

## *Introduction*

This document is a parallel report submitted to the Committee on the Elimination of Discrimination against Women during its consideration of the combined fourth, fifth, six and seventh report prepared by the Government of Uganda (GoU) under Article 18 of the Convention of the Elimination of All forms of Discrimination against Women.

This report contains an analysis of the Ugandan Government's report on its compliance with its human rights obligations under the Convention of the Elimination of all Forms of Discrimination against Women, ratified by Uganda in 1995 without reservations. Uganda will be reviewed during the 47<sup>th</sup> session of the Committee on the Elimination of Discrimination against Women (CEDAW Committee) at the Palais des Nations in Geneva during October 4-22 2010.

The creation of this report involves the collaboration of views between The Lutheran World Federation (LWF)/Uganda Program staff, The Lutheran World Federation Geneva Secretariat, and most importantly; local women and community groups with whom the LWF Uganda works.

The Lutheran World Federation (LWF) is a global communion of Christian churches in the Lutheran tradition. Founded in 1947 in Lund, Sweden, the LWF now has 145 member churches in 79 countries all over the world representing over 70 million Christians.

The Department of World Service (DWS) is the relief and development arm of the LWF. Rooted in Christian values of love, reconciliation and justice, DWS responds to human need throughout the world, serving all people irrespective of ethnicity, gender, religion, race or political conviction. Drawing on a firm commitment to uphold the rights of the poor and oppressed, DWS works together with local and international partners to alleviate suffering, combat injustice and poverty, and lay the foundation for a life in dignity for all.

The LWF/DWS has operated in Uganda since 1979 working against poverty, promoting justice and defending human rights. Encouraging community empowerment and self-reliance, LWF Uganda is committed to building people's capacity and competence to positively change their lives.

Being a locally rooted NGO, LWF/DWS has the unique advantage of having access and strong relationships to the communities in the countries in which it works. That being said, the bulk of this report comes from interactive dialogue and interviews with women, community groups (both men and women) and partners with whom LWF/Uganda works. For reasons of privacy and confidentiality, the names of the men and women who provided testimony included in this report have not been included.

The information compiled in this report was gathered during a fact finding visit to Sembabule district, Pader district, and Kampala Uganda in May 2010. Additionally, supplementary information was provided during interviews with NGOs, government officials, local council members, academics and international organizations.

In Sembabule, 4 girls who graduated from LWF's Vocational skills training program, 4 students who are being supported through the child sponsorship scheme, a widowed women's group and 3 individuals living with AIDS and their counselors were interviewed as well.

In Pader, larger, mixed gender groups were mobilized for interviewing. These included groups who were involved in the Farmers Field School programs offered by the LWF and orphan/vulnerable children (OVC) support networks.

In Kampala, ACTogether, which is an independent Ugandan organization affiliated with Slum Dwellers International (SDI), mobilized a large, mixed gender community savings group that constitute Uganda's urban slum dwelling communities.

This report does not attempt to be a comprehensive evaluation on the issues described in the May 2010 State Party Report presented to CEDAW by the Government of Uganda. Rather, this report critically assesses the status of Ugandan women in terms of certain themes which members participating in this process have the most knowledge, experience and access to information.

### *Executive Summary*

The state of Uganda ratified the convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1986 without stating any reservations. The Government of Uganda adhered to the CEDAW provisions as demonstrated by the submission of its Country Status Reports in 1992, 1999, and 2002. The Government of Uganda has neglected, however, to submit a report since its final reporting in 2002, letting nearly a decade pass without any indication on the GoU's progress towards eliminating gender discrimination and achieving equality for women in Uganda.

Despite the fact that the Ugandan constitution adopted in 1995 is often praised as being one of the most gender sensitive constitutions in all of Africa, there is a great disparity between what the constitution states and what is in fact practiced in reality. Article 33 (1) of the 1995 Ugandan Constitution provides that "*women shall be accorded full and equal dignity of the person with men*", article 33(2) provides "*The State shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement*" and furthermore article 33(6) states that "*laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status are prohibited by this Constitution.*"<sup>1</sup> Regrettably, the laws in Uganda may have changed, but people's practices have not. Putting into place progressive laws and policies does not ensure progressive practices and behaviours will follow. Unfortunately, in the case of Uganda, the law reform process has been painstakingly slow.

The country that Winston Churchill coined "the pearl of Africa" is a landlocked country occupying 241,551 square kilometers. Uganda's population has been doubling almost every 20 years, from five million in 1948 to 9.5 million in 1969; and from 12.6 million in 1980 to 24.2 million in 2002. Today Uganda's population is 31.7 million and with an annual population growth of 3.3%, Uganda has one of the highest population growth rates in the world. The high population growth rate can be attributed to a high fertility rate (6.4 children/per woman), low prevalence of family planning methods and young age of marriage for women.

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<sup>1</sup> Ugandan Constitution 1995.

In order to come to an accurate assessment of the context in Uganda, one needs to view the situation of Ugandan women through the lens of patriarchy and recognize the implications it has on the everyday choices and lives of women.

The ideology of patriarchy is the ideas and customs that legitimate male dominance over women. These include ideas about proper gender roles and behaviours, social notions of appropriate familial responsibilities and biological capabilities that supposedly justify women's subordination to men.

