

## Women's Rights in Uganda

Maat for Peace, Development and Human Rights presents a report on Ugandan women's rights during the period (2018: 2021), in which it monitors women's enjoyment of political, civil, economic, social, and cultural rights and presents the following recommendations.

### First: Civil & Political Rights:

Women in Uganda enjoy their full political rights under Articles (11, 21, 70, and 71) of the Constitution relating to non-discrimination in rights, equal access to all positions: governmental and leadership, representation of their governments: internationally and regionally, respectively, and affirmative action policies, which means that women are represented by 35% in Parliament (with 146 seats out of (529), 34% of ministerial positions, and a third of local council seats, in addition to guaranteeing the right to form associations: political and religious and to join them.

However, these rights face some challenges related to the social and cultural considerations of Ugandan society<sup>1</sup>. Patriarchal authority and the traditional view of women limit their ability to hold political positions in the state and be nominated in elections: presidential, parliamentary, and local. Reports in (2015) indicated that (60%) of the population believes in the superiority of men as political leaders compared to women. Despite the contributions of affirmative action policies to her holding public political positions in the country at all

<sup>1</sup> Anne Marie, no shortcut to power: constraints on women's political in Uganda, (Cambridge University, Cambridge, 2000) pp40.

levels, they were not sufficient to win them or secure their votes in the presidential elections. Where the presidential candidates are: Mama Maria Obote - the former President Milton Obote wife - and Betty Kamyu -Ugandan Federal Alliance president, Faith Kela and Nancy Kaembe in the years (2005, 2011, 2016, 2021) a low percentage of votes (0.6%, 0.6%, 0.4%, and 0.3) respectively, as well as in the legislative elections, where female candidates won only about (20) seats out of the direct elections, in addition to restricting the female voters right to vote and their favourite nominations (January 2021).

### **a. The right to protection against gender-based violence:**

Uganda followed a set of legal, legislative, and political mechanisms aimed at promoting gender equality since the eighties of the twentieth century. It promulgated the (1995) Constitution and the amended domestic violence, land, labour, and female circumcision laws issued in (2010, 2004, and 2006). In addition to the first and second development plans and its initiatives, the most recent was in partnership with the United Nations and the European Union (March 2020). Nevertheless, social violence remains a major form of violation against Ugandan women's rights. It deprives them of their right to protection, life, and health. Social violations have affected (72%) of all Ugandan women, especially in Kampala, Wakiso, Mukono, Iganga, Rakai, and Mbale. It is ranked as the second-largest crime in Uganda and was estimated at 40% in (2015, 2016). In 2018, the report of the Ugandan Women's Network - UWONET - observed about 28% of sexual and physical violence cases against Ugandan women,

distributed regionally by (48%, 5%, 6%) in the areas: northern, western and central, and qualitatively about (50 %, 40%) for married and divorced women age group (15:49), in addition to the prevalence of female genital mutilation (FGM) and other harmful practices.

Gender-based violence takes different forms. It includes domestic violence, genital mutilation, physical and sexual violence, and is commonly motivated by cultural aspects, traditional practices, and poor legal structures, in light of the absence of specialized courts, the dwindling of the police force dedicated to protecting the child and the family by (645) to cover (112) districts, and the restriction of the Labor Law for the year (2006) to cases of sexual harassment without including physical and verbal abuse, and the failure to include the Domestic Violence Act ( 2010) Marital rape, and the criminalization of the Anti-Pornography Law of the Year (2014) for women in case they are subjected to pornographic revenge and electronically publish their nude photos.

The organized crime report monitored several cases, including UPF officers who raped a female detainee in the Mbale area after he lied about her release. Another case was reported in Abim district in March and April 2018, and on February 18, 2019, a third in the Kyrenia police station. In March 2018, (12) Out of (28) women were murdered in Entebbe. Moreover, on February 29, 2019, Bernhard Glaser- 71-year-old German philanthropist - assaulted girls at a social violence shelter in Kalanga La district and forced (30) girls to take turns in his bedrooms. On August 12, 2019, a UPDF officer beat a pregnant woman

after she rejected his sexual advances as well as sexual bribery. That is clear in the complaint of female secretaries working in government offices to the Minister of Public Service on April 29, 2018, and Samantha Musegi's complaint - a public defender - to the Prime Minister's Office against her chief deputy attorney general Christopher Gachirapak on March 10, 2019. Moreover, on January 1, 2020, some girls accused Charles Denzel Moirezzi, Vision Group employee and broadcaster, of rape in exchange for recording their songs. In March 2020, the music composer and producer Andrew Cuomo was charged with sexual harassment.

