTF over the next 5 years.

A manageable set of areas and targets should be identified for monitoring while linkages should be built to national data tracking mechanisms so as to inform progress e.g. the regular household and service delivery surveys by the Uganda Bureau of Service (UBOS). This framework should be widely disseminated and shared with stakeholders including Government ministries responsible for attaining agreed targets. The targets should be owned by Government which is the primary duty bearer. The format for such an M&E Framework can be based on the template below:

**Table showing M&E format:**

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<tr>
<td>Women’s Political Participation</td>
<td>At least 30% representation at all levels of government</td>
<td>Executive- (Cabinet 20%, heads of departments...)</td>
<td>30% (or 50%?)</td>
<td>Increased on an agreed basis per year</td>
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<td>Maternal Mortality</td>
<td>Reduced maternal mortality</td>
<td>435/100,000</td>
<td>(based on agreed targets e.g. in MDGs)</td>
<td>Reduced on agreed basis per year</td>
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<tr>
<td>Domestic Violence</td>
<td>Reduced incidence of domestic violence</td>
<td>60% women have faced DV</td>
<td>Based on agreed targets</td>
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## Annex 1: Status of Ratifications on the Protocol as at June 2009

### Signed and Ratified by: 27 countries

<table>
<thead>
<tr>
<th>Angola,</th>
<th>Benin,</th>
<th>Burkina Faso,</th>
<th>Cameroon,</th>
<th>Cape Verde,</th>
<th>Comoros,</th>
<th>Djibouti,</th>
</tr>
</thead>
<tbody>
<tr>
<td>DRC,</td>
<td>Gambia,</td>
<td>Ghana,</td>
<td>Libya,</td>
<td>Lesotho,</td>
<td>Liberia,</td>
<td>Mali,</td>
</tr>
<tr>
<td>Malawi,</td>
<td>Mozambique,</td>
<td>Mauritania,</td>
<td>Namibia,</td>
<td>Nigeria,</td>
<td>Rwanda,</td>
<td>Senegal,</td>
</tr>
<tr>
<td>Seychelles,</td>
<td>South Africa,</td>
<td>Tanzania,</td>
<td>Togo,</td>
<td>Zambia,</td>
<td>Zimbabwe,</td>
<td></td>
</tr>
</tbody>
</table>

### Maputo Protocol Signed (but not ratified) by: 21 countries

<table>
<thead>
<tr>
<th>Algeria,</th>
<th>Burundi,</th>
<th>Central African Rep,</th>
<th>Chad,</th>
<th>Côte d’Ivoire,</th>
<th>Congo Brazzaville,</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equatorial Guinea,</td>
<td>Ethiopia,</td>
<td>Gabon,</td>
<td>Guinea-Bissau,</td>
<td>Guinea</td>
<td>Conakry,</td>
</tr>
<tr>
<td>Kenya,</td>
<td>Madagascar,</td>
<td>Mauritius,</td>
<td>Niger,</td>
<td>Sahrawi Arab Demo Rep,</td>
<td>Sierra Leone,</td>
</tr>
<tr>
<td>Somalia,</td>
<td>Sudan,</td>
<td>Swaziland,</td>
<td>Uganda</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Neither signed nor ratified by: 6 countries

<table>
<thead>
<tr>
<th>Botswana,</th>
<th>Egypt,</th>
<th>Eritrea,</th>
<th>São Tomé and Príncipe,</th>
<th>Tunisia</th>
</tr>
</thead>
</table>

### Reservations:

At the Maputo Summit in 2003, several countries expressed reservations.

- Tunisia, Sudan, Kenya, Namibia and South Africa recorded reservations about some of the marriage clauses (Article 6).
- Egypt, Libya, Sudan, South Africa and Zambia had reservations about “judicial separation, divorce and annulment of marriage.” Article 7
- Burundi, Senegal, Sudan, Rwanda and Libya held reservations with Article 14(2)(c), relating to the “right to health and control of reproduction.”
- Libya expressed reservations on some sections of Article 11 on Protection of Women in Armed Conflicts
### Annex 2: Sample of key international and Regional Treaties Ratified, Acceded to by Uganda and Status of Reporting

<table>
<thead>
<tr>
<th>International HR instruments</th>
<th>Year of ratification by Uganda</th>
<th>Year of last reports submitted</th>
<th>No.</th>
<th>No. of reports submitted</th>
<th>No. of reports due</th>
</tr>
</thead>
<tbody>
<tr>
<td>ICCPR</td>
<td>21/06/95</td>
<td>20/09/2003</td>
<td>1</td>
<td>1st report: 14/02/2003</td>
<td>1</td>
</tr>
<tr>
<td>ICESCR</td>
<td>21/01/87</td>
<td>No report submitted yet</td>
<td></td>
<td>None</td>
<td>6</td>
</tr>
<tr>
<td>CEDAW</td>
<td>22/07/85</td>
<td>2009</td>
<td>7</td>
<td>1st &amp; 2nd report: 01/06/1992 3rd report: 22/05/2000 Response to Comments in 2004 4th, 5th, 6th, 7th reports submitted end 2008</td>
<td>- after a long delay, the 4th, 5th, 6th and 7th reports were submitted as one report in 2008</td>
</tr>
<tr>
<td>CRC</td>
<td>17/08/90</td>
<td>2003</td>
<td>2</td>
<td>1st report: 01/02/1996 2nd report: 02/08/2003</td>
<td>3</td>
</tr>
<tr>
<td>CAT</td>
<td>03/11/86</td>
<td>2004</td>
<td>1</td>
<td>1st report: 19/05/2004</td>
<td>1</td>
</tr>
</tbody>
</table>

### Sample of additional Instruments and Policy Documents at international and regional level

- African Union Solemn Declaration on Gender Equality in Africa, 2004
- The African Union Gender Policy, 2009
- International Conference on Population and Development, ICPD 1994
- Beijing Declaration, 1995, Beijing +10, 2005
- Goma Declaration on Eradicating Sexual Violence and Ending Impunity in the Great Lakes Region, June 2008

### Sample of the key National Instruments/ Policy Documents

- The 1995 Constitution of Uganda (as amended in 2005)
- The Penal Code Act, Cap 120 of the Laws of Uganda (as amended)
- The Equal Opportunities Commission Act, 2006
- National Women’s Council Act 1993
- Local Council Courts Act, 2006
- Local Government Act, 2007
- Land (Amendment) Act 1998
- The Employment Act, 2006
- National Gender Policy 1997 (as Amended in 2007)
- National Action Plan on for women, 1999
- Uganda Action Plan on UN Security Council Resolution 1325, 1820 and the Goma Declaration,
- Peace, Recovery and Development Plan for Northern Uganda (PRDP),
- The National Policy for Internally Displaced Persons, 2004
- The National Land Policy 2006
- National Development Plan (Draft 2009)
- The Prevention of Trafficking in Persons Act 2008
- The Domestic Violence Bill 2008
- The Domestic Relations Bill 2006
## Annex 3: Brief Analysis of Sample of key international, regional and national human rights instruments for promotion and protection of Women’s Rights and Gender Equality