In Uganda, patriarchy takes both a structural and ideological role. Both notions of patriarchy shape and influence the way women experience their lives and inform their choices. Despite the fact that women comprise 51% of the population, males are granted privilege and women are relegated to a minority status and excluded from many of the powerful decision making positions in society.

As indicated previously, this report is by no means exhaustive and does not attempt to be a comprehensive evaluation on the issues described in the GoU periodic report submitted to the CEDAW Committee. Rather, this report critically assesses the status of Ugandan women in terms of selected areas of serious concern such as Land and Natural Resources, Education, Health Rights, Violence against Women and lastly, Equality in Marriage and Family Life and Stereotypes and Sex Roles.

### ***Land and Natural Resources***

While approximately 80% of rural woman are engaged in substantive agriculture, they own a mere 7% of the land they work<sup>2</sup>. This limited access and ownership of both land and natural resources has a significantly detrimental effect on women's food security.

The right of women to own land is weakened because of their subordinate status to men within a household. Land titles are almost always vested in the name of the male, and the rights of women to co-ownership and inheritance are often ignored. Inadequate understanding and awareness of women's land rights and of land titling procedures also contributes to the problem.

### ***Education***

While the implementation of the Universal Education Plan on part of the GoU is commendable, it does extremely little to combat the strikingly high rates of school drop out. National figures indicate a dropout rate of approximately 80%, with girls representing the majority of primary school dropouts.<sup>3</sup> Forum for Women in Democracy issued a report highlighting that 39% of Ugandan women aged 15-49 cannot read at all compared to 16% of the men in the same age group.<sup>4</sup> The gendered stereotype that education is unnecessary for girls is still highly prevalent in society, particularly in rural areas. Extreme poverty, early marriage and lack of accessibility to schools all contribute as factors which impede girls from continuing their schooling.

### ***Health Rights***

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<sup>2</sup> <http://lwfuganda.org/>

<sup>3</sup> <http://www.fowode.org/publications/Where%20is%20the%20Money%20for%20women.pdf>

<sup>4</sup> Analysis of gender inequalities in Uganda from UDHS 2006 data.

<http://www.fowode.org/publications/Where%20is%20the%20Money%20for%20women.pdf>

Women in the poorest households have 8.0 children compared to 4.3 children among women in the wealthiest households. A mere, 18% of married women currently use a modern method of family planning; 6% use a traditional method.<sup>5</sup> Women in Uganda lack an adequate knowledge about reproductive health, sexual education and their rights to health. Not only does this result in an extremely high fertility rate of 6.7 children/woman, but it also contributes to women's vulnerability to Sexually Transmitted Diseases and HIV/AIDS.

UNICEF estimates that the number of people living with HIV in Uganda is approximately 1 million.<sup>6</sup> The face of this pandemic is increasingly becoming that of a rural based, poor Ugandan female. Particularly in rural Uganda, there is a lack of testing and treatment facilities and very little psycho social support offered to these women.

### ***Violence Against Women***

Sexual and Gender based violence against women is a serious problem that permeates all facets of Ugandan society. Forum for Women in Democracy issued a report highlighting that 39% percent of women between the ages of 14-49 years have been victims to sexual violence. What is even more troublesome is that this statistic does not account for the women who do not report their victimization.

Domestic violence is rampant in Uganda. In August 2007, the Uganda Bureau of Statistics published a report indicating that 68 percent of women aged 15 to 49 years had experienced some form of violence inflicted by their spouse or intimate partner.<sup>7</sup> This behaviour is reflective of the attitude the 77 percent of women aged 15 to 49 years who feel that spousal violence is justified for a variety of reasons, such as if the woman burns food or refuses sexual relations.<sup>8</sup> Lack of effective legislation and the cultural and social attitudes towards the status and role of women in marriage help to fuel this epidemic of gender based violence.

### ***Equality in Marriage/Family Life & Sex Roles and Stereotypes***

Cultural practices such as the payment of bride price and polygamy are extremely detrimental to the status of women and adversely affect their domestic positions. These derogatory practices breed on false stereotypes regarding the role and function of a woman in a marriage, and impedes the development of legislation that is proposed to make such traditions illegal.

There are very many deeply rooted stereotypes propagated in society regarding the role of a woman in marriage and how she ought to behave. The average Ugandan woman works 12-18 a day supporting her family and doing other domestic labour.<sup>9</sup> Because girls, like their mothers, are often burdened with so much domestic labour, they are often kept at home instead of encouraged to attend schooling. This, or course, continues the perpetual cycle.

For organizational purposes and easy referencing, these different topic areas are separated by Convention article. It is important to point out, however, that these topics are by no means mutually exclusive and in most instances many of these themes are intrinsically linked to

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<sup>5</sup> <http://www.fowode.org/publications/Where%20is%20the%20Money%20for%20women.pdf>

<sup>6</sup> UNICEF, 2 March 2010. [http://www.unicef.org/infobycountry/uganda\\_statistics.html](http://www.unicef.org/infobycountry/uganda_statistics.html)

<sup>7</sup> UNHCR. RefWorld. 19 June 2008.

