**SHADOW REPORT BY NON-GOVERNMENTAL ORGANIZATIONS ON THE GOVERNMENT OF UGANDA 8TH AND 9TH REPORTS ON THE IMPLEMENTATION OF THE CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) IN UGANDA**

**SHADOW REPORT OF NON-GOVERNMENTAL ORGANIZATIONS IN UGANDA ON THE SITUATION OF WOMEN’S RIGHTS IN UGANDA**

**Introduction**

The Government of Uganda ratified the Convention on Elimination of all Forms of Discrimination against Women (CEDAW) in 1985, without reservations. On 22 July 2010, the Ugandan Government further demonstrated its commitment to achieving gender equality by ratifying the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa. (Maputo Protocol). The report is a shadow report to the government of Uganda’s 8th and 9th reports to the CEDAW committee. It represents the views of the wider Women’s Movement in Uganda but acknowledged the specific contribution of the below listed organisations: Uganda Women’s Network (UWONET Action for Development (ACFODE), Albinism Umbrella, Centre for Health, Human Rights and Development (CEHURD), Cross Cultural Foundation of Uganda (CCFU), The Uganda Association of Women Lawyers Uganda (FIDA-Uganda), Femme Forte, Forum for African Women Educationists (FAWE), Kigezi Women in Development (KWID), LANDNet, Legal Aid Service Providers Network (LASPNET), National Association of Women Organizations in Uganda (NAWOU), National Union of Women with Disabilities of Uganda (NUWODU), Southern and Eastern Africa Trade Information and Negotiations Institute (SEATINI), Tunaweza Children’s Centre, Women Human Rights Defenders Network, Women of Uganda Network (WOUGNET), Women with a Mission, Women’s Democracy Network-Uganda Chapter (WDN-U), Women’s Probono Initiative, Center for Domestic Violence Prevention (CEDOVIP), Refugee Law Project (RLP), Forum for Women in Democracy (FOWODE)

**PROGRESS, GAPS AND RECOMMENDATIONS ON THE IMPLEMENTATION OF THE PROVISIONS ON CEDAW IN UGANDA**

**Paragraph 9: The Committee recalls the State party’s obligation to systematically and continuously implement all the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and views the concerns and recommendations identified in the present Concluding Observations as requiring the State party’s priority attention between now and the submission of the next periodic report.**

**ARTICLE 1: DEFINITION OF DISCRIMINATION**

In terms of progress since submission of the 4th,5th, 6th and 7th combined report by Government of Uganda and the Civil Society combined shadow report in 2010 and the subsequent CSO 8th Alternative report by NGOs in Uganda in 2014 to the CEDAW committee on selected articles, the Parliament of Uganda on April 30 2021 passed the Succession Amendment Bill 2021. The Bill is intended to bring the Succession Act Cap 162 into conformity with the Constitution of Uganda and internationally accepted human rights standards on inheritance rights. This statute is intended to provide for gender equality in accordance with Articles 21 and 33 which prohibit discrimination against women and girls and provide for gender equality. The Parliament of Uganda also passed the Sexual Offenses Bill, 2019 which is intended to consolidate all laws relating to sexual offences in Uganda particularly previous court rulings outlawing child marriage and rape, and criminalizes incest, sexual harassment, sex tourism and indecent communication. Further, the Bill protects sexual assault survivors’ rights during criminal proceedings.

However, the Bill has a number of gaps which need to be addressed by Parliament to ensure inclusion and protection of all women and men in their diversity from sexual violence. Some of the gaps in the Bill are: weakens the requirement for consent to sexual acts by removing a provision that consent may be withdrawn at any time before or during the performance of a sexual act”, the Bill also criminalizes false sexual allegations a provision that could be used against sexual violence victims to disregard their claims further deterring reporting case of sexual violence, the Bill reintroduces clauses of the impugned 2014 Anti Homosexuality Act that was successfully challenged and overturned by the Constitutional Court in Uganda. Uganda’s penal code criminalizes consensual same-sex conduct through a provision that punishes “carnal knowledge against the order of nature” with up to life imprisonment. Parliament also passed the Employment Act (Amendment) Bill in 2021. On August 17 2021, the President of Uganda refused to assent to the Sexual Offences Bill and the Succession Amendment Bill 2021 which had been passed by the 10th Parliament. He argued that the bills have provisions which are already provided for in other legislation.

Uganda was an active participant in the formulation of the global Agenda 2030 on Sustainable Development (SDGs) adopted in 2015, and the African Union Agenda 2063 – the Africa we Want, both of which affirm gender equality as a fundamental right, and as central to the attainment of sustainable development.

The Government of Uganda passed the Persons with Disabilities Act, 2020 which provides for the respect and promotion of the fundamental and other human rights and freedoms of PWDs.

Implementation of programmes for persons with albinism however still face challenges among others lack of official statistics on the numbers of persons with albinism and negative perceptions of persons living with albinism.

Although the government has enacted laws such as the Anti-Pornography Act, 2014 and the Computer Misuse Act, 2011, these laws have been used by the State to punish non-conforming women who are seen as ‘transgressors’ or ‘trouble makers’ rather than stem the exploitation and abuse of women.

**Recommendations**

* Emerging forms of online discrimination against women and girls should be capped through enforcement of existing laws like the Computer Misuse Act and amending the Data Protection and Privacy Act 2019 to make it gender sensitive by the Ministry of Information, Communication and Technology (ICT) and National Guidance.
* The Governance and Security Programme (formerly Justice, Law and Order Sector) should enforce existing laws that promote gender equality and non-discrimination. Further, training for enforcement officers should go hand in hand with new research findings on discrimination of different groups of especially women and girls who are vulnerable to their the colour, status, age and disability.