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Established Standards</th>
<th>Gaps/ opportunities identified in line with Maputo Protocol</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. International Covenant on Civil and Political Rights (ICCPR), 1966</td>
<td>- Non-discrimination on basis of gender Article 3. According to the UN HRC, non-discrimination does not mean simply refraining from the treatment of women less favourably than men. It provides for adoption of positive measures to redress non-discrimination.</td>
<td>- Major setback is that a reading of Uganda’s state party report to the UN HRC shows that article 3 of the ICCPR is strictly interpreted and given a narrower scope of application than envisaged by the UN HRC. The focus remains on the public life and the conduct of public officials.</td>
</tr>
<tr>
<td></td>
<td>- State obligation under non-discrimination guarantees are not limited to legislative reform and changes within the domain of public administration.</td>
<td>- Discrimination is limited to forms of discrimination that appear when the position of women is measured against that of men and does not address the distinctive experiences and disadvantage of the position of women.</td>
</tr>
<tr>
<td></td>
<td>- Provides for equality of men and women</td>
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<tr>
<td></td>
<td>- Provides for freedom to enter a marriage and e for quality of spouses during marriage and at its dissolution.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Equality before the law</td>
<td></td>
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<tr>
<td></td>
<td>- Right to participate in public Affairs; to vote and be elected into office</td>
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</tr>
<tr>
<td>2. International Covenant on Economic Social and Cultural Rights (ICESCR), 1966</td>
<td>- Equal rights of men and women in the enjoyment of the rights in the covenant.</td>
<td>- Its implementation and reporting mechanism is much weaker than that envisaged under the Maputo Protocol. These are limited avenues for invoking and for the international justifiability of the ICESCR. This has a wider impact because violations of rights like health, education etc are engendered.</td>
</tr>
<tr>
<td></td>
<td>- Equal opportunities at the workplace and fair pay for women, guarantees women conditions of work similar to that of men.</td>
<td>- Limited to forms of discrimination that are visible when the position of women is measured against that of men and does not address the distinctive experiences and disadvantage of the position of women.</td>
</tr>
<tr>
<td></td>
<td>- Protection and assistance for the family and including paid maternity leave.</td>
<td>- It allows for a very wide margin of appreciation for the state. The rights in the ICESCR are to be applied progressively to the extent of available state resource.</td>
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<tr>
<td></td>
<td>- Free consent for marriage</td>
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<td></td>
<td>- Right to health and obligation on states to take measures for the reduction of still birth and infant mortality.</td>
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<td></td>
<td>- Food, clothing and housing</td>
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</tr>
<tr>
<td>3. Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW ), 1979 and its Optional Protocols</td>
<td>- Confronts the phenomenon of gender based discrimination as a whole. Obligation on state parties is to; adopt legislation against gender discrimination. eliminate cultural and customary practices that stereo-type women. ensure women participate in public affairs and contribute to policy formulation. support women in employment during pregnancy, for paid maternity leave. eliminate discrimination against rural women, ensure they have access to education and to participate in public affairs. Creates free access to healthcare for women including family planning. Provides for freedom to enter into marriage, equal rights at marriage, during marriage and at its dissolution.</td>
<td>- CEDAW is a comprehensive instrument that guarantees the rights and equality of women in various spheres of life- political, social, economic and social. It however is too general to address specific issues arising out of the specificities of the various regional settings e.g. in the African Context- issues of harmful traditional practices like FGM, widow inheritance. CEDAW also doesn’t cater for the women’s rights in conflict situations. However, CEDAW through its optional protocol allows for a redress mechanism and procedure including for individual complaints.</td>
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<tr>
<td></td>
<td></td>
<td>- Uganda is up to date in its reporting obligations to CEDAW.</td>
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<td></td>
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<td>- There is need to seek opportunities for joint shadow reporting by CSOs to the CEDAW Committee and the African Commission on Human and Peoples’ Rights on status, progress and challenges in the realisation of women’s rights</td>
</tr>
<tr>
<td>4. International Conference on on Population and Development, 1994(ICPD)</td>
<td>The ICPD was a ground breaking in that it provided a forum for discussing issues of sexuality and reproductive health rights at such a high level for the first time on the African Continent. Uganda is committed to the ICPD which endorses a new strategy that emphasizes the integral linkages between population and development and focuses on meeting the needs of individual women and men, rather than on achieving demographic targets.</td>
<td>The Maputo Protocol echoes many of the values and standards set in the ICPD including the elimination of gender-based violence and harmful traditional practices, enhancing reproductive health and participation of women in public affairs.</td>
</tr>
</tbody>
</table>