<http://www.unhcr.org/refworld/country,,IRBC,,UGA,456d621e2,49b92b20c,0.html>

<sup>8</sup> United Nations Children's Fund (UNICEF) 2008 report

<sup>9</sup> Tanzarn Nite (2007) Gender Audit of the World Bank Uganda Country Portfolio

each other. When one takes a more nuanced approach to assessing the status of women in Uganda, one recognizes that it is directly related to their position and status under patriarchy.

***Land and Natural Resources***  
***Article 14(2)g, 15 (2), 16 (h) of CEDAW***

***Situation***

Uganda is a highly agricultural country with its major exports being coffee, tea, tobacco, cotton, corn, beans and sesame. Although the production of these exports only contributes to 31% of the country's GDP, the agricultural sector employs 80% of Uganda's labour force.<sup>10</sup> Despite 80% of Ugandans being engaged in subsistence agriculture, approximately ten million are food insecure.<sup>11</sup> This means they lack the basic food intake to provide themselves with the energy and nutrients needed for productive lives. Too often this leads to malnutrition and hunger. In Uganda, access to land and rights to property ownership is a source of livelihood and a means to exist and survive. The constant hardship one faces to provide for their family was constantly mentioned throughout all of the interviews conducted. Extreme poverty pervades most areas of Uganda and many families struggle to survive on the limited amount of agriculture they produce. Mechanization of agriculture is lacking and most of what gets produced is for immediate consumption. Due to minimal education, lack of resources and the variability in weather, almost everything that is grown is consumed and there is little surplus that can be used for income generating activities.

Problematically, rural women constitute 79% of the agricultural labour force but yet only own 7% of the land<sup>12</sup>. Access to land is governed by customary law and tradition dictates that women do not have the right to inherit land despite the fact that the Marriage Code grants widows the right to inherit 15% of a deceased husband's property. This is increasingly problematic considering the protracted conflict in northern Uganda which has compounded the issue of land rights, especially for women and children. For two decades, the people of Pader suffered at the hands of the brutal Lord's Resistance Army (LRA). Hundreds of thousands of people were forced to flee to Internally Displaced Persons (IDP) camps for protection. Since 2006, the security situation has improved and LWF is supporting the people as they return home and begin rebuilding their lives. Sadly, due to the many casualties during the insurgency and the alarmingly high death rate as a result of HIV/AIDS, great numbers of widowed women are returning home to find themselves denied ownership to their familial land. Child-headed households (orphans who lost both parents in the LRA insurgency) face similar problems when trying to leave the displacement camps.

Despite amendments to the Land Act in Uganda taken in 1998 to grant women land rights, customary discriminatory practices still prevail.

“The Land Act in S.40 requires that before any transaction can be carried out on land on which a family resides or from which it derives sustenance, the spouse, dependent children of majority age and the Land Committee in case of children under the age of majority should be consulted. The Land Act also provides in accordance with constitutional provisions, that any customary provisions, that any customary practices which deny women, children or use of

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<sup>10</sup> Forum for Democratic Change. [http://www.fdcuganda.org/Agriculture\\_Response.html](http://www.fdcuganda.org/Agriculture_Response.html)

<sup>11</sup> LWF/Uganda <http://lwfuganda.org/>

<sup>12</sup> UNDP, 2004.

any land shall be null and void. The Land Committees have the duty of ensuring that the rights of vulnerable groups are protected.”<sup>13</sup>

***“When my husband died he left me with a small piece of land barely large enough to provide for my family. But I got in arguments with my in-laws because they were trying to steal it from me. They forced me to leave and find a plot of land to provide for myself and my children”***

Despite laws that afford rights to women over matrimonial land, tradition dictates that when a male dies, his land and possessions will go to his male children or to his male kin, reverting back to his clan. This customary practice consistently leaves women and children dispossessed and landless. When women are deprived access, ownership and use of land, they are left without the means to cultivate enough food to feed the family and are unable to create sustainable and stable livelihoods for themselves and their children. Consequently, as they fall deeper and deeper into poverty, many women and their children face starvation and malnutrition.

### ***Obstacles***

- Rural women have little knowledge about their rights to own land and the legislation that exists to protect their entitlements. Thus, they are not aware of the procedures to claim their land title.
- Many humanitarian organizations and NGO’s focus on women’s access to health services and education initiatives, but spend little effort addressing land related problems faced by women.
- Women often have no way to prove land ownership entitlement since most marriages do not occur in the presence of a church or a civil servant
- In war torn Northern parts of Uganda, widows and women are especially vulnerable to having their land taken as they move from the IDP camps to their original lands. With original homesteads destroyed during the insurgency and no official land deeds there is no way to prove ownership. Upon moving back to original homeland, often all that is left of previous land divisions are natural landmarks or some spot of reference to act as boundaries. This informal means of land distribution often causes disputes and women are particularly vulnerable to land grabbers with such informal ways of land division.
- In the aftermath of the insurgency in the North, many widows meet stiff resistance from in-laws and male family members in accessing land that was theirs prior to moving into the camps.
- Although the amendments to the Land Act in 1998 increased protection of the rights of women to use and inherit land, it does not recognize co-ownership of land and women are only entitled to a small percentage of matrimonial land.

### ***Recommendations***

The Government of Uganda should immediately implement the following recommendations:

- Simplified legal education programmes regarding women’s land rights and ownership entitlements should be organized to assist women in understanding the law and to teach them how to resolve land issues earlier and more effectively.