**ARTICLE 2: OBLIGATION OF THE STATE TO ELIMINATE DISCRIMINATION**

**Paragraph 12: The Committee calls upon the State party to accelerate its law review process to harmonize its domestic legislation with its constitutional principles relating to non-discrimination and equality between women and men and with its obligations under the Convention without delay and within a clear time frame.** To this end, the Committee urges the State party to:

**(a) Expeditiously enact the Marriage and Divorce Bill, the Sexual Offences Bill and the HIV/AIDS Prevention and Control Bill;**

# **Progress**

The Government of Uganda enacted the HIV/AIDS Prevention and Control Act in 2015. In 2021, the Parliament of Uganda passed the Succession (Amendment) Bill 2021 and the Sexual Offences Bill 2019 and the Employment (Amendment) Bill 2019.The Bills were passed to bring them in conformity to Articles 21 and 33 of the Constitution of Uganda which prohibit discrimination and provide for gender equality. The Government through the MoGLSD has drafted an updated version of the Gender Policy of 2017 which awaits Cabinet approval.

In August 2020, The Constitutional Court upheld all the grounds in the case of *Centre for Health, Human Rights and Development (CEHURD) and 3 others Vs. The Attorney General*[[1]](#footnote-1) challenging the Government’s sanctions and omissions for failure to provide minimum maternal health services**.** Through this judgement, the right to maternal health care (and the right to health broadly) was granted a place in Uganda’s Constitution as a human right.

**Gaps**

The Sexual Offences Bill has a number of gaps which need to be addressed by Parliament to ensure inclusion and protection of all women, girls and boys and men in their diversity from sexual violence. Some of the gaps in the Bill are: the Bill weakens the requirement for consent to sexual acts by removing a provision that consent may be withdrawn at any time before or during the performance of a sexual act”, the Bill also criminalizes false sexual allegations a provision that could be used against sexual violence victims to disregard their claims, the Bill reintroduces clauses of the impugned 2014 Anti Homosexuality Act that was successfully challenged and overturned by the Constitutional Court in Uganda. Uganda’s penal code already criminalizes consensual same-sex conduct through a provision that punishes “carnal knowledge against the order of nature” with up to life imprisonment.

The Marriage and Divorce Bill, 2009 has not been enacted into law since its second reading and debate by the 9th Parliament in 2013. The Deputy Attorney General informed the Parliament that due to divergent opinions on the Bill, the government was not fully prepared to present the Bill for the second reading. As a result, the laws of Uganda on Marriage and Divorce are not in conformity with Articles 31[[2]](#footnote-2) and 21 of the Constitution of Uganda.

In 2011, regulations under the Domestic Violence Act were prepared to make the Domestic Violence Act operational. While the Constitution and the Land Act, Cap 227 both make it clear that women have an equal right to own and access land, patrilineal clan ownership of customary land continues and further complicate these matters when it comes to *enforcing the[[3]](#footnote-3)* vacation of the matrimonial home[[4]](#footnote-4).

One of the major gaps that has remained persistent with regard to state obligation to eliminate discrimination is the weak enforcement of existing laws and policies. Further, cultural norms and stereotypes are responsible for discrimination and gender-based violence and reinforce negative attitudes about women’s status and abilities.

**Recommendations**

* Government should address the divergent opinions using international and regional human rights standards on the Marriage and Divorce Bill, 2009 and fast track the process of the enactment of the Bill.
* MoGLSD and Uganda Law Reform Commission should prioritize sensitization programs for Members of Parliament to enable them internalize existing obsolete laws in Uganda that need to be amended to eliminate discrimination against vulnerable groups in society especially women and girls in their diversity.
* Government Ministries working with Ministry of Finance, Planning and Economic Development should adequately resource and invest in justice, law and order institutions within the Governance and Security programme to strengthen skills in investigations (including medical), prosecution and psycho-social services.
* Government through MoGLSD should increase the number of, and finance the emergency shelters for GBV management. In the alternative, the Government should consider giving financial support to private organisations that are currently providing all the existing shelter services.

**ARTICLE 3: THE DEVELOPMENT AND ADVANCEMENT OF WOMEN**

**Paragraph 14: The Committee urges the State party to take all appropriate measures to ensure that the Convention is sufficiently known and applied by all branches of Government and the judiciary as a framework for all laws, court decisions and policies on gender equality and the advancement of women.**

**Progress**

The Employment Act (Amendment) Bill seeks to regulate the employment of domestic and migrant workers abroad as well as provide for the labour rights of breast feeding mothers. Additionally, MGLSD has draft breastfeeding Regulations of 2020 which spell out the modalities for institutions to enable working mothers nurse their children.

In 2020, the Ministry also developed revised Guidelines for the Prevention and Management of Teenage Pregnancy in School Settings which following the COVID-19 pandemic that saw an upsurge in teenage pregnancies, are significant as they also address the issue of reintegration of child mothers into school.

**Recommendations**

* Government enforcement officers especially the Uganda Police Force should be sensitized on the provisions of the newly amended laws to ease enforcement.
* MoGLSD and the Uganda Human Rights Commission should provide civic awareness to citizens on the newly amended laws to ensure that citizens change their behaviors and attitudes towards women and girls to reduce conflict with the laws.
* Government through the MoGLSD should enforce and monitor the enforcement the laws that seek to develop and advance women’s rights in order to reduce the gender gaps between men and women in all sectors of life.