### **A. Right to legal capacity and nationality**

Women enjoy, on an equal basis with men, the right to retain, change and maintain nationality under Article 9, and the right to confer her nationality to her children under Article 10, and her foreign husband under Article 12. She also enjoys the legal capacity to enter into contracts in her name and commercial, real estate, and credit transactions under Article (26). However, the eligibility of women remains deficient in terms of the requirements of passport systems and credit transaction systems. The issuance or transfer of a passport requires the husband's written consent; credit transaction systems also require a title deed to issue loans, so only a few can borrow from financial institutions. However, non-traditional financial institutions such as the Uganda Women's Finance and Trust Fund, the National Strategy for the Advancement of Rural Women may limit their disqualification.



## **B. right of ownership**

According to the Constitution, women in Uganda have the right to legal capacity to own property; however, this right remains restricted by customary practices and traditions that prevent women from owning property, especially agricultural land. According to customary law, men are given the right to control and administer the land. The woman did not allow to own land without her husband written consent. She does not inherit upon his death. As a result of the state's efforts, especially its amendment of the Land Law launch in 2004 and the National Land Policy in 2013, it recorded an increase in female ownership of land by 39% for 2016 from 16% in 2010. Women become a third of the owners of agricultural land or participating in it. But 61% remain deprived of property rights, and widows and divorcees still suffer from access to the property and inheritance of their husbands.

## **C. The right to marry and form a family:**

The Ugandan Constitution grants women the right to marry and form families after 18 years old. However, in reality, this can't be achieved due to economic, social, and cultural considerations of attempts to earn dowries and lighten the burdens. According to the customary marriage law, after the husband pays the dowry, the woman becomes his property. He has the right to dominate, control, and discipline her, and her family is obligated to return the dowry after her divorce. The husband and his relatives have the right to have children after divorce, but their mother does not. A mother's custody of her children after the husband's death requires a court order. Girls but not men should marry early and forced. It was estimated at (40%) of girls

under 18, and (10%) under 15, compared to (9%) for men, according to the Ugandan Bureau of Statistics. In addition, the Domestic Violence Act (2010) does not recognize or prohibit marital rape as well as forced marriage as a solution to family disputes.

The dynamics of domestic violence and violations of women's rights in marriage are evident in police reports (13.916, 13.369, and 17.664) in (2018, 2019, and 2020) respectively. Among these cases, (3,280) cases of domestic violence during the period (March 30, April 28, 2020); following the Covid-19 lockdown restrictions<sup>2</sup>. Among these cases is the case of "Maryam Napatanzi - the most fertile woman in the world, who gave birth to her first child at the age of (12) years, and by her 40s, she became having (44) children, whose husband has abandoned her to raise her kids alone. On August 1, 2020, Simon Chimanya killed his wife with an axe in Kasangati, and the court sentenced him to 17 years in prison. Makila beat a woman (November 2020) in Mukono, Uganda.

## Second: Economic, Social & Civil Rights

### a. The Right to work

The Ugandan constitution guarantees equality in the right to work, equal pay, union membership, a retirement age of 60 years. It also guarantees women the right to maternity leave for 60 days with payment at a rate of (100%) under Article (3) of the Labor Law (2006). According to World Bank estimates in (2020), (49.3%) of the workforce are women, distributed by (77%, 3.9%, 19.1%) for the agricultural,

<sup>2</sup> National association of professional environment ISTS, A Snapshot of human rights abuses amidst the covid-19 pandemic in Uganda, access date. 16, May 2021, <https://bit.ly/3wnbzep>.

industrial, and service sectors, respectively<sup>3</sup>.

There are several restrictions on the right of women to work due to the traditional view of women and social considerations. Women now occupy only about (20%) of formal government work, compared to (80%) for daily and private work. The rates of lying off women double as they are sexually weaker and unfit for physical work, building and construction works, mining, and because women are exposed to maternity and pregnancy.

Women's work is limited to clerical and handicrafts, and nursing. Their work is limited to non-profit economies represented in agriculture, poultry farming, and food security crops. But cash crops and livestock are dominated by men. The percentage of men's wages in agriculture increased by (64) million dollars annually, but Women were burdened with responsibilities, unpaid and non-market jobs represented in care and family management, raising children, and preparing food. Women work (10%) longer hours than men, as women work about 11.5 hours a day at (5.3) hours for work, and (7.5) for education compared to (10) hours for men, in addition to the lack of regulation of the rights of home services.