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<sup>13</sup> Land Reform; The Ugandan Experience. September 1999.  
<http://www.oxfam.org.uk/resources/learning/landrights/downloads/ugaexp.rtf>

- Undertake full consideration to ensure that the needs and concerns of rural women are fully integrated in the implementation of land reform
- Ensure participation of women in the formulation and implementation of land policies and laws and other interventions.
- The GoU should have programmes that sensitize and encourage women to register customary marriages
- The importance of will making should be stressed and encouraged for both males and females
- Promote and strengthen the formal education of women which will empower and enable them to assert their rights to equal ownership.

***Education***  
***Article 10, article 14 (d)***

***It's is a global truth: education broadens our minds, expands our horizons and opens doors to work opportunities. Education is vital to lasting positive change in children's lives.***

***“Education is the key. Women need to be educated. It's the future of the country”***

The importance and lasting implications of a proper education are irrefutable. Education is a basic human right for girls and women and a fundamental tool which leads to their empowerment. In fact, education is so important and “so crucial to improving health and increasing incomes, that the girls education goal has a domino effect on all the other millennium development goals”<sup>14</sup> -With a lack of access to education, women are subjugated to a position of economic marginality which conditions and limits the choices and opportunities they have available to them for the remainder of their lives. This fact remains no truer than in Uganda where hundreds of thousands of children are failing to access education and remain trapped in a cycle of poverty. During the interviews many women expressed their frustration with their lack of education and which has greatly limited their participation and involvement in many income generating activities.

***“Many women have skills. We just don't know what to do with those skills. If we had the opportunity to use and develop those skills, we would not have to sit at home and be idle all day.”***

The Government of Uganda recognized the importance of the right to education by implementing its Universal Primary Education (UPE) in 1997 which has contributed to narrowing enrollment disparities between males and females in primary school education. However, throughout all levels of education, females are consistently underrepresented in comparison to males. Although female enrollment has improved with UPE implementation, female children still face much higher drop out rates than their male counterparts.

***“Without education, you can't do anything. Rural women have nothing to do. They're ignorant and mere peasants “***

Despite the UPE system which makes primary education free and more accessible to children, families still struggle to meet the demands of paying the mandatory additional

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<sup>14</sup> Human Rights & Peace Center. 2007.[http://huripec.mak.ac.ug/working\\_paper\\_8.pdf](http://huripec.mak.ac.ug/working_paper_8.pdf)

scholastic and uniform fees which are required. Paying school fees is impossible for many families struggling to make ends meet.

The struggle to support their children in school was a constant theme throughout the women's narratives. With 31% of the Ugandan population living below one US dollar a day and an average birth rate of 6.4 children per women<sup>15</sup>, often families cannot afford to support all of their children in going to school. In such instances, it is repeatedly the male child who is encouraged to enroll in studies as males are considered to have more economic potential than their female siblings. In situations such as this, it is often presumed that there is little benefit in supporting a female in school as she will likely drop out and be married at an early age. Females also take on many more domestic chores and duties than their brothers, and their skills are considered to be better utilized caring for the family than at school.

***“Female children are not taken to school because what is the benefit? She will just grow up and get married and bring in money through bride price. It is useless for a girl child to be educated.”***

Vulnerable youths - child mothers, former child soldiers, orphans, and children affected by or infected with HIV and aids - are often burdened with so many difficulties and responsibilities that they cannot go to school. This is a particular group of children with whom LWF works to support in going to school. Vulnerable children sponsored under the LWF child sponsorship scheme described the difficulties they have in getting to school. Transportation to and from school is a challenge for many of the students. It is not uncommon for children to have to walk 1.5 hours to get to school which puts them at an increased risk, particularly when traveling alone. These students also spoke of the importance of having safe learning environments which are free from abusive teachers and male students. The female students that were interviewed explained they were often pestered and bothered to have relations with males in their school.

### ***Obstacles***

- Drug and alcohol abuse among youth is very high and often leads to young girls dropping out early and associating with bad peer groups.
- Particularly in rural areas, lack of transportation and infrastructure such as roads prevent girls from attending school.
- The negative stereotype that girls have less economic potential than boys, and are thus less important to educate, greatly persists in society. Girls have more responsibilities domestically (fetching water, taking care of siblings etc) than their male counterparts and are often kept at home for this purpose.
- Many families cannot afford scholastic fees or the cost of uniforms and as a result they cannot send their children to school. If parents can only afford to send some of their children to school, males are almost always favored.
- Parents often try to marry off their daughters as soon as possible in order to secure bride price for the family. In such circumstances, often the girl must abandon her schooling to start a family at a very young age.

