AFRICA FOR WOMEN'S RIGHTS
RATIFY & RESPECT!

UGANDA

Women's rights protection instruments ratified by Uganda:

- **CEDAW:** ratified in 1985
- **CEDAW Protocol:** not ratified
- **Maputo Protocol:** signed in 2003

Ratify! Although Uganda ratified the Convention on Elimination of all forms of Discrimination Against Women (CEDAW) in 1985, it is yet to ratify its Optional Protocol and has not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

Respect! The Coalition of the Campaign is particularly concerned about the following continued violations of women's human rights in Uganda: persistent discriminatory laws and customs; physical violence; unequal access to property; and limited access to justice.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The adoption of the Female Genital Mutilation Act in December 2009, which criminalises female circumcision. The Act is expected to come into force in 2010.
- The adoption of the Domestic Violence Act in November 2009, criminalising domestic violence.
- The adoption of the Anti-Trafficking in Persons Act in 2008, which prescribes penalties from 15-years to life imprisonment.
- The launch by the government in November 2009 of a Road Map aimed at reducing maternal mortality, however, this campaign is silent on unsafe abortions.

/ But discrimination and violence persist

IN LAW

In Uganda statutory law is applied alongside customary and religious laws. While the Constitution of 1995 provides for equal rights between men and women (article 33) and holds laws and customs that violate the constitutional guarantees on equality to be void (Article 33(6)); discriminatory statutory, customary and religious laws remain in force.

Discriminatory **statutory laws** include:
Property: According to the Succession Act, property is apportioned among the deceased's family members according to fixed proportions and widows stand to inherit 15%. If there is more than one wife, the property is shared.
Under Section 27 of the Succession Act, girls cannot inherit their father's property. FIDA-U and other women's rights organisations successfully petitioned the

Constitutional Court to declare this provision unconstitutional, however, the Attorney General has yet to reform the Succession Act to address this issue.

Most areas of family law are currently regulated by discriminatory **customary and religious laws**, for example:
Marriage and divorce: Although under statutory law, the minimum legal age of marriage is 18 years for both men and women, according to customary law marriages are frequently arranged for minors, especially in rural areas. In 2004, it was estimated that 32% of girls between 15 and 19 years of age were married, divorced or widowed.
Polygamy is authorised under customary and Islamic law and women in polygamous relationships have no protection in the event of dissolution of the union.
In some ethnic groups, custom also provides for men to "inherit" the widows of their deceased brothers (levirat).
Custody of children: Although the Status of Children Act 1996 provides that both parents are responsible for supporting children, under customary law men have sole parental authority.

A draft marriage and divorce law was presented to Parliament at the end of 2009. The draft law grants women the right to divorce spouses for cruelty, the right to choose their spouse and prohibits the practice of levirat. It also provides for equal division of property and finances in the event of divorce. However, the draft does not prohibit polygamy nor does it prohibit the "bride price" but only provides for it to be non-refundable.
The proposed law would govern Christian, Hindu, and traditional marriages but not Muslim marriages. Thus many women in Uganda – where an estimated 12% of the population are Muslims – would be excluded from its application.

Property: According to customary law, women do not have the right to own or inherit property.

IN PRACTICE

Although several laws have recently been enacted to improve the situation of women, their implementation is hindered by traditions and deeply entrenched patriarchal attitudes, especially in rural areas. Years of armed conflict in the northern parts of the country have also contributed to massive violations of women's human rights.

• Violence

There is widespread violence against women in Uganda and perpetrators benefit from generalised impunity, in part due to widespread social attitudes condoning such violence. Law enforcement officials rarely intervene in cases of domestic violence and wife beating is viewed as a husband's prerogative.
Rape is a serious problem in Uganda. Indeed, most rape cases are unreported and most recorded complaints are not investigated. In 2008, of the 477 rapes that police recorded, 115 were taken to court; there were no convictions. Rape was widely used as a weapon of war during the civil war since 1986. An undetermined number of women and girls were victims of abduction, rape and sexual slavery, perpetrated by rebel forces and the Ugandan People's Defense Force (UPDF).