## **B. The right to health care:**

Article (12) of the Ugandan Constitution guarantees women's right to health and curative care, under the preventive, curative, and health capabilities of Ugandan, and the modesty of its health budget. But the state is still unable to provide women's health care, especially

<sup>3</sup> Trading Economics, Uganda: Labor Force Female, access date. 16, May 2021, <https://bit.ly/3waojgo>.

reproductive health. Maternal mortality is still high despite its relative improvement by about (438) per 100,000 live births, and the death of (15) pregnant women per day, due to insufficient health care and early and forced marriage. It was estimated maternal mortality of the age group (24:15) by (28%)<sup>4</sup>; in addition to the lack of care for children. There were (27, 64) children who die for every (1,000), who more than a third of them suffer from stunting. Undernutrition contributes to raising mortality rates by (4) children out of (10)<sup>5</sup>. For this reason, the Ugandan government has allocated about 560 million pounds (6%) of the budget for the year (2020), including (54) million dollars to support sexual violence annually. Uganda has put forward the MIRA project, the family connects initiative, and “Mom connect” to Transfer of information, sexual education and reproductive health via mobile phones, and the state’s provision of support for the birth of (1,700) women and the immunization of (4,700) children annually<sup>6</sup>.

### **C. The right to education**

Uganda grants women equal rights to education. It has supported it since 1997, after launching the comprehensive primary education policy and the national strategy for girls' education and launching adult literacy and women's empowerment programs. It also launched the Student Return Campaign in partnership with the United Nations, TMF Foundation, and Irish Aid in (December 2019) to enable the return

<sup>4</sup>Women Health Channel Uganda, maternal & child health, access date. 16, May 2021, <https://bit.ly/3os1ue3>.

<sup>5</sup> Women Health Channel Uganda, almost 28% of maternal deaths in Uganda are attributed to young girls aged 15-24 years..., access date. 16, May 2021, <https://bit.ly/2qojz4e>.

<sup>6</sup>The guardian, Uganda court rules government must prioritise maternal health in a huge shift, Aug 2020, <https://bit.ly/3volke3>.



of (800) female students in February 2021<sup>7</sup>.

However, the gender gap in education remains due to economic and social considerations. Poverty contributed to the non-enrollment of about (700,000) girls of 6:12 years old. It also contributed to the failure of (50%) of the enrolled girls to complete the seven years required for the primary stage during 2011: 2018. Early and forced marriage leaked about (40%) of girls. There are (4) girls out of (5) who did not enrol in secondary school, according to the statistics of the United Nations Girls' Education Initiative 2020, in addition to the high rate of illiteracy and lack of literacy by (50) girls in the age group (24:15), compared to boys.

### Third: Recommendations:

#### **1. The Ugandan government must activate and develop legal and legislative frameworks, especially:**

The Domestic Violence Law include and limit marital rape. Develop the labour law to include all forms of gender-based violence, including verbal abuse and sexual bribery. Develop land ownership law and its capabilities in the face of customary practices and traditions. Develop systems for issuing passports and abolishing the husband's consent requirement. Develop women's ability to enter into credit and financial transactions without title deeds. Establish special courts for social violence. Increasing the security authorities capacity concerned with the family and children protection, in compliance with the Convention

<sup>7</sup> Unicef, teenage girls in Amudat district feel safer at school than at home, access date 18, May 2021, <https://but.ly/2s8dsln>.

on the Elimination of All Forms of Discrimination against Women.

- 2.** Uganda should activate its development policies to reduce discriminatory practices against women in education and health through strengthening the initiative to return students to school, launch educational and awareness campaigns on the health, psychological and economic consequences of forced and early marriage, and contribute to literacy. In addition to developing health capabilities, providing reproductive health requirements, and preventive measures against diseases, especially immunodeficiency and Covid 19.
- 3.** The government should open new horizons for women's political participation, empower them politically, and provide guarantees for them to enjoy the full right to candidacy and vote, reduce their obstacles, and confront the traditional view and patriarchal authority over women.
- 4.** The government should involve civil society organizations in social, cultural, and economic development, activating its qualifying role for young leaders, such as the Women's Forum for Democracy.