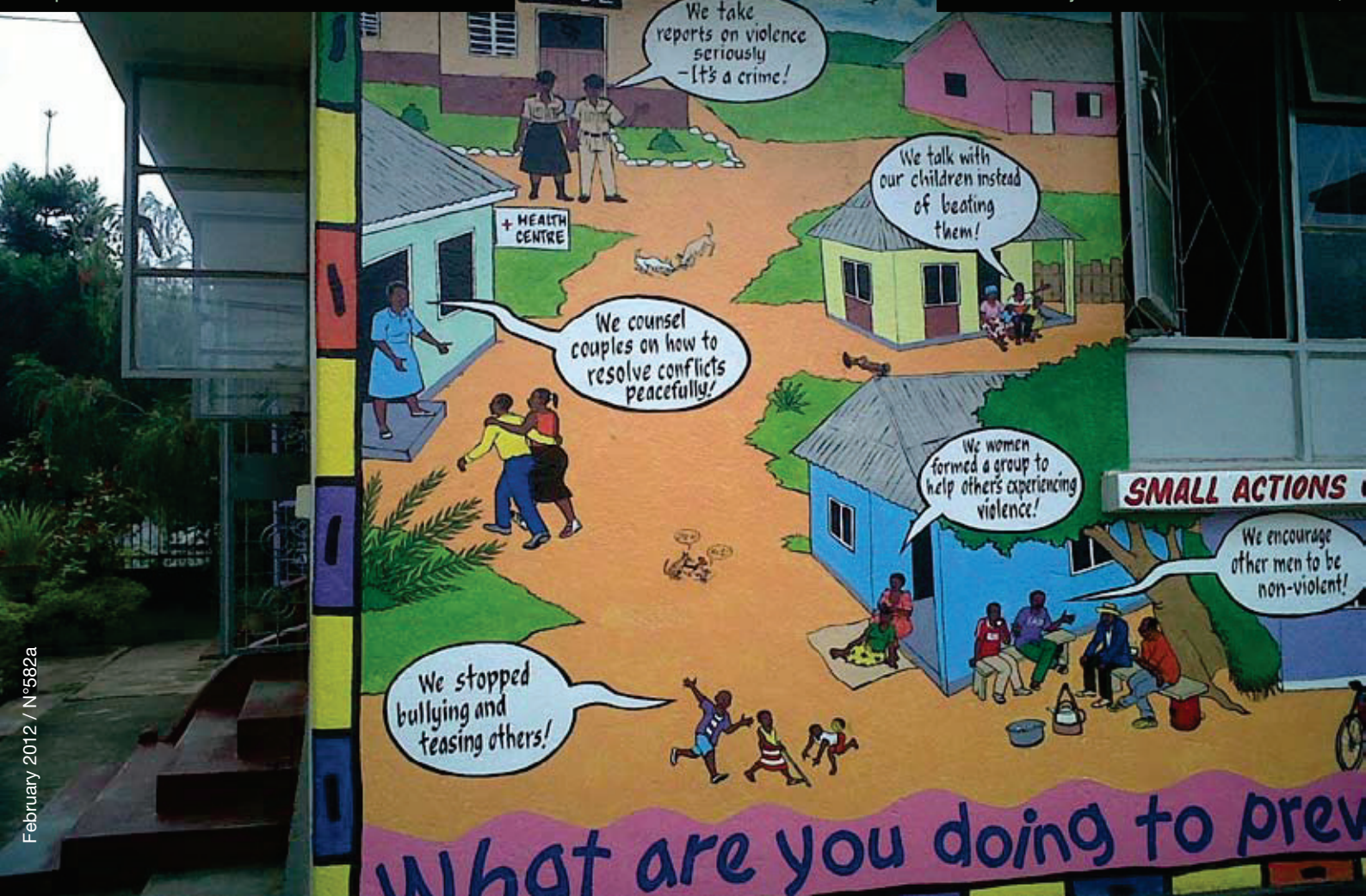


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WOMEN'S RIGHTS IN UGANDA: GAPS BETWEEN POLICY AND PRACTICE

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Article 3: Everyone has the right to life, liberty and security of person. Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 5: No one shall be subjected to torture or to cruel,



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Summary

While there have been some positive recent steps to fight violence against women in Uganda, in particular the adoption of laws criminalising female genital mutilation and sanctioning domestic violence, measures necessary to ensure their implementation are lacking, whilst other much needed reforms of discriminatory laws have stalled.