UGANDA BASELINE SURVEY ON THE AFRICAN WOMEN’S RIGHTS PROTOCOL - THE MAPUTO PROTOCOL
<table>
<thead>
<tr>
<th>Instrument</th>
<th>Established Standards</th>
<th>Gaps/ opportunities identified in line with Maputo Protocol</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Beijing Declaration, 1995</td>
<td>It contains aspirations by states parties to: Ensure participation in the decision-making process and access to power by women. Control by women of all aspects of their health, in particular their own fertility. Elimination of all discrimination against women and the girl child. Recognition of the role that women play in the peace process. Elimination of violence against women.</td>
<td>The Declaration sets out broader guarantees than the Maputo Protocol including elimination of discrimination against sexual minority groups e.g. LGBTI. It is however a soft law- not binding on the government and does not create legally enforceable obligations on the government to comply with it.</td>
</tr>
<tr>
<td>6. UN Security Council Resolutions 1325 and 1820</td>
<td>- Allows for the prosecution of persons for commission of crimes against women. - Provides for extra protection of girls and women in war zones since they are more often deliberately victimized; - Recommends the appointing of more women for peacekeeping operations; and - Involving more women in negotiations, peace talks and post-war reconstruction planning.</td>
<td>- These Resolutions expand the protection of rights for women in times of conflict and post conflict. The Maputo Protocol also covers rights of women in conflict situations. - UN SC resolutions have the force of law and the government is under obligation to comply with it. The MoGLSD has developed Action Plans for the implementation of UN SCR 1325 and 1820, however, lack the resources to implement them. - Uganda is currently chairing the UN Security Council Committee and this provides an entry point for activists to lobby for the honouring of commitments and provision of relevant resources to ensure effective implementation of Resolutions signed at the UN level.</td>
</tr>
<tr>
<td>Regional</td>
<td></td>
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<tr>
<td>7. African Charter of Human and People’s Rights (ACHPR), 1981 plus the Optional Protocols</td>
<td>- Creates the principle of non-Discrimination on the grounds of among others sex. Provides for participation in governance, equitable working conditions, elimination of every discrimination against women and for the protection of the rights of women as stipulated in international law. The African Union has a Peer Review Mechanism (APRM) that seeks to enhance accountability for</td>
<td>Limited to forms of discrimination that are visible when the position of women is measured against that of men and does not address the distinctive experiences and disadvantage of the position of women.</td>
</tr>
<tr>
<td></td>
<td>- Of all its international human rights reporting obligations, Uganda is most compliant with the African charter. The treaty monitoring body at the Ministry of Foreign affairs has an active African Affairs desk. - The APRM provides for 6 monthly reporting by States on progress in key areas. This is a key entry point for activists to lobby for the ratification of the Maputo Protocol for Uganda to honour its commitments at the regional level.</td>
<td></td>
</tr>
<tr>
<td>8. Maputo Protocol – Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa</td>
<td>The Protocol draws from CEDAW and seeks to protect women from discrimination but it also specifically addresses issues concerning women on the African continent including:- Protection from harmful traditional practices, Protection of women in armed conflict. The Maputo Protocol also provides for: -The right to protection as a person and to the full development of a woman’s personality. -Prohibition of exploitation or degradation. -Access to justice and equal protection of the law. -Participation in political and decision making process. -Right to health and reproductive health. -Food security. -Adequate housing. -Protection from all forms of violence; in public and private life.</td>
<td>Whilst Uganda has signed and ratified several international and national instruments, there are still gaps in some areas including Domestic Relations, Domestic and Sexual Violence and Harassment, Widow inheritance, FGM, reproductive health rights etc. - The Protocol captures many of these situations and would make the struggle for the realisation of women’s rights on the African Continent more attainable. Uganda has not yet ratified the protocol due to opposition from religious and traditional groups on basis of Art 6(b) on marriage (articles indicates that Monogamy is the preferred form of marriage); and Article 14 2(c) on the right to abortion in cases of rape, incest. This anomaly (non ratification) has been noted at the AU and in the APRM Country Assessment Report 2009, Uganda is urged to speedily ratify the Protocol and to put in place mechanisms and resources for its implementation.</td>
</tr>
<tr>
<td>Instrument</td>
<td>Established Standards</td>
<td>Gaps/ opportunities identified in line with Maputo Protocol</td>
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</tbody>
</table>
| 9. AU Gender Policy | - Creates an enabling environment for Member States to achieve MDG Goal 3 (Gender Equality by 2015) through aspects such as legislation and legal protection against discrimination and promoting the effective participation of women in peacekeeping and security including efforts aimed at reconciliation in post conflict reconstruction and development.  
- It sets up Gender Policy Working Groups and enables them to harmonise national gender policies with those agreed and adopted by the AU and the RECs, through heads of the national machineries responsible for women and gender affairs. | One of its goals is to endeavour to achieve full enforcement/ ratification of the Protocol to the African Charter on the Human and Peoples' Rights on the Rights of Women in Africa by 2015 and domestication by 2020.  
It has in place mechanisms for measuring compliance of the Protocol by member states, however to date, no member state that has ratified has submitted a report on the AU Protocol. |
| 10 Goma Declaration on Eradicating Sexual Violence and Ending Impunity in the Great Lakes Region, June 2008 | Commits member states to eradicate all forms of gender based violence in particular sexual violence and to take appropriate action for empowerment and equal representation of women and girls through budget allocation to projects related to the prevention of SGBV, revision of discriminatory laws, creation of vetting procedures for candidates for the armed and security services, protection of actors working for the advancement of women's rights, the establishment of a reparation fund to assist victims of SGBV and a commission to handle sexual violence claims.  
Uganda has put in place an action plan for the implementation of the Goma declaration and several of the recommendations in the declaration are echoed in the draft DRB. | It is a soft law - not binding on the government and does not create legally enforceable obligations on the government to comply with it.  
While MoGLSD has developed an Action Plan, it has not been provided with adequate resources to implement it |
| National | | |
| 11 The Constitution of the Republic of Uganda 1995 (as amended) | - The Constitution of Uganda is quite progressive and under Chapter 4 contains the Bill of Rights which provides for the protection and promotion of fundamental and other human rights and freedoms. Key among these are Art 21 on Equality and freedom from discrimination on stated grounds incl sex  
- Art 33 provides for the rights of women including the right to equal treatment with men and equal opportunities in political, economic and social activities (Art33 (3); Affirmative action so as to redresses the imbalances created by history, tradition or custom, (Art. 33 (5),Equal rights in marriage, during marriage and at its dissolution.  
The State is required to provide the facilities and opportunities necessary to enhance the welfare of women to enable them attain their full potential (Art 33 (2)  
Parliament should enact laws necessary to redress imbalances (Art 21(4)  
- Article 22(2) provides that no person has the right to terminate the life of an unborn child except as may be authorised by law | - There are delays by the government in complying with the decisions of the Constitutional Court and the UHRC. E.g. the laws on Succession and Divorce which were declared unconstitutional are yet to be amended.  
- The State continues to not adequately provide for relevant institutions charged with promoting women’s rights including the MoGLSD, Police Child and Family Protection Unit  
- Various laws seeking to address imbalances and protect women are pending at different levels of the legislative reform process e.g. the DRB, DVB.  
The delay in setting up the EOC continues to hamper the capacity for oversight and accountability on progress in enhancing Gender Equality  
-While the prohibition against abortion is explicit, the Constitution, also leaves it open to parliament to prescribe laws that may authorise abortion in exceptional circumstances- this is an opening for Activists to lobby for a law that acknowledges and takes into account circumstances as prescribed under Art 14 2 c of the Maputo Protocol- e.g. where rape, incest has occurred or where the physical or mental wellbeing of the woman is in danger if the pregnancy is continued |
| 12 Penal Code Act Cap 120 | Amendments Categorise simple and aggravated defilement and also include defilement of young boys under 18 years  
Provides for compensation to victims of defilement for physical, sexual and psychological harm caused by the offence.  
S.141- 144 of the law prohibits and criminalises abortion or support for abortion and on conviction one is liable to a sentence of 7 years and 14 years where they have supported the abortion  
law still prohibits prostitution (S. 136-139); same sex relationships (s. 145) and these are punishable by 7 years and life imprisonment respectively | The law covers some aspects envisaged under the Maputo Protocol including sexual and gender violence such as rape, defilement  
The law does not expand the definition of Sex to cover non penetrative sex as provided for under UNSCR 1325 and 1820  
The law is still very punitive on Same sex relations and same sex relationships  
The reforms under the Penal Code Amendment Act are yet to be fully appreciated and awareness of some provisions is still low especially among the police prosecutors and members of the public |
<table>
<thead>
<tr>
<th>Instrument</th>
<th>Established Standards</th>
<th>Gaps/ opportunities identified in line with Maputo Protocol</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equal Opportunities Act 2007</td>
<td>Contains provisions that seek to address discrimination against women in the field of employment. Other significant measures to eliminate de jure discrimination include the enactment of the Equal Opportunities Commission (EOC) Act 2007 and the National Equal Opportunities Policy. The former legalizes affirmative action in favour of marginalized groups and fulfills the government’s 2006 National Equal Opportunities Policy. The vital purpose of the EOC is to fight discrimination 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.</td>
<td>The functions of the EOC include inter alia monitoring and evaluating and ensuring that policies, laws, programmes and custom of organs of the state at all levels are compliant with the requirement for affirmative action in favour of marginalized groups. The EOC has the power to hear complaints of discrimination and marginalization of individuals and groups and to order redress for these groups. The 2005 amendment to the Uganda Constitution provided that the EOC should be established within one year of the amendment. However, despite the 2007 Equal Opportunities Commission Act and the allocation of budgetary resources for the EOC, the government has yet to establish the Commission. The constitutionally enshrined principle of affirmative action in favor of marginalized groups still exists largely on paper.</td>
</tr>
<tr>
<td>Land Act 1998 and Amendment Bill, 2007</td>
<td>It prohibits transactions on family land without the consent of spouse/s. Although the Act falls short of recognizing co-ownership of land between spouses as was desired by the pressure group, it confers an equitable interest in family land to spouses i.e. through the consent clause. The Land (Amendment) Bill 2007 is supposed to enhance tenure security and protect lawful and bona fide occupants and occupants on customary land from evictions.</td>
<td>The operation of the co-ownership provision has not been easy as women have limited decision-making powers in the home especially in communities where bride price is paid. There is no specific legal provision for user rights. This affects women’s decision making on land utilisation and enjoyment of its products given that they largely use but do not own land. However there were concerns that given the negative experience with titling programmes in many African countries – which have focused on individual ownership and often applied simplistic new categories of ownership to complex situations, disadvantaging women and other marginalised groups – there was need to ensure that the registration processes do not unduly simplify the situation and actually secures rights for vulnerable groups like women or children as provided for in the Land Act. However, given the negative experience with titling programmes in Uganda which have focused on individual ownership and often applied simplistic new categories of ownership to complex situations, disadvantaging women and other marginalised groups there is need to ensure that the registration processes do not unduly simplify the situation and actually secures rights for vulnerable groups like women or children as provided for in the Land Act.</td>
</tr>
<tr>
<td>National Women’s Council Act 1993</td>
<td>Prompts for the implementation of interventions that have facilitated the socio-economic development of women e.g. creation of Women councils composed of nine women charged with the responsibility of fostering social economic development of women, starting at local council levels 1 to 5. The chairpersons of the Women councils 1 and 2 become automatic members of Local Councils 1 and 2 respectively.</td>
<td>The women council law is not provided for in the Local Council Act and hence is not recognized as a structure by the Local Government. The said structures are therefore not receive funding or technical support from local governments.</td>
</tr>
<tr>
<td>Local Government Act, 2007</td>
<td>It emanates from the 1993 Decentralization Policy which includes a number of gender responsive aspects for action at national and Local Government levels. The Act stipulates that women must occupy 30% of all positions of the Local Council structure. The Act has contributed to the increase in numerical representation of women on local councils.</td>
<td>However the active participation of women and people with disabilities to represent their constituencies is still low due to lack of skills in advocacy, lack of enough resources to mobilize them and the continued power and culture structures that promote gender inequalities. The quality of those women represented remains wanting especially considering the fact that women’s political participation is promoted as long as they remain within the political status quo. Even though the quota system is operational, women’s participation is still below the desired level. Women in the districts have mainly been relegated to councillorship positions, with only a handful making it to the Vice Chairperson position. There have been only 8 LC III women Chairpersons, one of whom unfortunately passed away recently and there’s only 1 woman who is a district chairperson out of the current 84 districts.</td>
</tr>
</tbody>
</table>
### Instrument Established Standards