Female genital mutilation (FGM) remains a common practice within the Sabiny Tribe, in the Kapchorwa district in the East and the Pokot ethnic group along the north-eastern border.

• Obstacles to access to education

Girls and boys have equal access to education in law, and they are represented almost equally in lower grades; however, the proportion of girls in higher school grades remains low, partly due to the fact that families traditionally favor boys when

The Coalition of the Campaign calls on the authorities of Uganda to:

– **Reform or abolish all discriminatory laws**, in conformity with CEDAW.

– **Take all necessary measures to enforce constitutional provisions rendering void discriminatory laws and customs**, including implementation of campaigns to raise awareness of community and religious leaders on women's rights.

– **Ensure the full implementation of the Domestic Violence Act 2009 and the Female Genital Mutilation Act 2009**, including by ensuring that victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished; implementing training for law enforcement personnel, the judiciary and health workers; implementing public awareness campaigns and adopting a zero tolerance policy on all forms of violence against women.

– **Eliminate all forms of discrimination with respect to the ownership, co-sharing and inheritance of land**.

– **Increase women's access to education**, including by expanding free education and addressing socio-economic and cultural factors that impede access to education.

– **Take all necessary measures to ensure women's access to justice**, including by ensuring that women are aware of their rights and of mechanisms of access to justice; and providing access to free legal representation.

– **Strengthen efforts to address stereotypical attitudes about the roles and responsibilities of women and men**, including educational measures, awareness-raising and public education campaigns directed at women and men.

– **Include women, from all ethnic groups, in national reconciliation and peace building initiatives**, in accordance with UN Resolutions 1325 and 1820, and ensure that such initiatives include measures of accountability, redress and rehabilitation for women and girls who have been victims of violations.

– **Ratify the Maputo Protocol and the Optional Protocol to CEDAW**.

– **Implement all recommendations issued by the CEDAW Committee**, in August 2002

financially supporting their education. Parents' inability to afford schooling correlates highly with the occurrence of child labor in rural areas. According to estimates in 2007, only 66 percent of females are literate compared with 82 percent of males. The drop-out rate of girls is higher due to other factors e.g. access to sanitary facilities, school-feeding, etc.

• Obstacles to access to property

Although there are no laws preventing women from owning land in Uganda, the custom of male inheritance has resulted in the vast majority of women being excluded from land ownership. Whilst women do most of the agricultural work, it is estimated that they own only 7 percent of agricultural land. To counter this trend and curb the widespread dispossession of wives and widows, activists have campaigned for reforms to Uganda's property laws to provide for spouses to be deemed co-owners of "family land," ie. land on which the married couple lives and depends.

• Obstacles to access to justice

Ugandan women do not have adequate access to justice to claim, in particular as a result of inadequate information on their rights and laws protecting them, social pressure, cost of procedures and lack of training of law enforcement personnel trained on women's rights.

PRINCIPAL SOURCES

– Focal Points: FHRI, FIDA-U
– Recommendations of the CEDAW Committee, August 2002
– AFROL, Gender profile, www.afrol.com
– Inter Parliamentary Union, www.ipu.org
– Wikigender, www.wikigender.org

For more information on women's rights and the actions of the campaign in Uganda, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN UGANDA

Foundation for Human Rights Initiative (FHRI)

FHRI is an independent, non-partisan human rights NGO established in 1991. FHRI conducts human rights monitoring, promotes access to justice for poor and vulnerable groups and raises awareness. FHRI's main activities on women's rights include: promoting access to justice; providing pro-bono legal assistance to women victims of violations; and raising awareness on domestic violence and women's rights.
www.fhri.or.ug

Association of Women Lawyers in Uganda (FIDA-U)

FIDA-U is an independent, non-partisan, non-profit making civil society organization, composed of Ugandan women lawyers, which aims to achieve observance of the law, human rights and gender equality.
www.fidauganda.org