Reform of discriminatory laws stalled

As of January 2012, the adoption of legislation to regulate marriage and divorce, has been pending for over 14 years. In the absence of such a law, protection is piecemeal and fractured and significant gaps exist.

For example, although the Ugandan Constitution provides that the minimum legal age for marriage for both men and women is fixed at 18 years, according to customary laws marriages are frequently arranged for minors, especially in rural areas. Furthermore, polygamy is authorised under customary and Islamic laws 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*), which is not prohibited by law.

The **Marriage and Divorce Bill**, which should come back before parliament in 2012, fixes the minimum legal age for marriage for both sexes at 18, grants women the right to choose their spouse and the right to divorce spouses for cruelty and prohibits the practice of “widow inheritance”. It also defines matrimonial property, provides for equitable distribution of property in case of divorce and recognises some property rights for partners that cohabit. However, the Bill does not apply to Muslim marriages, nor does it prohibit polygamy or payment of the “bride price”.

A draft law sanctioning sexual violence, the **Sexual Offences Bill**, is also awaiting adoption, while reforms to discriminatory provisions of the **Succession Act**, preventing women from receiving inheritance, have not yet been submitted to parliament.

Violence against women persists

Two major pieces of legislation came into force in 2010: The **Domestic Violence Act** and the **Prohibition of Female Genital Mutilation Act**. However, implementation of these laws remains limited. Some significant pre-existing difficulties preventing access to justice for women victims of violence have not been addressed, such as the costs associated with the complaint process. Other obstacles to implementation include the adoption of required implementing regulations and the allocation of an adequate budget.

Since the entry into force of the Prohibition of Female Genital Mutilation Act, de-localization of the practice across the Kenyan border has developed, while other harmful traditional practices in Uganda remain prevalent, including early and forced marriage, abduction of girls, “widow inheritance” and “wife sharing”. A concerted government strategy towards eliminating these practices is required.

Inadequate access to education and health services

There remain serious obstacles to access to education and health services for women and girls in Uganda. In rural areas, girls often start schooling at an already advanced age, in part due to risks associated with walking long distances to school. Girls also have higher drop-out rates, in part due to early marriage and pregnancy.

Maternal mortality remains very high. In 2011, according to the Coalition to stop maternal mortality in Uganda, 16 women died every day of preventable death in childbirth. Clandestine abortions are a major cause. The level of access to family planning services and contraception remains very low.

Economic dependency

The links between persistent violence and discrimination against women and lack of economic empowerment are underlined in the Uganda National Development Plan. Yet, thus far, insufficient measures have been taken to address these issues. In particular, women continue to face severe legal and cultural obstacles to ownership of property, including land and inheritance.

At the conclusion of this report, FIDH and FHRI present a series of recommendations aimed at addressing these gaps and increasing protection for women's human rights in Uganda.

1. Introduction

1.1 Background to and objectives of the FIDH/FHRI fact-finding mission

This report is part of the campaign, “Africa for women’s rights: ratify and respect” launched by FIDH and its regional and national partners in 2009.

In 2010, on International Women’s Day, the campaign released the Dossier of Claims, containing key recommendations on fighting discrimination and improving respect for women’s rights in over 30 countries.¹ The chapter on Uganda² was researched and written in collaboration with the Foundation for Human Rights Initiative (FHRI) and the Ugandan Association of Women Lawyers (FIDA-Uganda), partners in the campaign. In October 2010, this report was submitted to the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW Committee) in preparation for its examination of women’s rights in Uganda. The recommendations addressed by the CEDAW Committee to the Ugandan government took up the large majority of the concerns and recommendations raised.³ The Committee also required the Ugandan government to submit a mid-term follow-up report by November 2012, relating to two key areas: enactment of core legislation and progress made towards access to education for women and girls.