### ***Recommendations***

The Government of Uganda should immediately implement the following recommendations:

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<sup>15</sup> UNDP, 2010. <http://data.un.org/CountryProfile.aspx?crName=Uganda>

- In consideration of the high drop out rates for girls, GoU should take appropriate measures to retain girls in school including strengthening the implementation of re-entry policies to provide girls who have dropped out with the opportunity to go back to school.
- The GoU should continue to establish and expand safe learning environments for girls. This includes providing more security and furthering infrastructure development in rural areas so that girls can feel safe travelling to school. The GoU should implement more boarding type arrangements to allow girls to live at their schools, easing the burden on their families at home and avoiding difficulties traveling to school.
- Increase and intensify the number of comprehensive awareness raising measures in order to help reduce biased stereotypes about the role of women in the family and foster a better understanding of equality between men and women regarding educating the girl child. Men, women, boys, girls and particularly rural parents should be the target groups for this sensitization.
- Despite the legal age of marriage being set at 18 years old, it is common practice for families to marry young girls off at very young ages. The minimum age of marriage needs to be more strongly enforced and more severe penalties need to be given to parents who are found acting inconsistently with this law.
- NGOs should focus more energy in facilitating women's groups to organize saving and credit schemes so that they can be empowered to develop their own livelihoods. GoU should support NGOs in developing income generating projects for women involving a range of activities including computer literacy, vocational and tertiary education, innovative farming techniques and market access.
- The GoU should strengthen career guidance in schools, promote child friendly resource centers and train more senior women teachers, especially in hard to reach schools in the rural areas.

### *Health Rights*

*Article 10 (h), Article 12, Article 14 2(b), Article 16(c) of CEDAW*

#### *Situation*

##### *HIV and AIDS*

According to the Uganda Aids Commission, around 130,000 Ugandans are infected with the HIV virus every year. The government's new national HIV/AIDS strategic plan bleakly predicts that the number of HIV positive Ugandans will rise from 1.1 million in 2006 to 1.3 million in 2012<sup>16</sup>. There is no community in Uganda left untouched or unaffected by the devastating impacts of HIV and AIDS. The pandemic has reached both rural and urban dwellers across all regions, affecting adults and children alike. Today, there are over one million people living with the virus in Uganda and it continues to spread, leaving behind a trail of loss, hopelessness and fear for the future. Everyday lives are shattered as more people become infected.

The entire household is negatively impacted by the rising HIV and AIDS prevalence rates which are crippling Uganda. Children are forced to miss school to care for sick parents,

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<sup>16</sup>Guardian News and Media Limited, 2010. <http://www.guardian.co.uk/katine/2008/dec/01/world-aids-day-uganda>

family assets are sold to pay for medical care, and the person infected loses strength and is unable to provide for the household. The resources which are meant to sustain the family are quickly spent on medicines and treatment, which in turn pushes the household deeper and deeper into poverty.

Erroneously, the government's fight against the AIDS pandemic has been misdirected towards treatment initiatives instead of prevention efforts. Rather than focusing on sexual education, promoting safe sex practices and sensitization programs, a large chunk of the funding has gone to providing drugs for treatment. While the GoU efforts are commendable, they neglect arguably the most important component of responding to the pandemic; educating the people so that they can make informed decisions regarding their health and prevent the likeliness of contracting the virus in the first place.

During the interviews it was felt that there is still a lot of stigma attached to the AIDS affected community and often people refuse to be tested due to the fear that they will test positive. Furthermore, testing facilities are not easily accessible, people are uneducated about how to manage the illness, and they fear the traumatic effects of ostracism should they be diagnosed. In turn, for many it is easier to live in denial than to face life having the illness.

***“Men are polygamous in nature. They don't care if they are sick or not and they don't want us women to get tested because if we are positive, then the men know they are positive too. It is easier to live in denial than to face having the illness.”***

***“While my husband was alive, he would not accept me going to be tested. But now the men are dying off and leaving us women to remain with many children and no income to fend for them.”***

When the women interviewed were asked what enticed them to be tested, they explained that after the death of their husbands they were finally able to get tested. While their husbands were alive, they refused permission for them to be tested even though they suspected they were sick. There is a lack of education regarding sources of infection and often whoever first tests positive is blamed for bringing the illness into the relationship. There is a misconception that the date of testing is synonymous to the date of infection. As part of ante-natal care, women are often the first ones to be tested. For this reason, they are also often blamed for bringing the disease into the relationship. The implications of such reasoning can result in domestic violence, ostracism and shame suffered by the woman. Rather than face the illness and begin treating the disease, people hide in fear refusing to share their results and unaware of how to protect others and themselves from spreading the virus.

***“A lot of people don't share their results after they get tested. They fear that if people know they are infected they will be neglected”***

### ***Family Planning***

The Ugandan woman has on average 6.4 children<sup>17</sup>. Not only is there a complete lack of awareness regarding sexual education and family planning methods, but even when a woman has the knowledge on how to protect herself, she often lacks the voice to assert herself.

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<sup>17</sup> UN Data. A World of Information. 2005-2010 statistics.  
<http://data.un.org/CountryProfile.aspx?crName=Uganda>

Women who feel disempowered and fear or experience violence, lack the power to ask their partners to use condoms, or to refuse unprotected sex. From 2006-2009 the contraceptive prevalence for women between the ages of 15-49 was only 23.7 %.<sup>18</sup> Not even one in four females is using protection regularly.

***“Before my husband died we were not using any form of family planning or protection, even though I suspected he was sick [with AIDS]. He would not accept me using protection, its tradition, so women have to succumb to that”***

All of the women interviews explained that they used no form of protection in their marriages. This behaviour not only results in an extremely high birth rate, but also greatly contributes to the spread of HIV/AIDS as many men are in polygamous relationships with many women without using any form of protection.