**Local Council Courts (LCCs) Act, 2006**

It expands the administration of justice at the local level to define the jurisdiction, powers, and procedure of the established courts and to provide for other related matters.

The law reinforces key principles of democratic governance and puts justice much closer to the grass-roots level which is especially important for women.

A salient feature of the new law is provision for female representation in the Local Council Courts.

The law is yet to be fully implemented given the impasse in the electoral reforms. A constitutional petition was filed by the opposition seeking clarity around the role and representation of Local Councils within a multiparty dispensation.

Key challenges arise with the administration of justice given that majority of LCs do not fully appreciate human rights and gender issues. LCCs have been found to be gender blind, very biased, full of nepotism, corrupt, often to the detriment of women. The LCCs also handle cases beyond their jurisdiction e.g. rape and defilement often bungling up evidence.

Under the DVB, its proposed that LCCs will be given more powers to handle cases of domestic violence. While this has the potential to bring justice closer to the women, with the LCCs still untrained and gender blind, this provision could instead lead to increased violation of women’s rights.

### Pending Bills

**Prevention of Trafficking in Persons Bill, 2009**

It aims to combat trafficking in persons.

It operates on a principle of non-discrimination of victims and makes it an offence to apply protection and assistance in a discriminatory manner.

It also provides for assistance and compensation to victims of trafficking in persons.

Its provisions support the Maputo Protocol. However it is still a Bill that is yet to be enacted and implemented.

**Marriage and Divorce Bill, formerly the Domestic Relations Bill (DRB)**

Seeks to reform as well as consolidate the law relating to marriage, separation and divorce.

Enforces property rights for married women.

Has had significant challenges in its development which process frequently stalled and it was withdrawn on several occasions to allow for further consultations, following protests from sections of society on some contentious clauses.

This has led to a split into 2 bills – the first Bill contains provisions on Civil, Christian marriages whilst the second regulates Islamic Marriages and Divorce. This second bill however has some provisions which are not entirely consistent with the constitution and Maputo Protocol including issues of polygamy and inheritance by girl children.

**Domestic Violence Bill (DVB)**

Gives a wide definition of domestic violence and criminalises the practice. Also provides for a compensation fund for victims.

It puts in place a fairly low level and thus easily accessible redress mechanisms for victims of domestic violence.

The DVB highlights one of the key areas in the Maputo Protocol and its enactment would ensure that those gaps on Domestic Violence are closed in the national legislation. However it is yet to be enacted and was only recently presented to Parliament for the first reading.

**Sexual Offences Bill (SOB)**

The Bill sought to address the issue of escalating sexual offenses; including rape, defilement, marital rape, sexual harassment. However, during the revision of the Penal Code, several proposed provisions were incorporated (e.g. reforms on rape and defilement) leaving it largely emptied.

For a while, the status of this Bill has largely been unclear, and there were proposals from various sectors to drop it indicating that it was covered in other legislation.

However, there is still a gap on legislation for marital rape; and sexual harassment. The armed forces (police, Army) and private sector have seen increased reporting of sexual harassment cases. Article 13 of the Maputo Protocol caters for Sexual harassment and Advocacy for this law should continue.
<table>
<thead>
<tr>
<th>Instrument</th>
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<th>Gaps/ opportunities identified in line with Maputo Protocol</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Gender Policy (NGP), as Amended in 2007</td>
<td>- Aims at reducing gender inequalities between specific categories of women and men through systematic coordination with priority sectors at national and local levels. - Ensures that women and men know, understand and are able to enforce their rights to human development from security of the person to the question of accessing justice. - Consolidates women’s presence in arenas of decision making and deepens their meaningful participation in political processes through strengthening the capacity of women to participate in decision making and leadership, eliminating gender discrimination in points of entry into public decision making (e.g. elections), improving on the performance of the affirmative action framework to encompass all key arenas to achieve stronger and more equitable presence of women, establishing effective mechanisms to ensure gender responsiveness in decision making structures at all levels.</td>
<td>- The NGP adopts a sector wide approach and a comprehensive monitoring program-joint sector reviews and PRSC annual missions provide an opportunity to work with sectors in identifying the key progress areas and challenges to gender focused programming and implementation. - The MGLSD should further elaborate Guidelines to enable stakeholders understand better how to identify and integrate gender issues in their work at the sectoral and institutional levels; - The MGLSD should revisit the issue of Gender Desk Officer and revitalise the appointment, training of these officers within line ministries and agencies. Desk Officers should be appointed at high levels of the institution and should hold positions of power and influence in the organisation if they are to effect gender changes.</td>
</tr>
<tr>
<td>National Development Plan (NDP) (Draft)</td>
<td>The 5 year plan focuses on Growth, Prosperity, Employment and Development; Cross cutting issues of Good governance, human rights and security.</td>
<td>Women activists should engage more strongly with the NDP which will provide the framework for planning and budgeting over the next 5 years. Women activities must push for the Institutionalization of gender responsive budgeting as a core instrument of policy. While the NDP focus on growth and wealth creation, specific measures must be put in place to address the growing inequalities in Uganda. Social protection is critical to ensure that the very poor and vulnerable groups - majority of whom are women including widows, disabled persons, the chronically sick- are not left out of development processes.</td>
</tr>
<tr>
<td>Plan for Modernization of Agriculture (PMA), 2000</td>
<td>Elaborates the commitments made in the PEAP. It aims at modernizing and commercialising agriculture as a viable export base for the country. The PMA points out that women face barriers to participation in community activities including agriculture. Both the PEAP and the PMA recognize the need to involve and target women and other disadvantaged groups with social and economic empowerment. They also give emphasis to the need to have women access and effectively utilize productive resources.</td>
<td>A critical analysis of the PMA reveals that the focus of the government is not necessarily on small farmers, the majority of whom are women but rather the commercialisation of agriculture which calls for big farmers. This may also partly explain why the 1998 Land Act never included the co-ownership clause. It has been argued that this would have resulted into land fragmentation and affected commercialisation of land. This scenario illustrates the contradictions in government polices. On the one hand government commits itself to gender equality whilst on the other, it cannot follow through its commitments because of the prevailing contradictions that exist within other government policies.</td>
</tr>
<tr>
<td>Social Development Sector Investment Plan (SDIP) 2003-2008</td>
<td>It lays out strategies and interventions that target: 1) decision making on Central and Local Government level support social development issues; 2) Conducting Gender and Equity Budgeting analyses; 3) Gender Management System, Gender Equality Forum and Inter Ministerial committees in place and functional.</td>
<td>An entry point for women activities is to ensure that the new Social Development Sector Investment Plan which is currently under development fully captures issues around the Maputo Protocol including providing for adequate resourcing for its implementation within the medium term.</td>
</tr>
<tr>
<td>Uganda Action Plan on UN Security Council Resolution 1325, 1820 and the Goma Declaration</td>
<td>- Increase women’s participation in the prevention and resolution of conflict and ensures the protection of women and girls from gender based violence during armed conflict. - Improves linkages and long term engagement between local authorities and the central government agencies, regional coordination and cooperation between governments and international donors in ending the crime of rape and sexual violence.</td>
<td>These are soft laws and not legally enforceable. There is difficulty in translating policy into practice. These laws would be complimented by the ratification of the Maputo Protocol which specifically provides for the rights of women in conflict situations. Article 11(3) protects refugees, IDPS, returnees, asylum seekers from sexual exploitation, rape, violence.</td>
</tr>
</tbody>
</table>
Peace, Development and Recovery Plan (PRDP) for Northern Uganda, 2007