In this report, FIDH and FHRI assess measures taken to implement the CEDAW Committee recommendations. The report is based on information gathered through interviews with women, NGOs, governmental officials and international organizations during a fact-finding mission in November and December 2011 (see Appendix 1 for the full list of persons interviewed by the mission delegation).

The mission delegation was composed of Fanny Benedetti, expert human rights and gender and Helen Kijo-Bisimba, Executive Director of the Legal and Human Rights Centre, Tanzania, with the participation of representatives of FHRI, in particular Sheila Nabachwa, Executive Director, Josephine Kankunda, Senior Researcher and George Musisi, Legal Officer. FIDH and FHRI thank all those who met with the delegation.

1.2 Overview of the general legal framework on women’s rights

1.2.1 International and regional legal framework

Uganda ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1985, without reservations. Uganda has also ratified several other United Nations human rights conventions relevant to the rights of women, including the International Covenant on Economic, Social and Cultural Rights in 1987 and the International Covenant on

1. Africa for women’s rights: ratify and respect!, Dossier of claims, March 2010.

2. Africa for women’s rights: ratify and respect!, Dossier of claims: Uganda, March 2010.

3. CEDAW Committee, Concluding observations on Uganda, 5 November 2010. In October 2011, FHRI participated in the UPR session on Uganda at the Human Rights Council, ensuring that major issues on women’s rights were taken up by Member States and addressed to the Ugandan government. See, Report of the UPR Working Group, 22 December 2011.

Civil and Political Rights in 1995, the Convention Against Torture in 1986 and the Convention on the Rights of the Child in 1990.

Uganda has not yet ratified the Optional Protocol to CEDAW.

Uganda has also ratified the African Charter on Human and Peoples' Rights (ACHPR) and, in July 2010, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). Uganda is also a signatory to the African Union Solemn Declaration on Gender Equality in Africa.

1.2.2 National legal framework on women's rights

1.2.2.1 The Constitution

The Constitution of Uganda of 1995 contains several provisions on the principle of non-discrimination and equal rights of women and men. Under Article 21, "All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law... [A] person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability."

The Constitution sets the minimum age for marriage at 18 and specifies that "men and women are entitled to equal rights in marriage, during marriage and at its dissolution" (Article 31). Article 33, entitled *Rights of women*, provides that "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"; "Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities"; and "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". This article also provides for special measures to increase women's representation in public life: "women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom".

1.2.2.2 Statutory, customary and religious laws

In Uganda, statutory law is applied alongside customary and religious laws. Despite the provisions of the Constitution, discriminatory statutory, customary and religious laws remain in force, in particular in the areas of family law and property law.

Reforming discriminatory legislation: roles and responsibilities

Responsibility for eliminating law that discriminates against women is shared by the Ugandan Law Reform Commission (ULRC), Parliament and the executive branch of government.

The ULRC is a central institution in the planning, preparation and presentation of new Bills. Established as a department of the Ministry of Justice in 1975, the Commission became an autonomous statutory body in 1990 and in 1995 became a constitutional institution. The Commission has a wide-ranging mandate to review and update laws "in line with social, cultural and economic needs and values of the People of Uganda". Although an autonomous body, it depends on the Attorney General's consent or initiative for the conduct of most of its mandate. It plays a specific role in relation to implementing CEDAW recommendations on discriminatory legislation, and keeps track of the Ugandan government initiatives in this regard (see Appendix 2, *Ugandan Law Reform Commission Matrix*).

NGOs have taken a lead role in advocating for legal reform to increase protection for women's

rights. Undeniably, the passing of the Domestic Violence Bill by the former parliament in November 2009 was a civil society advocacy achievement, as is keeping important pieces of legislation, such as the Marriage and Divorce Bill and the Sexual Offences Bill, on Parliament's agenda.

The role of the Constitutional Court

Use of strategic litigation by NGOs assisted by private lawyers is a strong advocacy tool in Uganda. Several landmark constitutional cases have recently been decided and others are pending.

FIDA-U and the organisation Law and Advocacy for Women in Uganda have initiated several cases before the Constitutional Court, successfully challenging discriminatory provisions of the Succession Act,⁴ as well as discriminatory provisions of the Divorce Act concerning the grounds for divorce (see *infra*).⁵

In 2007, the Constitutional Court declared a provision of the Penal Code Act,⁶ concerning the crime of adultery, to be unconstitutional. The provision makes it lawful for a married man to have an affair with an unmarried woman but unlawful for a married woman to have an affair with an unmarried man.