**ARTICLE 5: STEREOTYPES AND HARMFUL PRACTICES**

**Paragraph 20: The Committee urges the State party to put in place without delay a comprehensive strategy, including review and formulation of legislation and establishment of goals and timetables, to modify or eliminate traditional practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include efforts to raise awareness of this subject, targeting women and men at all levels of society, including traditional leaders, in collaboration with civil society.**

**Progress**

The Succession Bill was passed by Parliament of Uganda in April 2021. Parliament of Uganda amended the Succession Act cap 162 to bring it into conformity with the Constitution of Uganda and to provide for gender equality in accordance with Article 21 and 33 which prohibit discrimination against women and girls and provide for gender equality, and to bring it into conformity with internationally accepted human rights standards on inheritance rights.

In 2015, the Supreme Court of Uganda upheld a decision of the Constitutional Court and declared the custom and practice of refunding bride price contrary to Article 31 (3) of the Constitution, which provides that marriage shall be entered into with the free consent of the man and a woman intending to marry[[5]](#footnote-5). The Court stated that the refund of bride price was a sine qua non for the valid dissolution of customary marriage, as practiced by several tribes in Uganda. Furthermore, the demand for bride price undermines the dignity of a woman and violates Article 33(6) of the Constitution, and in addition, a woman’s entitlement to equal rights with men at marriage, during marriage, and at its dissolution (Article 31(1).

Subsidiary legislation has also been enacted at sub-national level by some district parliaments which reinforce the decisions of the Constitutional Court on brideprice. For instance the Tororo Bridal Gifts Ordinance states that a person shall not demand for the refund of bridal gifts as a condition precedent to the dissolution of marriage, and whoever seeks to do so commits an offence[[6]](#footnote-6).

**Gaps**

Discriminatory attitudes and practices are prevalent in most communities in Uganda and undermine the rights of women and girls. The legislative and policy reforms have not been accompanied with well-resourced and sustained programmes and campaigns aimed at transforming the hegemonic patriarchal value system that informs gender relations in Ugandan societies.

**Recommendations**

* The Executive, Legislature and Judiciary should play key roles in educating the public about harmful cultural practices and implications of gender equality in all aspects of life.
* The Executive should allocate resources to key influencers in Ugandan communities including cultural leaders, religious leaders, women’s rights organizations and schools to intensity long term civic education programs intended to change discriminatory attitudes and harmful practices against women and girls.
* The Attorney General should fast track Court decisions on marriage and divorce and advance the passage of the Marriage and Divorce Bill.

**ARTICLE 7: POLITICAL AND PUBLIC OFFICE**

**Paragraph 30: The Committee recommends that the State party pursue sustained policies aimed at the promotion of women’s full and equal participation in decision-making as a democratic requirement in all areas of public, political and professional life.**

**Progress**

The Women’s Democracy Group (WDG) comprising of five national women organizations

(Members of Uganda Women’s Network)[[7]](#footnote-7) played a major role in preparing women from all political parties who showed interest to participate in elective politics. The women skills set and knowledge based are enhanced in running effective and issue based campaigns including running for elections in a very highly patriarchal society and commercialized politics. Between 2016-2020, the organisations trained, coached and mentored over 2,110 women leaders to enhance their influence and effectiveness in Local Councils and supported them to form women caucuses to pursue and champion the gender agenda in the cardinal role of legislation, oversight, and representation.

The numbers of women who stood for election on both the open seat (where both men and

women can run) and the affirmative action seat increased in 2021 in comparison to 2016, especially at Parliamentary and Local council levels. At the Presidential level, out of the 11 candidates, one was female as was the case in 2016. At the Parliamentary level, of the 353 constituency seats (open seats) and the 2659 contestants who run for election at the level of MP, 114 were female contesting for the open seat. This is in comparison to 2016 where out of the 1314 contestants only 90 were women[[8]](#footnote-8).

The 11th Parliament of Uganda is composed of 32.89% women[[9]](#footnote-9). Majority were elected on the affirmative action seats. Only 14 women were elected on the open seat. The numbers of women in Parliament has decreased in comparison to the 10th Parliament because less women were elected on the open seat and this is a matter of concern in regard to the attainment of gender equality and parity.

The Women’s organisations developed the National Women's Manifesto (2021-2026), a document that was used to rally women across the country to demand political actors to attend to gender and women specific concerns in their political party manifestos and individual campaigns. The manifesto highlights 5 key priority areas; Equitable and quality education for women and girls, work and economic agency, leadership and decision-making and land and property rights.

There was an improvement in 2021 in the number of female ministers. The current cabinet of Uganda is 43% female (June 2021) from 28.7% (2016-2020) in the previous cabinet.

The number of women in public service especially in cabinet and the judiciary remains stagnated by patriarchal attitudes view men as natural leaders and this constrains women from seeking positions of leadership or to be considered for elective and appointive positions by the voters and the appointing authority.

Commercialization of politics has pervaded politics in Uganda and yet most women are economically disadvantaged and lack the social networks and sound financial base to outcompete the men. Studies[[10]](#footnote-10) estimate that aspirants for the position of Member of Parliament spent a minimum of Shs500m (US$143,000) on campaign expenses in 2021.

The election system of all the political parties in accords women candidates less chances of being elected as the party flag bearers for directly elected seats due to the stereotypes, cultural beliefs and practices and patriarchy which influences different facets of Ugandan society including politics. As a result the numbers of women remain small in open seats.