The PRDP provides an overarching framework for reconstruction and rebuilding of the Greater Northern Uganda region in the next five years following the destruction caused during the 20 year old conflict between the Government Forces and the Lords Resistance Army. The PRDP focuses on physical reconstruction of institutions, and the return of IDPs to their communities. The PRDP is to be implemented by the national instructions through the District Disaster Preparedness Committees and the Office of the Prime Minister is to coordinate all interventions through an intern ministerial committee at the National level.

While the PRDP is heavy on physical reconstruction, it doesn’t fully address the psychological and other social issues such as the rights of women affected by SGBV. The PRDP is not in line with accepted national, regional and international gender instruments including Uganda’s Constitution and the Maputo Protocol. It does not reflect the Millennium Development Goals, nor does it adhere to the requirements set out in United Nations Security Council Resolution 1325 on women, peace, and security. The PRDP’s four strategic objectives do not delineate the different needs of men and women and yet 80% of internally displaced persons were women and children. The shortcomings in the PRDP show the gaps existing in addressing the need of women in conflict situations in Uganda. Women have not been equal participants in promoting peace and security- they have not been fully engaged in the process.

Women organisations have to engage through all the structures and mechanisms to raise the voices of women affected by Conflict and to enhance their participation in the reform process. Advocacy should focus on resourcing of the Action Plan.

National Internally Displaced Persons (IDP) Policy, 2004

It defines an IDP as a person or groups of persons who have been forced or obliged to flee or leave their home or places of habitual residence as a result of or in order to avoid the effects of armed conflict or other situations of generalized violence and have not crossed an internationally recognized state border. In implementing the policy the government is to be guided by the African Charter and CEDAW. The policy provides that in the allocation of land, special protection and support should be granted to expectant mothers, mothers with young children and female headed households. Further, that special care should be paid to the health needs of women including reproductive health and appropriate care for victims of sexual abuse.

However, in many of the IDP camps in Northern Uganda, application of the policy has been undermined. For instance, on issues of voluntary return and resettlement which is a key principle. Most camps in Gulu are being closed down and IDPs forced to move out and go back to their original homes. Aid has also dwindled down and all but stopped. However, there are vulnerable groups including the widows, orphans, elderly, disabled who are unable to return to their original place of residence – majority of them lack the means and the widows have been dispossessed of their positions within the communities because of their status as widows – they are landless.

The Maputo Protocol provides specifically for the rights of women in conflict and post conflict situations and urges governments to put in place specific mechanisms to address the rights of vulnerable women caught up in these situations.

Women in conflict and post conflict areas too have rights.
Annex 4: MTEF Allocations 2006/7-2013/14 (Ush Bn) Excluding Non VAT Taxes and Arrears

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>SECURITY</td>
<td>107.79</td>
<td>463.35</td>
<td>477.72</td>
<td>477.72</td>
<td>566.68</td>
<td>621.14</td>
<td>717.14</td>
<td>841.17</td>
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<td>WORKS AND TRANSPORT</td>
<td>464.14</td>
<td>624.85</td>
<td>1081.73</td>
<td>1062.29</td>
<td>1146.00</td>
<td>812.92</td>
<td>670.39</td>
<td>1099.90</td>
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<td>AGRICULTURE</td>
<td>154.73</td>
<td>202.47</td>
<td>222.22</td>
<td>275.64</td>
<td>316.10</td>
<td>372.98</td>
<td>443.73</td>
<td>529.19</td>
</tr>
<tr>
<td>EDUCATION</td>
<td>726.01</td>
<td>757.95</td>
<td>900.34</td>
<td>916.60</td>
<td>963.05</td>
<td>1191.00</td>
<td>1280.00</td>
<td>1082.47</td>
</tr>
<tr>
<td>HEALTH</td>
<td>361.44</td>
<td>428.39</td>
<td>428.39</td>
<td>639.90</td>
<td>748.90</td>
<td>855.00</td>
<td>980.72</td>
<td>1120.94</td>
</tr>
<tr>
<td>WATER AND ENVIRONMENT</td>
<td>127.77</td>
<td>166.31</td>
<td>162.28</td>
<td>137.43</td>
<td>126.52</td>
<td>156.32</td>
<td>166.32</td>
<td>202.73</td>
</tr>
<tr>
<td>JUDICIAL LAW AND ORDER</td>
<td>414.01</td>
<td>438.01</td>
<td>438.01</td>
<td>304.76</td>
<td>347.08</td>
<td>390.13</td>
<td>849.59</td>
<td>517.90</td>
</tr>
<tr>
<td>ACCOUNTABILITY</td>
<td>261.28</td>
<td>335.18</td>
<td>411.80</td>
<td>338.73</td>
<td>323.20</td>
<td>386.09</td>
<td>462.41</td>
<td>554.75</td>
</tr>
<tr>
<td>ENERGY AND MINERAL DEVELOPMENT</td>
<td>341.75</td>
<td>443.34</td>
<td>461.25</td>
<td>450.91</td>
<td>451.78</td>
<td>484.26</td>
<td>544.83</td>
<td>704.44</td>
</tr>
<tr>
<td>TOURISM, TRADE AND INDUSTRY</td>
<td>44.22</td>
<td>41.65</td>
<td>30.98</td>
<td>46.73</td>
<td>88.19</td>
<td>107.77</td>
<td>104.36</td>
<td>128.10</td>
</tr>
<tr>
<td>LANDS, HOUSING AND URBAN DEPT</td>
<td>17.48</td>
<td>16.70</td>
<td>12.03</td>
<td>15.33</td>
<td>51.04</td>
<td>51.56</td>
<td>74.28</td>
<td>80.63</td>
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<tr>
<td>SOCIAL DEVELOPMENT</td>
<td>18.07</td>
<td>18.17</td>
<td>18.03</td>
<td>19.20</td>
<td>22.71</td>
<td>24.08</td>
<td>27.05</td>
<td>42.61</td>
</tr>
<tr>
<td>ICT</td>
<td>1.18</td>
<td>1.60</td>
<td>1.50</td>
<td>1.50</td>
<td>6.36</td>
<td>8.00</td>
<td>9.88</td>
<td>12.19</td>
</tr>
<tr>
<td>PUBLIC SECTOR MANAGEMENT</td>
<td>326.78</td>
<td>486.90</td>
<td>636.34</td>
<td>629.21</td>
<td>610.42</td>
<td>513.50</td>
<td>594.25</td>
<td>950.93</td>
</tr>
<tr>
<td>PUBLIC ADMINISTRATION</td>
<td>136.00</td>
<td>153.62</td>
<td>139.50</td>
<td>127.09</td>
<td>217.09</td>
<td>314.80</td>
<td>323.20</td>
<td>390.30</td>
</tr>
<tr>
<td>LEGISLATURE</td>
<td>54.76</td>
<td>74.90</td>
<td>113.57</td>
<td>113.80</td>
<td>113.28</td>
<td>113.98</td>
<td>163.35</td>
<td>196.29</td>
</tr>
<tr>
<td>INTEREST PAYMENTS DUE</td>
<td>253.50</td>
<td>286.12</td>
<td>379.05</td>
<td>379.71</td>
<td>366.57</td>
<td>361.44</td>
<td>364.67</td>
<td>362.55</td>
</tr>
<tr>
<td>UNALLOCATED</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>4,107.19</td>
<td>4,754.61</td>
<td>5,856.67</td>
<td>4,269.85</td>
<td>5,941.01</td>
<td>7,036.17</td>
<td>9,121.20</td>
<td>10,121.30</td>
</tr>
</tbody>
</table>