***“Because of men’s natural desire for sex, a woman can’t practice family planning. A woman will not say “no” because she is married and because the bride price has been paid. It has been exchanged for her voice, she has no power to say no.”***

Children sponsored under the LWF child sponsorship scheme in Sembabule explained that they were learning about sexual reproduction but were not being taught about safe sex practices. When asked where they receive information on how to protect themselves, they explained that they were not getting the information from anywhere. Abstinence is preached instead of providing these young girls with the tools and resources needed to protect themselves. When women in the urban slums were questioned on why they neglected to protect themselves, they stated that family planning doctors within the clinics are unprofessional and do not properly explain to young girls what her options are. Some of the women even believed that practicing family planning could cause cancer which only exemplifies the lack of education women are receiving regarding this topic.

### ***Obstacles***

- In rural areas, reaching health care facilities is extremely difficult as it usually involves significant travel and there is limited affordable transportation available.
- Women lack appropriate knowledge regarding reproductive health and sexual rights. Children are not receiving this education in school either.
- For women living with HIV/AIDS it is hard to access the necessary treatment in the right quantities. Different treatments can often have adverse side effects which the woman has not been informed of and subsequently she will stop taking the treatment. There is very little, if any, support in place for people who test positive and in most cases they are the most vulnerable individuals in the community (widows, orphans, child headed households etc.)
- When a woman is referred to be tested for the illness it can take a lot of time to be treated. NGOs who provide testing services sometimes charge a certain fee that women cannot afford.
- There is still a very large stigma attached to the HIV positive community. Consequently, testing is not encouraged within the community and often people would rather not know their status.

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<sup>18</sup> Ibid. <http://data.un.org/CountryProfile.aspx?crName=Uganda>

- Condoms and other safe sex measures are not readily available and are often hard to access.

### ***Recommendations***

The Government of Uganda should immediately implement the following recommendations:

- Make every effort to make health care facilities accessible by establishing village teams that can reach remote villages. (The GoU must continue to build the capacity of the Village health teams that are already established by providing constant monitoring and support supervision.
- The GoU should also ensure that all health units are fully equipped with drugs for treatment and strengthen police personnel who take drugs from health centers for their own personal interest against the majority poor interest.
- Implement courses on sexual education and courses that teach women's rights in the UPE system so that young girls become aware of their rights and learn how to protect themselves.
- Women, men and young people need to receive comprehensive sex education so that they are empowered to take responsibility for their own bodies and sexuality.
- Community wide sensitization needs to be implemented regarding the causes, prevention and treatment for HIV and Aids. There are a lot of misconceptions and stigma attached to the illness and the entire community would benefit on being sensitized.
- Ensure that women living with HIV/AIDS are provided with appropriate and timely assistance and medical treatment, including mental health services and psycho-social care.
- Condoms and other forms of protection should be made available at schools as well as at health care facilities to ensure maximum accessibility. Distribution should be supplemented with sexual health education and training to ensure proper usage.
- Much more effort needs to be extended to ensure proper training of health care professionals which will improve the quality of care they are able to provide.
- Women living with HIV/AIDS should be able to receive health care services for free.

## ***Violence against Women*** ***Article 5***

### ***Domestic Violence***

Domestic violence in Uganda permeates all facets of society. It affects women of all ages, irrespective of social status. The theme of violence and abuse throughout these women's lives is prominent in all of the women's narratives and is inextricably linked to the choices and decisions they make throughout their lives.

Violence and abuse was an omnipresent factor throughout these women's lives. Not only did many of the women suffer physical and sexual abuse as children, but the violence and victimization continued into their later relationships with men. Amazingly, due to their past experiences and the routine occurrence of violence in their lives, many of these women became desensitized to their own victimization.

***“You can share responsibilities [between the co-wives]. When there are two of you and a man drinks a lot and he is a person who likes beating, quarrelling and doing many bad things. If***

*there are two of you at least, when he's at the home of the other one, at least you can rest. When you are alone, every day he's on you. At least when he's there he's beating the other one, and you can rest. And when he's at home with you, your co-wife can rest".*

The only thing worse than the alarmingly high rates of domestic violence in Uganda, is the culture of silence that surrounds it. Because this form of violence often happens between a husband and a wife, it is expected to stay within those confines and reporting is not encouraged.

***“It is taboo to report on your husband because he is the provider of everything. He paid the bride price. He owns you. The social taboos around breaking up a marriage encourage women to do whatever it costs to preserve the marriage as an institution”***

For those women who find the courage to report, access to justice is extremely limited due to lack of transportation, financial reasons, and the fear of being doubly victimized by the very agencies that are supposed to offer them protection and support.

When these women who were assaulted or victimized would ask for help from the police or local council members they were often ignored, told it was “their fault”, or told to go back and solve it with their husband. The women’s narratives emphasized the negative experiences some women have had with law enforcement. Many of them explained they would not go to the police due to the negative experiences that they, or their acquaintances, had encountered. Instead of justice being served and the perpetrator being punished, family reconciliation is stressed and a stigma is attached to those women who come forward. On the other hand, the men’s involvement is often dismissed as within the normal range of masculine conduct and the intimate violence between spouses as a husband’s prerogative. If a woman tries to go back home to her family because of problems in the relationship they chase her away and encourage her to stay with the abusive man because they cannot afford to repay the bride price. With no family to return to, few social services to offer support and little help from the police, women suffering from domestic violence are left to suffer in silence.