**Recommendations**

* Government, political parties and cultural leaders should take deliberate actions to transform cultures that discriminate women, through for example, enlarging political space to allow in more women participants;
* The 11th Parliament should formulate progressive electoral reforms to enhance women’s participation by ensuring that all political parties conform to the national laws at the bare minimum and by reducing the nomination fees.
* The Electoral Commission is encouraged to adopt a multi-stakeholder, multi-disciplinary and electoral cycle approach to the prevention of election-related violence, and the creation of an environment conducive to allow women compete and win more open seats.

The appointing authority and the Ministry of Public service should increase the percentage of women in public service through strategic affirmative action at senior management.

**ARTICLE 10: EDUCATION**

**Paragraph 32: The Committee urges the State party to enhance its compliance with article 10 of the Convention and to raise awareness of the importance of education as a human right and the basis for the empowerment of women.**

**Progress**

The Gender in Education Policy of 2017 was developed in line with the Education Sector Strategic Plan which guides gender mainstreaming in the Sector. The policy is complemented by other initiatives and strategic plans that address barriers to girls and women’s education, including the Gender in Education Strategic Plan 2015–2020 and the National Strategy for Girls’ Education 2014–2020. Government-aided primary schools also educate refugees and girl children from surrounding regions. Government enacted the Higher Education Students Financing Board Act (2014) that provides loan schemes to enhance young women’s access to tertiary education.

Government is implementing the Presidential Initiative on Science and Technology in conjunction with the Uganda Industrial Research Institute (UIRI), the Uganda National Council of Science and Technology (UNCST) and Makerere University Institute of Science. These initiatives have led to the increased enrolment of girls in BTVET from 28.5 per cent in 2007 to 34.6 per cent in 2016 (MoES Factsheet).

Government developed and passed the National Guidelines for Prevention of Teenage Pregnancy and Re-entry of Child Mothers in School Settings (2020) as well as the Gender in Education Strategic Plan (2015-2020) to enable the increase in the enrolment rate of children in primary schools and achieve equal gender opportunities,

Government has undertaken deliberate interventions to promote equal opportunities for boys and girls in Business Technical Vocational Education and Training (BTVET) by mainstreaming gender in the BTVET Strategic Plan 2011-2020) and providing scholarships for the best performing students.

**Gaps**

The lockdowns imposed by government of Uganda and the closure of schools to prevent the spread of COVID19 has disrupted nearly 18 months of learning for school going age children and all institutions of learning. With no visible end in sight of the pandemic, no vaccine for millions of Ugandans against the virus, the effects on children especially girls has been enormous. The Police Annual Report, 2020 stated that a total of 14,230 girls were defiled; 301 were defiled by people living with HIV and 120 were defiled by parents/ guardians. There was a 22.5% increase in teenage pregnancy registered among girls (10-24) between March and June 2020, a 336.5% increase in teenage pregnancy among the 10–14year olds, between March and September 2020 and a 31% increase in child marriages. Prostitution and other life-threatening activities to the welfare of children have increased[[11]](#footnote-11). The mental health of children has been greatly affected by the lack of school.

The gender gap in science disciplines remains wide as most girls register for the humanities. Female students and employees are therefore under-represented in Science, Technology, Engineering and Math (STEM) related fields[[12]](#footnote-12). The few women who begin careers in STEM face male-dominated workplaces with high rates of discrimination[[13]](#footnote-13). They also lack access to women peers, role models, and mentors; and are sometimes paid less than their male co-workers.

However, the policy interventions proposed and implemented according to these plans address STEM education from the general point of view and without factoring in gender dynamics. While interventions to increase general STEM education enrolment focus on technical aspects such as increased funding, increased numbers of science teachers and enhanced science school infrastructure, increasing female students’ enrolment in STEM education demands interventions in the social aspects of the problem[[14]](#footnote-14).

The high incidences of Violence against Children (VAC) in schools and institutions of learning, and mainly targeting the girls’ child, affecting their performance and stay in school. According to the National Strategic Plan on Violence against Children in Schools (2015-2020), sexual violence especially against girls is widespread; 77.7% of the primary school children and 82% of the secondary school students experience sexual abuse while at school.

Underfunding of the sector limits effective implementation of policies and guidelines to recruit more female teachers and putting-up gender responsive school facilities. There is no documented effort to counter non-compliance by some schools that keep pregnant girls and child mothers from accessing education. The children in public schools especially in rural areas still suffer hunger which negatively impacts on their performance

**Recommendations**

* The Government of Uganda through the MoES should identify and implement interventions to redress gender stereotypes affecting STEM from the household to the early childhood learning stage. Efforts should also be directed at addressing the social aspects of the problem embedded in culture and gender roles.
* MoES should strengthen monitoring of education delivery in both primary and secondary schools to ensure quality education and ensure higher retention and completion rates.
* MoES should implement the policy on re-admission to school of the teenage girls who get pregnant and provide incentives to make re-joining schools attractive.
* The Ministries of Education and Sports and Health should design and implement a School Feeding Programme.
* MoES working with the Ministry of Finance, Planning and Economic Development should invest in orientation of teachers, students, and pupils to online learning.

**ARTICLE 11: EMPLOYMENT**

**Paragraph 34: The Committee requests the State party to ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention.**

**Progress**

MoGLSD through the Directorate of Labour, Employment and Occupational Safety and Health is responsible for labour administration in the country. The Occupational Safety and Health Act (2006), the Employment Act (2006), the Employment Regulations (2011), the National Employment Policy for Uganda (2011) and the Employment (Sexual Harassment) Regulations (2012) all aim to ensure decent, remunerated employment for all persons, including women.