Yet, decisions by the supreme jurisdiction, although legally binding on lower courts, are not necessarily applied in practice, in the absence of law reforms implementing such decisions. The decisions concerning the Divorce Act and the Penal Code Act, are still awaiting law reform to give them full effect. However, on the basis of the decision on the Succession Act in 2006, the Law Reform Commission has recently been directed by the line Ministry (the Ministry of Justice) to work on revising legislation.

Most recently, in 2011, a well organized and active coalition of NGOs introduced a constitutional claim⁷ on behalf of two women who died in childbirth, which made international headlines (see Appendix 3: Coalition to Stop Maternal Mortality in Uganda). The petition argues that non-provision by the government of essential services for pregnant women and their newborn babies violates the fundamental obligation to uphold the Constitution and defend, protect and promote the right to health and the right to life. The decision in this case is pending.

Strategic litigation can lead to effective incentives towards swifter legal reform on key issues pertaining to women's equal rights before the law. It is already envisioned by lawyers and activists as a way to challenge a future Muslim Marriage law (see *infra*), if its provisions do not respect the rights enshrined in the Constitution.

The role of the Human Rights Commission

Provided for under the Constitution, the Ugandan Human Rights Commission (UHRC) was established under the UHRC Act of 1997. It has wide ranging powers, including quasi-judicial and investigative powers and a record of independence from executive power. The UHRC contributed to the government submission to the CEDAW committee in 2010 and is now involved in the dissemination and implementation of the concluding observations. It will play an advisory role in a scheduled mid-term review of CEDAW implementation in January 2012.

4. Law and Advocacy for Women in Uganda v Attorney General (2006)

5. Ugandan Association of Women Lawyers (FIDA-U) v Attorney General (2003)

6. Section 154 of the Penal Code Act.

7. Constitutional Court Petition Number 16 of 2011

The vast majority of cases brought by women to the UHRC relate to child maintenance. Only a very limited number of complaints deal with violations of women's rights, such as domestic violence and land tenure cases. The Commission refers the majority of these cases to the NGO FIDA-U, to the police or to the Children's Court. The Commission is constrained in its action in favour of women's rights, as a result of several factors: a very broad mandate; limited funding; staffing constraints; as well as the prevalence of discriminatory traditions and customs, which require long-term human rights education and awareness-raising to reform.

The role of the Equal Opportunities Commission

The Equal Opportunities Commission (EOC), provided for under article 32 of the Ugandan Constitution, was established in 2007 and has only been operational since mid 2010. It is composed of five members representing different constituencies (youth, elderly, persons with disabilities, women). The commission has a wide mandate and range of powers, including: conducting investigations, on its own initiative or on receipt of a complaint; educational campaigns; research; issuing recommendations; contributing to legislative processes; preparing and publishing guidelines for implementation of equal opportunities; monitoring compliance with international instruments; settling disputes; and hearing and determining complaints.

The EOC has set itself a number of priorities, such as the translation of its mandate in simple terms for dissemination; a mapping of the Ugandan legal framework in terms of equal opportunities and non-discrimination; research and data collection and the setting up of a complaint mechanism (for which it was in the process of writing rules of procedure). This mechanism would have the power to settle issues through mediation or settlement, order fines or even sentences of imprisonment in instances within the mandate of the Commission.

However, at the end of 2011, it lacked staff, with only the five commissioners and a couple of support staff. In order to develop the complaint mechanism, the EOC intends to rely on existing government staff at regional level, including in particular, community service officers and it will share office space with the UHRC. In the meantime the EOC has sent the first complaints that it has received to the UHRC.

In the short-term, the EOC needs to pursue a realistic set of concrete objectives, leaving other areas of its mandate for medium and longer term. In this regard, the June 2009 Action plan is obsolete and requires updating. The overlapping mandates of the UHRC (in existence for over 13 years) and the EOC, call for very close cooperation, coordination, as well as shared resources (including office space outside Kampala).