### ***Defilement and Early Marriage***

Young girls in Uganda are at a heightened risk for sexual and gender based violence. Despite the legal age of marriage in Uganda being 18 years, many young girls are pushed into early marriages to escape poverty and to attain bride price for her family. Over 32% of girls aged 15-19 are in formal or informal marriages compared to 6% of boys.<sup>19</sup> In situations such as these, the girls often drop out of school at a young age to begin a family. Uneducated, under-supported and ill equipped to make a good life for herself and her family, the perpetual cycle repeats itself.

To escape poverty, young women will often look for men with money to support them. Given the dire circumstances and extreme poverty many women in Uganda face, some women will resort to trading their bodies in return for money. This theme was particularly prevalent in the interviews conducted in the urban slums in Kampala. Given their circumstances, many of these women felt that selling their bodies for sex was necessary in order to survive. Their decisions and choices to engage in these behaviours cannot be taken out of context; prostitution is “survival sex”. It is not a free choice or a voluntary decision.

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<sup>19</sup> UNIFEM. <http://www.unifem.org/afghanistan/docs/pubs/07/DFID/uganda.pdf>

Unable to support themselves, conjoined with a lack of skills and education, prostitution seems like a viable means to survive. These women are making the best of the limited resources and options they have available to them.

Concern regarding the prevalence of defilement cases was expressed in many of the group interviews. Girls face increased vulnerability in the urban centers as a result of the lack of privacy and having no separate toilets available to them. Alcoholism is also very common in the urban slums which can often escalate the problem of defilement. However, defilement is not exclusive to the urban centers. In Pader, out of the 279 rape cases managed by the Gender District Hotline in 2009, 259 were rape of minors (below the age of 17 years). Rape of minors equates to 93% of the cases reported.<sup>20</sup> Equally troubling is the fact that many people do not report such cases to the police and the perpetrators often go unpunished. In situations of defilement, many families are settling the matter privately between themselves and the perpetrator often negotiating for some form of payment as retribution. Dealing with this situation so leniently and informally sends out a message that such behaviour will be tolerated and that people can continue to get away with such actions.

### ***Obstacles***

- Implementation of legislation is a major shortfall. Police officials are reluctant to interfere with “domestic” problems and will often disregard and refuse to respond seriously to domestic violence claims.
- SGBV is seriously under-reported in Uganda as many women voiced that they lack faith and trust in the justice system due to corruption and lack of action. Consequently, defilement cases are often settled privately outside of legal proceedings. Unofficial “compensation” settlements are common between perpetrators and victims.
- Victims of domestic abuse fail to report as there is a stigma attached to women who turn in their husbands and domestic violence is considered something to be dealt with privately within the family.
- Most police officers and local council members are males and have received no gender sensitization training. That being said, they are poorly equipped to understand the psyche of a battered spouse and to handle cases responding to domestic violence claims.
- There has been little effort on part of the Government of Uganda to take any substantial efforts to combat the extremely high rates of domestic violence. The *Domestic Violence Act* which criminalizes marital rape and other forms of domestic violence was passed in November 2009, but is currently awaiting Presidential Assent. (AI)
- Sensitization initiatives on domestic violence and education programs that focus on women’s rights are limited in that they employ a “women centered” approach. If these initiatives are to make any difference in sensitizing the community, both men *and* women need to be included in the target groups.
- The prevalence of extreme poverty makes it attractive for parents to marry off their daughters as soon as possible to secure bride price.

### ***Recommendations***

The Government of Uganda should immediately implement the following recommendations:

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<sup>20</sup> Gender Based Violence Cases for Pader District 2009-2010. Provided by Gender Ministry Office. Pader.

- Gender sensitization training and awareness campaigns need to be undertaken which target police, lawyers and judges.
- Provide counseling and rehabilitative shelters for victims of domestic violence.
- The Government of Uganda should immediately ratify the *Domestic Violence Act*. The GoU should also take immediate steps to establish referral, reporting, monitoring and evaluation mechanisms.
- NGOs should expend more effort mobilizing groups of women and support them to strengthen the skills they possess. To be empowered, women need to have their own livelihoods. NGOs need to recognize these skills and help women develop those skills into income generating activities.
- More effort needs to be put into creation of crisis centers and shelters for battered women. Currently, there are few, if any, refuges for women to escape to when in an abusive environment. GoU needs to support efforts to develop a response to meet the psycho-social needs of SGBV victims and survivors
- There needs to be punitive measures in place to punish parents who are found forcing their daughters to marry at young ages.
- The GoU should take special considerations and measures to prevent and respond to sexual and gender based violence against children.

***Article 16, Article 5  
Equality in Marriage and Family Life/ Stereotypes and Sex Roles***

***Polygamy***

Customary law dominates in regards to family matters in Uganda. Polygamy is a very common cultural tradition in Uganda which has devastating repercussions for the status of women. Polygamy is legal in Uganda under both customary and Islamic law. In Uganda, gender norms related to masculinity encourage men to take many sexual partners and to produce many offspring with various women. Women have no voice and no legal course of action to prevent their husbands from taking another wife. If she questions her husband's behaviours and tries to prevent him from taking another wife, the women interviewed felt that they would be evicted from their home, chased away and replaced by another woman.