The Employment (Sexual Harassment) Regulations (2012) were developed to operationalize Section 7 of the Employment Act. The Regulations state that all employers shall have a written sexual harassment policy, establish a Sexual Harassment Committee and complaint mechanisms and procedures to encourage proper reporting and handling of sexual harassment cases in the workplace.

**Gaps**

Sexual harassment is a major issue that continues to affect women in various employment spaces in both the public and private sector. The lengthy administrative and court processes and the stigma that comes with reporting and exposure has made survivors keep quiet about the vice. As a result, the actual figures on sexual harassment in work places are unknown.

Gender proportions of women in technology and ICT in MDAs show that male employees accounted for 75% of total employees across all MDAs, compared to female employees at 25%. The proportion of female ICT employees (2.3%) among all female employees is higher than that of male ICT employees (1.7%) among all male employees.

**Recommendations**

* The Governance and Security Programme should strengthen its investigations and prosecution rates.
* The government should prioritise the Minimum Wage Bill to provide a decent income for especially most lowly paid Ugandans majority of whom are women

**ARTICLE 12: RIGHTS OF WOMEN IN HEALTH CARE AND FAMILY PLANNING**

**Paragraph 36: The Committee calls upon the State party to take all necessary measures to improve women’s access to health care and health-related services, within the framework of the Committee’s general recommendation No. 24 on article 12.**

**Progress**

Government has put in place initiatives to promote sexual and reproductive health and rights which include the Uganda National Minimum Health Care Package, National Sexuality Framework (2018), Adolescent Health Policy Guidelines and Service Standards (2012), National Strategic Plan for Cervical Cancer Prevention and Control in Uganda (2010-2014), and the National Strategy for the Prevention of Teenage Pregnancy and Child Marriage. In 2021, Parliament passed the National Health Insurance Scheme (NHIS) Bill, 2019 which seeks to provide universal healthcare to all. Government developed the National Sexuality Framework and the National School Health Policy 2018-2023. Contribution to the scheme will be based on actual variation. The scheme will be implemented in a phased manner since government cannot get all the resources at once.

In May 2016, the President of the Republic of Uganda launched the “Every Woman Every Child” Global Health Strategy Commitment where by Uganda committed to; ensure that comprehensive Emergency Obstetric and New born Care (EmONC) services in hospitals increase from 70% to 100% and in health centres from 17% to 50%; and that skilled providers are available in hard to reach areas, reduce the unmet need for family planning from 40% to 20%, increase focused Antenatal Care 4th visit from 42% to 75%, with special emphasis on Prevention of Mother-to-Child Transmission (PMTCT) and treatment of HIV to ensure elimination.

The national Safe Motherhood Program (SMP) has guided the promotion of maternal health in Uganda. As part of this program, a number of initiatives were established in the last decade (2010-2020) including building a supportive community network of traditional birth attendants (TBAs) as a backup for a modern maternal health system, and interventions to forecast high-risk obstetric events and strengthen referral systems.

The formulation of the national population policy (2020) that seeks to reduce fertility and maternal morbidity and mortality by promoting informed choice, service accessibility and improved quality of care.

The health infrastructure network has improved in the country and by 2018, 72% of the populations lived within a five kilometre radius of a health facility of the population lived within a five-kilometre radius of a health facility. Significant progress has also been made in the provision of specialised medical care in gynaecology manifested by the construction of a modern state of the art women’s hospital with a capacity of 320 beds at Mulago National Referral Hospital in 2018, to provide specialised maternal and reproductive health services in the country.

The provision of free mama kits[[15]](#endnote-1) to mothers who deliver at healthy facilities, increasing of awareness on the importance of deliveries at health facilities, improving the prevention of Mother to Child Transmission of HIV, the provision of free insecticide treated mosquito nets to pregnant mothers, increase in breastfeeding by mothers to children under 5 years, provision of nutritional supplements to expectant mothers and malnourished children, the promotion of exclusive breeding up to 6 months and with food supplements until 2 years and the provision of free contraceptives at all government health facilities.

Formulation and implementation of a Multi-Sectoral Plan (2015–2020) to increase contraceptive use and integrate interventions in all sectors and at all levels. The Plan prioritises the establishment of youth-friendly corners in health facilities to sensitise young persons, especially girls, on family planning, the National Sexuality Framework (2018), the National Strategy for the Prevention of Teenage Pregnancy and Child Marriage, the Health Sector Development Plan (2015/16—2019/20).

**Gaps**

Currently, 14% of unintended pregnancies end in abortion while unsafe abortion accounts for more than 8% of maternal mortality. Government withdrew the Abortion Guidelines launched in 2016 due to opposition from various sectors of the society. Abortion in Uganda is legal only if its performed by a licensed medical doctor in a situation where the life of the mother is deemed to be at risk.

Maternal mortality is still high at 336 deaths to 100,000 live births. The budget allocation to Health has reduced to 5.9%of the national budget for the last two financial years 2018/19 and 2019/20 which remains far below the Abuja Declaration recommendation of 15%

However, women with disabilities face multiple challenges in fulfillment of this right such as lack of responsive infrastructure, equipment and health services needs. Maternal health care services have been structured to meet the needs of able-bodied women, neglecting the special maternity care needs of women with disabilities15.