2. Discriminatory family laws: towards the adoption of the Marriage and Divorce Bill?

Under current legislation, which is fractured and piecemeal⁸, there are no essential requirements common to all marriages, whether civil, religious or customary, leaving significant gaps in protection. For example, although the Ugandan Constitution provides that the minimum legal age for marriage for both men and women is fixed at 18 years, according to customary laws marriages are frequently arranged for minors, especially in rural areas. Furthermore, polygamy is authorised under customary and Islamic laws 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*), which is not prohibited by law.

Under the Divorce Act, stricter evidentiary requirements apply to women than those that apply to men; women are required to show not only that their husbands committed adultery, but also provide evidence for additional grounds for divorce such as bigamy, sodomy, rape and desertion. This provision has been declared unconstitutional by the Constitutional Court (see *supra*), but the law has not been reformed. Concerning custody of children, although the Status of Children Act 1996 provides that both parents are responsible for their children, under customary and religious laws men have sole parental authority.

2.1 The Marriage and Divorce Bill

The main purpose of the Marriage and Divorce Bill is to bring existing legislation relating to marriage, separation and divorce into compliance with Article 31 (1) of the Constitution of Uganda, which provides that men and women are entitled to equal rights in matters relating to marriage and its dissolution, and with Uganda’s international obligations.⁹ The Marriage and Divorce Bill has been on the table for over 14 years, yet despite strong advocacy campaigns led by human rights and women’s rights NGOs, the bill is yet to be adopted by parliament.

The Marriage and Divorce Bill does not introduce entirely new concepts to those included in existing Marriage and Divorce laws. However, it sets minimum standards for all regimes of marriage provided for under the law, supplemented by separate provisions governing the conclusion of Christian, Hindu, Customary and Bahai marriages. The draft law includes a number

8. Existing family laws include : the Marriage Act, Cap 251 ; the Marriage of Africans Act, Cap 252; the Divorce Act, Cap 250; Marriage and Divorce of Mohammedans Act, Cap; Hindu Marriage and Divorce Act, Cap 250; Customary Marriage (registration) Act, Cap 248.

9. Myths and facts on the Marriage and Divorce Bill, a publication of Uganda Women’s Network (UWONET), May 2010.

of provisions that would significantly increase protection for women's rights in accordance with Uganda's international obligations.

2.2 Twists and turns in the passage of the bill

In 2009, a "Domestic Relations Bill" was presented to parliament. After protests from some groups within the Muslim community, which opposed provisions they considered to be contrary to Sharia law, including the prohibition of polygamy, the Domestic Relations Bill was withdrawn from parliament and the text was divided into three separated Bills.

The first part, dealing with domestic violence, was eventually adopted as the Domestic Violence Act, in 2010 (see *infra*). The second part, the current Marriage and Divorce Bill, was scheduled to undergo two parliamentary readings in the last parliament. However, the second reading was cancelled for lack of quorum. It is now on the list of 23 Bills that have been sent to the new parliament for consideration. This version of the Bill does not apply to Muslim marriages. The adoption of third separate law, the Administration of Muslim Personal Law, has been put aside for later agreement.

2.3 Increased protection but some significant gaps

The Marriage and Divorce Bill fixes the minimum legal age for marriage for both sexes at 18, grants women the right to choose their spouse and the right to divorce spouses for cruelty and prohibits the practice of "widow inheritance". It also defines matrimonial property, provides for equitable distribution of property in case of divorce and recognises some property rights for partners that cohabit.

However, the draft does not prohibit polygamy. Nor does it prohibit the practice of paying a dowry or "bride price", although it does provide that such payments are non-refundable. These two provisions were seen as a bargaining chip by proponents of the bill to strike a compromise on the rest.