Source: National Budget Framework Paper FY 2009/10, MoFPED

Introduction and knowledge about their rights will take the inferiority out of them.
Annex 5: Representation of Women in Elected and Appointed Office

Women representation in Elected Office: Parliament

Number of Women on Standing Parliamentary Committees
(74 women out of 242 Members= 32%)

<table>
<thead>
<tr>
<th>List of Standing Committees</th>
<th>No of Women</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Accounts Committees</td>
<td>5 women out of 20 members</td>
<td>25%</td>
</tr>
<tr>
<td>Committee on Budget</td>
<td>8 women of 20 members</td>
<td>40%</td>
</tr>
<tr>
<td>Committee on National Economy</td>
<td>3 women out of 20 members</td>
<td>15%</td>
</tr>
<tr>
<td>Committee on Equal Opportunities.</td>
<td>11 women out of 20 members</td>
<td>55%</td>
</tr>
<tr>
<td>Committee on Government Assurance</td>
<td>8 women out of 20 members</td>
<td>40%</td>
</tr>
<tr>
<td>Committee of Commission, Statutory Authorities and State Enterprises</td>
<td>4 women out of 20 members</td>
<td>20%</td>
</tr>
<tr>
<td>Committee on HIV/AIDS &amp; Related Matters</td>
<td>8 women out of 20 members</td>
<td>40%</td>
</tr>
<tr>
<td>Committee on Local Government Accounts</td>
<td>7 women out of 20 members</td>
<td>35%</td>
</tr>
<tr>
<td>Committee on Rules, Privileges &amp; Discipline</td>
<td>5 women out of 20 members</td>
<td>25%</td>
</tr>
<tr>
<td>Committee on Science and Technology</td>
<td>5 women out of 20 members</td>
<td>25%</td>
</tr>
<tr>
<td>Committee on Appointments</td>
<td>9 out of 22 members</td>
<td>40%</td>
</tr>
<tr>
<td>Business Committee</td>
<td>2 women out of 10 members</td>
<td>20%</td>
</tr>
</tbody>
</table>

Number of Women on Sessional Committees (88 women out of 260 members= 30%)

<table>
<thead>
<tr>
<th>List of Sessional Committees</th>
<th>No of Women</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sessional Committee on Agriculture, Animal Husbandry and Fisheries</td>
<td>9 women out of 20 members</td>
<td>45%</td>
</tr>
<tr>
<td>Sessional Committee on Defence and Internal Affairs</td>
<td>4 women of 20 member</td>
<td>20%</td>
</tr>
<tr>
<td>Sessional Committee on Foreign Affairs</td>
<td>6 women out of 20 members</td>
<td>30%</td>
</tr>
<tr>
<td>Sessional Committee on Finance Planning and Economic Development</td>
<td>4 women out of 20 members</td>
<td>20%</td>
</tr>
<tr>
<td>Sessional Committee on Legal and Parliamentary Affairs</td>
<td>4 women out of 20 members</td>
<td>20%</td>
</tr>
<tr>
<td>Sessional Committee on Natural Resources</td>
<td>7 women out of 20 members</td>
<td>35%</td>
</tr>
<tr>
<td>Sessional Committee on Presidential Affairs</td>
<td>5 women out of 20 members</td>
<td>25%</td>
</tr>
<tr>
<td>Sessional Committee on Gender, Labour and Social Development</td>
<td>12 women out of 20 members</td>
<td>60%</td>
</tr>
<tr>
<td>Sessional Committee on Information, Communication and Technology</td>
<td>6 women out of 20 members</td>
<td>30%</td>
</tr>
<tr>
<td>Sessional Committee on Physical Infrastructure</td>
<td>4 women out of 20 members</td>
<td>20%</td>
</tr>
<tr>
<td>Sessional Committee Trade, Tourism and Industry</td>
<td>6 women out of 20 members</td>
<td>30%</td>
</tr>
<tr>
<td>Sessional Committee on Social Services</td>
<td>12 women out of 20 members</td>
<td>60%</td>
</tr>
</tbody>
</table>
## Women representation in appointed office at senior management level (selected offices)

<table>
<thead>
<tr>
<th>Institution</th>
<th>No of Women present</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Presidents Office</td>
<td>6 women out of 21</td>
<td>28%</td>
</tr>
<tr>
<td>Presidential Awards Committee</td>
<td>2 women out of 7</td>
<td>28%</td>
</tr>
<tr>
<td>Presidential Advisers (full time) Office of the President</td>
<td>2 women out of 22</td>
<td>9%</td>
</tr>
<tr>
<td>State House</td>
<td>3 women out of 6</td>
<td>9%</td>
</tr>
<tr>
<td>Presidential Advisors (full time) State House</td>
<td>7 women out of 59</td>
<td>8%</td>
</tr>
<tr>
<td>Persons on retainer basis- Office of the President</td>
<td>5 women out of 27</td>
<td>18%</td>
</tr>
<tr>
<td>Office of the Vice-President</td>
<td>4 women out of 12</td>
<td>30%</td>
</tr>
<tr>
<td>Ministry of Foreign Affairs</td>
<td>1 woman out of 7</td>
<td>14%</td>
</tr>
<tr>
<td>Ministry of Internal Affairs</td>
<td>5 women out of 13</td>
<td>38%</td>
</tr>
<tr>
<td>Uganda Police Force</td>
<td>3 women out of 32</td>
<td>9.3%</td>
</tr>
<tr>
<td>Prisons Head Quarters</td>
<td>1 woman out of 32-</td>
<td>3.2%</td>
</tr>
<tr>
<td>Ministry of Justice and Constitutional Affairs</td>
<td>3 women out of 10</td>
<td>30%</td>
</tr>
<tr>
<td>Ministry of Tourism, Trade and Industry</td>
<td>4 out of 10</td>
<td>40%</td>
</tr>
<tr>
<td>Ministry of Water and Environment</td>
<td>3 women out of 6</td>
<td>33%</td>
</tr>
<tr>
<td>Ministry of Works and Transportation</td>
<td>No female</td>
<td>0%</td>
</tr>
<tr>
<td>Ministry of Education and Sports</td>
<td>4 women out of 26</td>
<td>15.3%</td>
</tr>
<tr>
<td>Ministry of Health</td>
<td>3 out of 17</td>
<td>17%</td>
</tr>
<tr>
<td>Ministry of Local Government</td>
<td>1 woman out of 5</td>
<td>20%</td>
</tr>
<tr>
<td>Ministry of Finance Planning and Economic Development</td>
<td>2 women out of 11</td>
<td>18%</td>
</tr>
<tr>
<td>Auditor General’s Office</td>
<td>1 woman out of 3</td>
<td>33%</td>
</tr>
</tbody>
</table>