Most of the beneficiaries of the available health services are middle class urban women who have access to well-equipped health infrastructure and can afford the services at private facilities. The poor women both in rural and urban areas who are the most vulnerable can hardly benefit from many of the key investments the government has made to improve health services. For instance, the services at the new Mulago women’s hospital are provided at a cost including: caesarean section UGX 2,000,000; immunization UGX 890,000; and normal delivery UGX 800,000; on top of consultation fees of UGX 50,000)[[16]](#footnote-15).

Limited availability and access to youth friendly SRHR services especially in the rural areas and failure to roll-out of comprehensive sexuality education for adolescents. This exposes adolescent girls to high SRH risks. The available SRH programmes have not adequately addressed the key challenges faced by adolescents, including early sexual debut, child sexual abuse, child marriages and limited sexual and reproductive health information. Teenage pregnancy is still high standing at 25%.

Only 5 percent of the population age 15 years and above are covered under health insurance.

The barriers to gender equality in access to health services are many and

varied including the following:

* Forty-one Percent (41%) of women cite distance to health facilities as a challenge for accessing health care17. Indeed, a smaller percentage of the population live within five kilometers of a public health facility in Uganda, further complicating the management of maternal health among mothers, especially in rural areas[[17]](#footnote-16).
* Lack of staff to attend to premature babies and mothers who may have complications[[18]](#footnote-17).
* Congestion in wards, some health facilities are not fenced while others have no windows and passersby can see what is going on in the wards. As a result some women prefer to deliver at home due to lack of privacy in the health centers[[19]](#footnote-18).
* Allocation of resources to lower local governments is inadequate and isn’t sufficient for health services delivery particularly in rural areas[[20]](#footnote-19).
* Poor family planning which is caused by rigid cultures and some religions that do not believe in gender equality and discourage using family planning methods of spacing child birth[[21]](#footnote-20).
* There is widespread demotivation of health workers arising out of poor remuneration where a Medical Officer earns a paltry UGX 840.000 per month, equivalent to USD 238. Efforts by medics to have their salaries increased haven’t received the expected committed response from government, leading to frequent strikes by medical personnel which further compromises the quality and availability of health services[[22]](#footnote-21).

**Recommendations**

* Government through Ministry of Health should incorporate gender into the COVID19 and any other pandemic preparedness and response to address the disproportionate burden to women and girls.
* Government through Ministry of Finance, Planning and Economic Development should pay special attention by adequately budgeting, releasing resources and monitoring to health needs and rights of vulnerable and disadvantaged girls and women including adolescent girls, older women, refugee women, internally displaced women, women with disabilities, and indigenous women.
* Ministry of Health should disseminate information on the polices and laws including National Sexuality Framework (2018), Adolescent Health Policy Guidelines and Service Standards (2012), National Strategic Plan for Cervical Cancer Prevention and Control in Uganda (2010-2014), and the National Strategy for the Prevention of Teenage Pregnancy and Child Marriage
* Parliament should fast track the process of the enactment of the National Health Insurance Bill, 2019.
* Government through Public Service should lift the ban on recruitment of Health workers so that the number of health workers is commensurate and responds to the population as per the World Health Organization recommended doctor to population ratio of 1:1,000. This should be coupled with motivation packages. For instance; the lowest health worker should earn at least 1:5million Uganda shillings per month.
* Government of Uganda should improve health infrastructure and provide for Health units/centers’ requisite infrastructure and equipment including those required for women with disabilities as per the guidelines for designation, establishment and upgrading of health units by the Ministry of Health, (2011).( Hospitals should have; Male Ward [at least 15 beds] and 80 Staff Housing Units and Ancillary structures; Health Centre IV’s should have 18 Staff/ Housing Units and Ancillary structures; Health Centre lll 10 Staff/ Housing Units and ancillary structures; Health Centre ll 4 Staff/ Housing Units and ancillary structures
* Government should provide at least one fully equipped and appropriate ambulance (user friendly to women with disabilities) should be procured and distributed in all the health centres III, IV and hospitals in Uganda to ease referral pathways to reduce maternal and infant mortality**.**
* Progressively increase the health sector budget to meet the Abuja declaration thresh hold of 15% from the approx. 6%. Prioritize an increase in funding services for basic maternal health care, primary health care, human resources, medicines and related commodities to enable women fully enjoy and fulfil their natural maternal functions, a fundamental human right provided for in the Constitution[[23]](#endnote-2).
* Government through the Ministries of Finance, Public Service and Health should improve the remuneration and motivation to address retention of health workers in government facilities to reduce brain of health
* Government through Ministry of Health should ensure equipment, sundries and medicines are availed to all health facilities
* Ministry of Health working with Ministry of Education and Sports should re-package and market sexuality education to increase uptake and minimize resistance from religious leaders.
* Ministry Health and MoES provide youth friendly Reproductive Health Services (ARHS) across the country which address the challenges faced by young women.

**ARTICLE 13: ECONOMIC AND SOCIAL BENEFITS**

**Progress**

In the social and cultural fields, there has been progress in women’s decision-making at household level, women’s ownership of land, control over earnings, attitudes towards domestic violence, and girl education.

51% of currently married women aged 15-49 participate in household decision-making on health while 53% of women can make their own decisions on their earnings. 38% of women own houses on their own or jointly compared to 54% of men aged 15-49, while 31% of women own land on their own or jointly compared to 48% of men.