Some of the main advances also constitute the main points of contention:

- **The ownership and division of property:** The law defines marital property and the rules applying to the ownership of property acquired during marriage, including the notion of spousal contribution towards improvement of matrimonial property. These provisions are aimed at entitling women to their fair share of property in marriage and upon divorce. They have been criticized by some opponents to the bill, including some parliamentarians and religious leaders, as "unbalanced, favouring women", and "encouraging women to be hostile towards men and accumulate wealth".
- **Cohabitation:** Through this provision, the draft law aims to provide some protection to couples who cohabit without being married, representing the majority of Ugandan couples. The draft law provides for the possibility to enter into an oral or written agreement relating to property. This provision only relates to cohabitation and does not apply to married couples. However, this point is unclear to many, including within the NGO community. The law is perceived by many, including some faith-based leaders, to be promoting cohabitation versus marriage, or as recognising cohabitation as a form of marriage.
- **Marriage gift or dowry:** (still commonly called 'bridal price'). The draft law does not prohibit the marriage gift or dowry but provides that it is non-refundable. This

is seen as key to breaking the financial constraints that often prevent a woman from being able to separate or divorce her husband. The term proposed by the Bill, ‘marriage gift’ is problematic to some, including members of Parliament, who have difficulties abandoning the commonly used term ‘bridal price’.

As the draft law does not apply to Muslim marriages, many women in Uganda - where an estimated 12% of the population are Muslims - are excluded from its application, unless they decide at the time of marriage that the law will apply to them, by contracting a civil marriage. It is concerning that Muslim women will not receive the same protections of their rights. The creation of different laws for different groups violates international human rights norms and international law and in particular the principle of non-discrimination, which is also enshrined in the Ugandan Constitution. The obligation on states to protect women from discrimination applies to all women, irrespective of their religion.

2.4 Strategies towards adoption of the Bill

“Women NGOs are very active and I am confident that Parliament will enact the Marriage and Divorce Bill during current legislature. However, awareness raising still needs to happen at the local level”.

Hon. Syda Bbumba, Minister for Gender Equality and Labour

Several persons interviewed by the FIDH/FHRI mission, including the Minister for Gender Equality and Labour, Hon. Syda Bbumba, and members of the Law Reform Commission, considered that the Bill still needed to gather sufficient support from religious leaders and at community levels. The Minister for Gender Equality and Labour considered that, before further consideration of the bill, further awareness-raising actions and advocacy are required, targeting faith-based organizations and rural communities, which would serve as a basis for defending the bill before parliament.

All those interviewed admitted that, in addition to resistance from grassroots, religious and community leaders, the level of resistance among Parliamentarians themselves is strong. Some suspected that Parliamentarians resistance related to their personal situation, which they felt could be affected by the Bill, including the property and cohabitation provisions.

Other key players such as FIDA-U and Uganda Women Network (UWONET) considered that the consultative phase had been sufficient, and that the Bill should be tabled early in 2012. In particular, they felt they could rely on key support by the new female Speaker of Parliament, who had given assurances to reschedule a second reading of the Bill. In order to contribute to countering some of the negative public perception of the Bill, UWONET, a lead advocacy organization, proposes changing the name of the Bill to eliminate the reference to Divorce.

An alternative strategy, favoured by some as being more realistic, entails further ‘splitting’ the Bill. The provisions of the draft text would be adopted in the form of several independent amendments to existing legislation, including the Marriage and Divorce laws and relevant provisions of the Penal Code. However, this approach would contribute to piecemeal and fractured protection.

3. Eliminating Sexual and Gender-Based Violence

Sexual and gender based violence is widespread in Uganda. The most common type of abuse is intimate partner violence and other forms of domestic violence. According to studies, more than two thirds of women who have been in marital relationships have experienced some form of violence by an intimate partner. A study conducted by the Uganda Law Reform Commission revealed that half of the women surveyed reported experiencing violence on a daily or weekly basis.¹⁰

Yet the very notion of domestic violence is not generally recognized in Ugandan society at large. The novelty of the concept for the general population is reflected in the perception that the term “domestic violence” applies only to the most serious cases, where physical injury is both visible and grave.

Some positive steps have been taken recently to increase legal protection from violence, however further necessary legislation, the Sexual Offences Bill, remains pending and there are significant obstacles to effective implementation of new laws.

3.1 Implementation of the Domestic Violence Act

The Domestic Violence Act was adopted on 11 November 2009. It originated from the initially comprehensive “Domestic Relations Bill” which was split during the parliamentary examination process (see above p.11).