The harmful repercussions of the practice of polygamy were constantly voiced throughout the interviews conducted. Not only does polygamy completely undermine the self worth and dignity of a woman, but it also contributes to the rampant spread of HIV/AIDS and domestic violence rates. The women felt that the practice of polygamy is one of the biggest contributors which lead to the dissolution of family life. Many women voiced that polygamy leads to famine and neglect in the home. Unable to provide for all his wives and children, men have dropped their responsibilities and often families don't receive the basic necessities to live productive lives. The psycho-social abuse many women experience as a result of polygamy was also very evident throughout the interviews.

***“What a man is doing is none of your business [in reference to polygamy], but as a human being you are tortured, but there is nothing to do because he is the head of the family and you do not have a voice.”***

Women's domestic situation in Uganda is equally troublesome. Women are overworked and struggle to provide for all of the children a husband produces in his marriages. The average Ugandan woman spends 9 hours a day on care labour activities such as fetching water, firewood and caring for the sick<sup>21</sup>. Fetching water is traditionally a task which is carried out by women and girls only. To gather water often requires girls and women to walk extremely far distances to reach a water source, putting them at an increased risk when travelling by themselves on these long treks. The vast majority of women interviewed felt over worked, under-nourished and that they bear all of the responsibilities of caring for the family.

***“Because a man pays bride price, once that woman is in his home she becomes property to the man. He abuses the woman, making her dig in the garden, feed the children, provide for the family. The women will work with a baby on her back and the man will never help her. She has to do what the man tells her to do”***

Women also cited the animosity and jealousy that develops between co-wives. They explained that a polygamous male cannot show equal love and resources to both of his families and this causes stressful relations to develop. Alcoholism exasperates the already tense familial environments. The interviews clearly highlighted the explicit link between alcohol consumption and domestic violence. The women consistently stated that their husbands spent what little money they produced on alcohol and occurrences of domestic violence were much more frequent and severe when alcohol was involved.

### ***Bride Price***

The cultural tradition of the payment of bride price to a woman's family at the time of marriage has many negative implications.

***“All women's suffering is a result of bride price. Once that woman is in his home and the bride price has been paid, she has become property to the man.”***

While some women saw the practice of bride price as a sign of respect and empowerment, others saw it as degrading and disrespectful as it relegates women to a position of property that can be bought and sold.

Traditionally, bride price was perceived as a practice that indicates a sign of respect towards a woman's family. It is a form of security that allows a woman to know that she is provided for and that she is secure in the relationship. In reality, the practice is profoundly discriminatory and the repercussions are greatly detrimental to the status of the women in a number of ways. Due to the fear of having to repay one's bride price, women will often stay in an undesirable and abusive relationship. Often, due to the inability to repay bride price because of the extreme poverty that many families face, her family will not accept her back. Bride price also promotes early marriage as women often try to marry their daughters off as soon as possible to secure bride price for their family.

***“Parents think that they can marry their daughter off as soon as she has breasts because she can bring in money. There are babies having babies and no one to care for them.”***

The practice of “widow inheritance” is also still prevalent in Ugandan society. Widow inheritance entails that men can “inherit” the widows of their deceased brothers which again

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<sup>21</sup> UNDP.2010.

relegates women to a status of family chattel that can be borrowed and passed on. This practice is extremely troublesome considering the spread of HIV and other diseases, not to mention the little say women have in deciding their lives.

### ***Obstacles***

- In Uganda, there are very deeply rooted stereotypes regarding the function and role of women in a marriage. These stereotypes function to solidify women's inferior status in their relationships and render her passive in decision making.
- Although the Government of Uganda has sought to address socially acceptable practices such as polygamy and wife inheritance, little progress has been made to pass draft legislation into law. The *Domestic Relations Bill* which sets restrictions on polygamous marriages, outlaws widow inheritance and sets the legal age of marriage to 18 has been stalled in parliament for decades. This painstakingly slow law reform process is very concerning considering the lack of legal and other measures to address such harmful practices that perpetuate so much violence against women. It also shows the amount of effort and priority the topic of SGBV is receiving from the government.

### ***Recommendations***

The Government of Uganda should immediately implement the following recommendations;

- Article 33(6) of the Ugandan constitution explicitly states that “laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status are prohibited by this Constitution.” The customary traditions of bride price, widow inheritance, polygamy, forced and early marriage are completely contradictory to what is stated and guaranteed in the constitution. The government of Uganda should take immediate steps to enact the *Domestic Relations Bill* and the *Domestic Violence Act* which is currently awaiting Presidential assent.
- Massive nation wide educational campaigns need to be implemented regarding sexual equality and rights awareness. Many women in Uganda are completely ignorant regarding the rights they are guaranteed in the constitution. The GoU needs to undertake massive community wide education and awareness activities. It is imperative that men are targeted in this initiative as well as women, particularly in rural areas, to counter traditionally held stereotypes regarding men and women.
- Currently the field of law enforcement and legal aid is dominated by males. The Government of Uganda should take measures to increase the number of trained female law enforcement officers and legal officials.
- Major sensitization initiatives need to be implemented regarding the harmful repercussions of practicing polygamy including the increased risks of contracting HIV/Aids and other sexually transmitted diseases.

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