**Gaps**

The median number of schooling years completed was 3.0 for women and 5.1 for men in 1995, improving to 5.7 for women and 6.3 for men in 2016.[[24]](#footnote-22) In spite of this progress, challenges still exist. Fewer women can access finance and credit given barriers such as low number of women owning bank accounts, currently at less than 30%. Women’s limited ownership and control over resources affects their economic empowerment and makes them vulnerable to economic shocks. This is worsened by the fact that less than 5% of the Ugandan population has access to government social safety nets.[[25]](#footnote-23)

Financial inclusion has improved for both men and women from 2009 – 2013. However, women in the country are still largely excluded from financial services, with only 16% of women aged 35 financial included.[[26]](#footnote-24) This percentage lowers among older women. Most women rely on informal lenders for their financial needs (23%) or do not borrow at all (57%).[[27]](#footnote-25) This affects their ability to invest and improve their economic independence, as well as their decision-making power at household and community level. The most popular mediums for savings, credit and payments are Village Saving and Lending Associations (VSLAs) and mobile money.

**Recommendations**

* Ministry of Finance, Planning and Economic Development should provide public education, awareness campaigns and capacity building among SACCOs and VSLAs of the Investment Group Regulations.
* Ministry of Finance, Planning and Economic Development and Parliament should revise the fees of Mobile money that impede growth of mobile money and electronic payments.

**ARTICLE 15: RURAL WOMEN**

**Paragraph 42: The Committee calls upon the State party to take the necessary measures to increase and strengthen the participation of women in designing and implementing local development plans, and to pay special attention to the needs of rural women, in particular women heads of household, by ensuring that they participate in decision-making processes and have improved access to health, education, clean water and sanitation services, fertile land and income-generating projects.**

**Progress**

### The Youth Livelihood Programme, established in 2013, provides revolving loans to organised youth groups. In 2018 for instance the government, through the MoGLSD, released UGX 3, 047,891,500/- to 364 youth groups in 24 districts. 46% of the 4,034 beneficiaries were young women.[[28]](#footnote-26)

the Uganda Women Entrepreneurship Fund, established under the Uganda Women Entrepreneurship Programme (UWEP) is a revolving fund accessible by women’s groups. Like the Youth Livelihood Programme, the UWEP is part of the government strategy for financial inclusion – designed to address challenges that women face in accessing credit.[[29]](#footnote-27)

**Gaps**

The last decade witnessed an escalation in forceful land evictions from land affecting many rural communities. Due to increased demand for land for extensive agriculture, and other investments, rich Ugandans have exploited loopholes in the law, and corrupt elements in government to forcefully evict entire communities

Although the 2004 and 2010 amendments to the Land Act provide legal protection to a spouse to occupy family land, and to give consent before transaction in land,[[30]](#footnote-28) in practice women continue to be dispossessed of land.

They are either forced to give consent through actual or threatened violence, are too poor to pursue legal remedies following the unlawful sale.

Rural women face challenges related to effects of climate change, resulting in displacement, and food and livelihood insecurity. The government’s efforts are delayed, inadequate and reactionary.

**Recommendations**

* The Ministry of Finance, Planning and Economic Development should expand and adequately resource the different programmes that provide for economic empowerment of rural women, including strengthening the social protection component.

The Government is encouraged to implement climate change mitigation strategies through multi-stakeholder collaboration and active leadership from women in communities. Expedite the enactment of the Succession Amendment Bill and enforce Land Act and Land Policy to protect women’s property rights

**ARTICLE 16: ELIMINATION OF DISCRIMINATION AGAINST WOMEN IN ALL MATTERS RELATING TO MARRIAGE AND FAMILY RELATIONS AND IN PARTICULAR SHALL ENSURE, ON A BASIS OF EQUALITY OF MEN AND WOMEN**

**Paragraph 48: The Committee urges the State party to harmonize civil, religious and customary law with article 16 of the Convention and to complete its law reform in the area of marriage and family relations.**

Women’s rights organizations and activists have continued to advocate for the passing of the Marriage and Divorce Bill. In response to advocacy by women rights organizations, some cultural institutions like that of the Acholi people enacted a bye law to provide for the rights of women and girls to inherit land and other properties from their deceased parents.

The Domestic Violence Act (DVA) Coalition composed of several women rights organizations lobbied for the amendment and repeal of laws that discriminate against women, organized and trained community monitors to assess the implementation of laws relating to violence against women such as the Domestic Violence Act, the National Policy to eliminate Violence against Women and its action plan, and the National Land Policy. The findings from the activities of the community monitors have informed advocacy activities at district and national level.

Women’s rights organizations and gender sensitive CSOs have mobilised communities and local leaders to promote male involvement as agents of change in violence prevention combat against women through initiatives such as SASA methodology, and the model couple approach. This resulted into increased numbers of women participating decision making activities at various levels, access, own and taking control over productive resources such as land, increased incomes and freedom of expression in their households and communities.

**Gaps**

There is *de jure* and *de facto* discrimination against women in marriage, divorce, inheritance, and in access to economic opportunities. The bulk of women’s challenges in access and use of family property remain unaddressed under the laws of Uganda. The Marriage and Divorce Bill of 2009 seeks to address a significant number of these challenges including access to land, property ownership and discriminatory practices which collectively hamper family progress and contribute to underdevelopment. To date, there is no law that clearly stipulates these obligations.

In April 2021, an amendment to the Succession Act was passed by Parliament. The Amendment serves to bring the existing law in conformity with the Constitution of the Republic of Uganda and provide for gender equality in Succession matters[[31]](#footnote-29). However, on August 17 2021, the President of Uganda refused to assent to the Succession Bill despite the current gaps in the Succession Act.