The adoption of this law was as a big step forward. The law recognizes domestic violence in all its forms (physical, economic, emotional, verbal and psychological). It categorically states that there is no excuse for domestic violence and that there can be no ‘consent’ to acts of domestic violence. The latter provision was deemed to be particularly critical given the cultural acceptance of domestic violence as part of the ‘ordinary wear and tear of marriage’.¹¹

Margaret Mutonyi, Deputy Registrar of the High Court for Family Affairs in Kampala, underlined that there is a very long way to go to raise awareness and change attitudes in this regard. It is unheard of in most communities in Uganda to report a husband to the police over domestic violence issues, let alone for the courts to issue and enforce restraining orders, particularly in rural areas where property generally belongs to men and is usually located within his family compound.

The Domestic Violence Act provides a wide range of remedies to victims, including criminal sanctions, civil remedies and compensatory provisions. The implementation system relies on

10. Information pack on the on the Domestic Violence Bill, UWONET, 2009, citing surveys conducted in 2006 and 2008.

11. Information Pack on the Domestic Violence Bill, UWONET, 2009.

dual jurisdiction by both the local authorities (Local Council Courts) and the formal courts, as formal Courts are often too remote from populations in rural areas. The local councils are also given powers to act to prevent acts of violence. Under the Act, both local councils and the formal justice system are required to act swiftly and to hear cases within 48 hours. The Act also entitles the formal judges to issue protection orders to victims.

Progress towards implementation of this relatively new legislation has been slowed down by the lack of provisions geared towards implementation of the Act. Firstly, at time of writing, the adoption of implementing regulations (certificate of implementation) was still pending, and therefore the Act was not fully in force, although assurances were given to the FIDH/ FHRI delegation that work towards drafting these regulations was in progress. The Act was also passed without a budget attached to it, and consequently there is currently no strategy for implementation of the provisions for example on shelters, or necessary training and awareness raising schemes. This, say NGOs, made the passage of the law possible at the time; addressing budgetary implications at the same time would have most certainly killed the Bill. The budgetary implications are now being identified and plans are being made to present them for adoption in the coming year.

In the meantime, some steps towards implementation have been taken by civil society organisations. NGOs (UWONET, CEDOVIP) have started piloting implementation of the law in several districts. They have identified the following priority areas for implementation:

- Adoption by government of a training scheme for actors in the justice and law sector.
- Review of the Local Council Act to include the duties under the law as part of their mandate. Provision of training to local authorities on their new duties under the Law.
- Launch of a media awareness raising campaign on the Law, including air-time for NGOs.
- Include awareness raising/training module on the Law in police standard Curriculum, and specialized training for community services officers.
- Improve Ministry of Health/NGO cooperation with a view to enhancing the capacity of health professionals under the law.

Some progress towards implementation had been achieved by government and NGOs working in partnership with the central police authorities, which has led to the establishment of a dedicated Women and Children Unit within the police department. Although these efforts have been primarily conducted at national/ central level, they are aimed at achieving increased police capacity on the ground. The willingness of the central police authorities to take measures to increase its response capacity to domestic violence was seen as a very positive step.

Yet, gaps in the Act are already apparent. Some significant pre-existing difficulties preventing access to justice for women who have been subjected to violence have not been addressed, such as the costs associated with the complaint process, including in particular medical examination fees.¹² A medical certificate is admitted as evidence only through the Police Form 3 (PF3), which is not readily accessible to all victims.¹³ In addition, the PF3 form has yet to be amended to reflect provisions under the new law. The Local Council Mandate also requires amendment so that it can fulfil new responsibilities under the law.

12. Amnesty International, *"I can't afford justice", Violence against women in Uganda unchecked and unpunished*, 2010.

13. Amnesty international, *I can't afford Justice, Violence against women in Uganda unchecked and unpunished*, at 44-45.

Structural weaknesses within the health sector and lack of human resources make it difficult for it to fulfil the requirement under the law that only a government approved medical doctor (or police sergeant) is entitled to deliver a medical certificate or to testify in Court. Medical doctors are a rarity in rural and urban Uganda and they have so far generally been unprepared and unforthcoming to fulfil their new additional duties as expert witnesses before the Courts.¹⁴ Although the Ministry of Health of Uganda had been developing a manual for doctors designed to better explain their role and responsibility in dealing with domestic violence cases, the Ministry's representative underlined that requirements under the Law, especially doctors' appearance at trial, are 'very demanding, and 'constitute an additional duty most doctors aren't prepared to fulfil'.