The number of women in Elected or appointed offices is too low.
### Annex 6: List of persons interviewed and participated in focus group discussions

<table>
<thead>
<tr>
<th>Name</th>
<th>Designation/ Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon. Rukia Nakadama</td>
<td>Minister of State for Gender, MoGLSD</td>
</tr>
<tr>
<td>Tom Gidudu</td>
<td>Personal Assistant, Minister of State for Gender, MoGLSD</td>
</tr>
<tr>
<td>Hon Jalia Bintu Abwoli</td>
<td>MP Women Masindi, and Chair of the Round Table on Maputo, UWOPA; also ex-chair Equal</td>
</tr>
<tr>
<td>Hon Akello Frank Judith</td>
<td>Mp Women Pader, Member UWOPA, Parliament</td>
</tr>
<tr>
<td>Jane Mpangi</td>
<td>Director Gender and Community Development, MoGLSD</td>
</tr>
<tr>
<td>Solome Nakaweesi-Kimbugwe</td>
<td>Executive Director, AmwA</td>
</tr>
<tr>
<td>Christine Butegwa</td>
<td>Regional Coordinator, Africa Programmes, AmwA</td>
</tr>
<tr>
<td>Patience Ayebazibwe</td>
<td>Programmes Officer, AmwA</td>
</tr>
<tr>
<td>Maria Magezi</td>
<td>Intern, AmwA</td>
</tr>
<tr>
<td>Stella Mukasa</td>
<td>Former President, AmwA International Board; Business Manager, NCG</td>
</tr>
<tr>
<td>Sheila Kawamara</td>
<td>Chairperson, UWONET</td>
</tr>
<tr>
<td>Jackie Aslimwe</td>
<td>Consultant</td>
</tr>
<tr>
<td>Esther Loeffen</td>
<td>First Secretary, Embassy of the Kingdom of Netherlands</td>
</tr>
<tr>
<td>Joyce Ngaiiza</td>
<td>Governance Advisor, Embassy of the Kingdom of Netherlands</td>
</tr>
<tr>
<td>Christine Nanding</td>
<td>Officer in Charge, Family and Child Protection Unit, Uganda Police Force</td>
</tr>
<tr>
<td>Sheila Muwanga</td>
<td>Deputy Director, Programmes Foundation for Human Rights Initiative (FHRI)</td>
</tr>
<tr>
<td>Susan Oregede</td>
<td>Programme Officer, Oxfam Uganda</td>
</tr>
<tr>
<td>Ruth Kijambu</td>
<td>Town Clerk, Kampala</td>
</tr>
<tr>
<td>Florence Namayanja</td>
<td>Deputy Town Mayor, Kampala</td>
</tr>
<tr>
<td>Sylvia Tamale</td>
<td>Professor, Faculty of Law, Makerere University</td>
</tr>
<tr>
<td>Dr. Abel Rwendeire</td>
<td>Deputy Chair, National Planning Authority</td>
</tr>
<tr>
<td>Maria Nassali</td>
<td>CEO, FIDA-U</td>
</tr>
<tr>
<td>Andrew B. Byaruhanga</td>
<td>UWONET (NTF)</td>
</tr>
<tr>
<td>Debbie Kaddu-Sserwadda</td>
<td>ICON/ECCA (NTF)</td>
</tr>
<tr>
<td>Hadijah Kisembo</td>
<td>DWNRO (NTF)</td>
</tr>
<tr>
<td>Berna Ngolobe</td>
<td>WOUGNET (NTF)</td>
</tr>
<tr>
<td>Rose Namutebi</td>
<td>NAWOUI (NTF)</td>
</tr>
<tr>
<td>Maureen Agena</td>
<td>WOUGNET (NTF)</td>
</tr>
<tr>
<td>Patricia Munabi Babiha</td>
<td>FOWODE (NTF)</td>
</tr>
<tr>
<td>Margaret Kakande</td>
<td>Ministry of Finance, Planning and Economic Development</td>
</tr>
<tr>
<td>Richard Ndikuryayo</td>
<td>Uganda Bureau of Statistics</td>
</tr>
<tr>
<td>Twoli Yafesi</td>
<td>Community Development Officer, MGLSD, Kyenjojo District</td>
</tr>
<tr>
<td>Baguma Spellanza</td>
<td>Sub- County Chief, Hapuyo- Kyenjojo District</td>
</tr>
<tr>
<td>Kasembo Janepher</td>
<td>Assistant CDO, Hapuyo Sub County, Kyenjojo District</td>
</tr>
<tr>
<td>Busingye</td>
<td>Community Member, Hapuyo</td>
</tr>
<tr>
<td>Isingoma Edward</td>
<td>Local Council I Chairman, Kyeiguma</td>
</tr>
<tr>
<td>Nkoba Saul</td>
<td>Parish Chief, Kyeiguma</td>
</tr>
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<td>Tinkanamire Josephat</td>
<td>Community Member, Kyeiguma</td>
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<tr>
<td>Rosemary Kabagenyi</td>
<td>Community Member, Kyeiguma</td>
</tr>
</tbody>
</table>
Annex 7:  Bibliography- List of Documents/ Articles


AMwA News , Bi – Annual Newsletter, June 2008.

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Annex 8: Terms of Reference

Terms of reference for a baseline study for the AU Women’s Protocol Campaign in Uganda

I. Purpose and scope
The “Raising her voice” project seeks the ratification of the African Union Women’s Rights Protocol in Uganda and effective implementation.

As preparation for a five-year advocacy campaign, we seek to objectively understand the current situation of women, key stakeholders and the legal and political situation in relation to the Protocol. Though essentially a “light” study, we will gather a sense of prevailing public policies and institutional practices, attitudes and beliefs related to the Protocol. We shall return to this baseline to measure progress in line with our project framework. This will assist us to be better accountable to our different audiences (our organization, poor and marginalised women, state authorities and grant-making organisations).