**Recommendations**

* Government of Uganda should ratify the Optional Protocol to CEDAW
* The Government of Uganda should avail an improved system of survivor support to ensure DV programs and shelters receive sufficient funding. They should also include shelters as essential businesses during the prevailing COVID19 pandemic and any future crises.
* The Government of Uganda should follow through its commitments to redress VAW in all its forms. Priority should be placed on obtaining comprehensive data on VAWE to support the various actors charged with eliminating this pervasive practice.
* Government should through Ministry of Finance Planning and Economic Development, MoGLSD and Parliament increase support in training the Uganda Police force on best practices for handling gender-based violence, handling complaints, and treating survivors with sensitivity. As the first point of contact in the judicial system, the police can ensure a survivor-centered approach, prioritizing urgent initial medical care and time-sensitive evidence collection. Working with communities to reaffirm support for survivors can also go a long way to reinforce survivors’ trust in the police.
* The Government of Uganda through the Attorney General, should prioritise the Marriage and Divorce bill for a conclusive debate on the floor of parliament and enactment.
* The Government of Uganda through Ministry of Justice and Constitutional Affairs, MoGLSD and Ministry of Lands should redress the negative customary and create awareness about the law of succession in addition to establishing systematic institutional interventions at community level for the protection of the rights of the vulnerable and marginalized groups.
* The Government of Uganda should develop practice guidelines and training manuals to support the implementers of the Act in line with the GBV National Action Plan strategic actions on strengthening duty bearer capacity
* The President of Uganda should assent to the Succession Amendment Bill 2021 which was passed by Parliament in May 2021.

1. Constitutional Petition No.16 0f 2011. [↑](#footnote-ref-1)
2. Article 31 (1) of the Constitution of Uganda states that “Men and women of the age of eighteen years and above, have the right to marry and to found a family and are entitled to equal rights in marriage, during marriage and at its dissolution” [↑](#footnote-ref-2)
3. Emphasis mine. [↑](#footnote-ref-3)
4. CEDOVIP Assessment of the implementation of the DVA supra note 37 at page 62 and 63. [↑](#footnote-ref-4)
5. Mifumi (U) Ltd and 12 others v Attorney General, Kenneth Kakuru. (Constitutional Appeal No 2 of 2014.) [↑](#footnote-ref-5)
6. Local Governments (Tororo district) (Regulation of the Exchange of Bridal Gifts) Ordinance, 2009. [↑](#footnote-ref-6)
7. WDG comprises of four national women’s rights organizations including Action for Development, Center for Women in Governance, Forum for Women in Democracy, Uganda Women’s Network and Women’s Democracy Network-Uganda Chapter [↑](#footnote-ref-7)
8. Women’s Democracy Network-Uganda Chapter Final report on the 2021 Presidential, Parliamentary and Local Council Elections in Uganda, May 2021 [↑](#footnote-ref-8)
9. data.ipu.org [↑](#footnote-ref-9)
10. Alliance for Finance Monitoring (ACFIM), 2019, Unregulated Campaign Spending and its Impact on Electoral Participants in Uganda. [↑](#footnote-ref-10)
11. Josephine Tumwesige (May 2020) [↑](#footnote-ref-11)
12. The Visitation Committee on Makerere University in 2017 reported a 9.2% (3,412) enrolment rate of female students in STEM. Generally, enrolment of female students in non-STEM disciplines was four times more than the enrolment in STEM disciplines at the university. [↑](#footnote-ref-12)
13. The STEM disparity in educational enrolment manifests at the professional level through the corresponding female professional registration numbers, as at June 2018, with the Uganda Medical and Dental Practitioners Council (29%), the Uganda Institution of Professional Engineers (16%), the Pharmaceutical Society of Uganda (31%) and the Registered and Practising Architects (24%), among others. [↑](#footnote-ref-13)
14. Winne Watera: Youth for Policy Perspectives; Improving Female Students’ Enrolment in Stem Demands Policies that Align the Social and Technical Aspects of the Problem. November 2018.

    https://youth4policy.org/wp-content/uploads/2019/02/Winnie-Watera-YOUTH-FOR-POLICY-PERSPECTIVES.pdf [↑](#footnote-ref-14)
15. Mama Kit is a set of materials given to a mother to be utilized during the delivery process. The contents include sterile gloves, surgical blades, gauze, cotton, polyethene papers, ligatures, and baby soap. [↑](#endnote-ref-1)
16. UWONET Gender Assessment Survey, 2018 [↑](#footnote-ref-15)
17. Ibid 58 [↑](#footnote-ref-16)
18. Ibid 58 [↑](#footnote-ref-17)
19. Ibid 58 [↑](#footnote-ref-18)
20. Ibid 58 [↑](#footnote-ref-19)
21. Ibid 58 [↑](#footnote-ref-20)
22. Ibid 58 [↑](#footnote-ref-21)
23. [↑](#endnote-ref-2)
24. UDHS 2016 [↑](#footnote-ref-22)
25. Ibid, USAID [↑](#footnote-ref-23)
26. “Analysis of Status of Financial Inclusion for Women and Youth in Uganda, 2018”, Financial Sector Deepening (FSDUganda). [↑](#footnote-ref-24)
27. Ibid [↑](#footnote-ref-25)
28. <http://ylp.mglsd.go.ug/blog/over-ushs3bn-released-to-youth.html> [↑](#footnote-ref-26)
29. [https://nebbi.go.ug/women-entrepreneurship-programme/](about:blank) [↑](#footnote-ref-27)
30. Sections 38A and 39 Land Act (Amendment) Act 2004; [↑](#footnote-ref-28)
31. In accordance with Articles 21 and 33 of the Constitution. [↑](#footnote-ref-29)