II. Objectives
Ultimately, the baseline survey will be designed around the project advocacy plan (see Appendix 1). Where appropriate it will contain:

- An overview of current public policies, laws and budgets with regards to the protocol (indicative 20% of report)
- An overview of the status of women’s rights nationally and in designated project areas and the degree of understanding among poor and marginalised women in designated project areas of the rights contained (35%)
- An assessment of the understanding and degree of ownership among key constituencies and alliances to implement and/or support the implementation of the campaign (35%)
- An assessment of the current capacity of the implementing agency of the protocol i.e. the National Taskforce on the Protocol (10%)

II. Research Methodology
Largely secondary sources should be used with primary sources to support where there are no secondary sources or the costs (time, money) are too prohibitive. It is critical to conduct some targeted individual interviews (8-15) and a stakeholder’s consultation for the purposes of gathering information and analysis that is not documented and also to build up awareness and ownership for the research findings and the subsequent advocacy work. There are some indicative questions contained in Annex 2. Where the researchers have to go back in history to recreate a pattern or trend, we would suggest where appropriate that they use the following:

2003-2008 For national statistics on the status of women (longer period)
2005-2008 For the analysis around the Protocol (November 25th is the date that it entered into force)

The following is a suggested outline of the work envisaged:

- Recruitment of researcher/research team
- Initial literature search to establish the existence of secondary materials
- Develop a work plan and a list of secondary materials, people to interview and persons to attend the consultations
- Approval by commissioning manager
Conduct secondary data analysis and primary data research (questionnaires, interviews, focus group discussions, case studies, etc.)

- Focus group discussion with key stakeholders for validation of findings
- Report writing
- Focus group discussion with key stakeholders in the commissioning agency for validation of the provisional report
- Finalization and distribution of the final report

V. Possible Schedule

July 2009  
Undertake baseline survey

July 2009  
Submit draft baseline survey report

August 2009  
Submit final baseline survey report

VI. Deliverables

The baseline study should end up in a 30-page final report (both hard and soft copy) with all useful annexes. Quotes from people who are interviewed are highly valued. The study could be organized according to the following plan:

Indicative Table of contents
Title page
Table of contents
Acknowledgements
Summary of key findings and considerations for the advocacy phase
Methodology
Part 1: Overview of current public policies, laws, institutions and budgets
Part 2: Overview of the national status of women’s rights
Part 3: Degree of understanding among poor and marginalised women in designated project areas
Part 4: Understanding and degree of ownership among key constituencies and alliances to implement and/or support the implementation of the campaign
Part 5: Understanding and degree of ownership within the implementing agency of the protocol
Bibliography
List of people interviewed and participated in focus group discussions
Looking up to a brighter tomorrow for both men and women.
Footnotes

1. See the Concluding Comments of the CEDAW Committee to the third periodic report of Uganda (CEDAW/C/UGA/3) at its 575th and 576th meetings on 9 August 2002 (see CEDAW/C/SR.575 and 576).


5. Following the APRM Country Review, Uganda established a National Governing Council (NGC) to monitor Government’s progress towards stated goals.

6. Based on views expressed by stakeholders at the AU Summit in Libya in July 2009 in discussions with members of the Uganda Contingent. Also see the Africa wide ‘Ratify Now’ Campaign by FIDH.

7. Views shared at the Round Table Meeting with the National Task Force on July 15th 2009.

8. Unlike some other countries, Uganda does not automatically domesticate treaties once it ratifies them and hence an Act of Parliament has to be passed. For instance South Africa automatically domesticates some human rights treaties once it has ratified them. In Uganda, the Children’s Statute 1995 is a good example of an Act that is close to the treaty provisions i.e. the CRC.

9. Views expressed by several stakeholders interviewed and by representatives in the Ministry of Foreign Affairs.

10. Currently, interventions for women affected by conflict are based on the National IDP Policy 2004 and the UNSCR 1325 under which MGLSD has developed a National Plan of Action.

11. Uganda Association of Women Lawyers (FIDA-U) and OTHERS Vs. THE ATTORNEY GENERAL; Constitutional Petition No.2 of 2003;

12. The provisions were to the effect that men had to prove only one ground while women had to prove 2 grounds for divorce. In addition, under the Penal Code, the definition of Criminal Adultery deferred by sex. A man only committed adultery if he had sex with another man’s wife, while a woman committed adultery if they had sex with any man-single or married.

13. Law and Advocacy for Women in Uganda Vs. ATTORNEY GENERAL; Constitutional Petitions Nos. 13/05 & 05/06

14. See: Gender Wage Differentials in Uganda: Evidence from the Uganda National Household Survey; Paul Kagundu and Olga Pavlova, Andrew Young School of Policy Studies Research Paper Series No. 07-26, May 2007. The study found that 22% and 68% of the gender wage gap in the urban and rural areas respectively is due to discrimination against females.


16. ACFODE is currently taking the lead on establishing the status of the Sexual Offences Bill so as to

17. Section 39A of the Land Act details security of occupancy on family land, while section 40 prohibits the sale, transfer, exchange, pledge, mortgage or lease of family land except with prior consent of the spouse.

18. Note that this Bill would have to be reconciled with the NGO (Amendment) Act 2006, under which strict provisions apply restricting NGO activities on mobilisation and awareness raising in rural communities. Notice of up to 7 days must be given by an NGO intending to undertake community mobilisation.
A Daft Bill that seeks to deter homosexuality was presented in Parliament as a Private Members Bill by David Bahati MP Ndorwa East on October 14th 2009 incorporating outrageous provisions on identifying homosexuals and proposing a death sentence on conviction. Other similar draconian laws in the offing seek to clamp down on prostitution through harsher penalties than are currently in the Penal Code. Chapter XIV of the Penal Code criminalises these acts as offences against immorality and imposes a sentence of 7 years on conviction.

The MoGLSD was created in 1998 through a merger of two ministries- Ministry of Gender and Community Development and Ministry of Labour and Social Welfare and has since undergone two restructuring exercises in 2000 and 2008 to realign its structures and key functions to a number of government policies and programmes given its role in the Social Development Sector

The EOC Board Members were finally nominated and names forwarded to the President for Approval in June 2009


During discussions with Staff of MGLSD the team was informed that development partners including DFID, ILO, UNIFEM, UNICEF and UNFPA supplement a big portion of the development budget of the Ministry.


Permanent Secretaries, Under Secretary and Director level

Judges, Registrars, Magistrates

UN HRC General Comment 28; Equality of rights between men and women

ICCPR Article 23

ICCPR Article 25

Article 10 ICESCR

For instance article 7 (a) (i) guarantees women conditions of work not inferior to those enjoyed by men.

Article 2(1) of ICESCR

Article 2 of the ACHPR

Article 15

Article 18 ACHPR

For instance article 7 (a) (i) guarantees women conditions of work not inferior to those enjoyed by men

Section 40

The co-ownership clause which aimed at increasing women’s security of tenure through joint owning of land with spouses was not passed because Parliament was of the view that it was more suited to the DRB. It was hence relegated to the DRB

Adoko/Levine, A Land Market for Poverty Eradication? A case study of the impact of Uganda’s Land Acts on policy hopes for development and poverty eradication (June 2005), p. 55. See also Section 5 (1e) and (1g) of the proposed Land Amendment Bill.

Op cit

Tamale 2001, Nabacwa 2002

According to the Local Government Act, one third of the positions of the Executive Committees of the Local Councils are reserved for women.

Uganda CEDAW Report, 2008

Objections were raised in regard to the clauses on co-habitation, polygamy, co–ownership of matrimonial property (particularly land) and marital rape.

‘A Call to Action on the PRDP’ Output of the workshop hosted by the Ugandan Women Parliamentary Association and The Initiative for Inclusive Security Jinja, Uganda September 21 – 23, 2008