Women face additional barriers in seeking access to justice, including, awareness, stigmatization, and the lack of interest and responsiveness of mostly male police and judicial officials. Several of the women's rights NGOs met by the mission delegation in Lira, Northern Uganda, were unaware that the law had been adopted. They also cited police inaction, the distance and cost of travel to police stations and courts, lack of confidence in the justice system, delays and corruption as obstacles to making complaints. At the local council level, leaders try to reconcile parties to avoid them going to court.

Access to justice for victims of violence is further complicated by a general lack of appropriate and effective referral and legal support systems. Since 2008, the Ugandan Government has been responsible for accrediting, monitoring and inspecting legal service providers, yet legal aid continues to depend almost entirely on donor funded programs, and therefore remains to be established in a sustainable form.¹⁵ Women make up the majority of clients of non-governmental legal service providers (LSPs). However, criminal complaints, including sexual and domestic violence cases, represent a small minority of cases referred. Over 90% of the caseload referred by women to LSPs involves maintenance claims, land disputes and succession matters.

A donor-funded initiative has established a one-stop structure for free legal aid, the "Justice Centers", in Lira (North) and Tororo (East), with a coordination structure in Kampala. These Centers aim to progressively shift responsibility for legal aid provision to government. However, representatives of the community development office in Lira underlined that the approach was not holistic, preventing many victims of violence from accessing the Justice Center. They particularly pointed to the lack of shelters for women victims of violence who require refuge from the abuser.

According to UWONET, one of the main challenges regarding implementation will be the ability of service providers to deal with the issue in a holistic manner, addressing all dimensions of the problem, including the issue of women's economic dependency, empowerment and self-esteem. Most stakeholders interviewed including NGOs (CEDOVIP, FIDA-U), the Deputy Registrar for Family Affairs of the High Court and parliamentarians, highlighted the link between economic empowerment and tackling all forms of sexual and gender-based violence and domestic violence in particular. According to the Deputy Registrar for Family Affairs of the High Court, Margaret Mutonyi, in many cases a woman is forced to give up custody of her children upon divorce for economic reasons, a cruel consequence of their economic dependency on men. A government effort on economic empowerment schemes for women is deemed essential. A recently adopted 'Skills Training for Youth Bill', with a budget of 4 Billion

14. Ibid at 17. Only 3 or 4 police doctors were serving 1, 54 million persons in Kampala in 2008, according to the Uganda Bureau of Statistics, cited by Amnesty International, at 44-45.

15. Governance for development, five years support to democracy, human rights, justice and peace building in Uganda, Danida, 2011.

Uganda Shillings, was identified as an example of the type of program that should be tailored to target young women and girls training needs (see further below, *Other obstacles to economic and political empowerment*).

Margaret Mutonyi anticipates that it will be difficult to monitor the implementation of the Law by the courts, since domestic violence cases rarely reach the High Court, unless they involve murder or the gravest offences under the law. In many instances, domestic violence cases resulting in the death of the victim are downgraded to manslaughter. Such decisions are often wrongly taken in the perceived ‘best interest of the child’. This, says Mutonyi, sends a terrible signal to communities and calls for increased training of the judiciary and attorneys, as well as the adoption of sentencing guidelines, for sexual and gender-based violence generally, beyond what is provided for under the Domestic Violence Act.¹⁶

Mural at CEDOVIP
headquarters in
Kampala.



3.2 Eliminating female genital mutilation and other harmful traditional practices

Since the entry into force of the Prohibition of female genital mutilation (FGM) Act in 2010, a phenomenon of de-localization of the practice across the Kenyan border from the neighbouring area of Sabina has developed or been strengthened. This practice was well known to all those interviewed. In 2011 the number of documented cases of FGM increased from 550 in 2008 to 820. In the same year, six surgeons/FGM practitioners were arrested and prosecuted under the new law. Two of them were convicted and sentenced to

community service while four were found not guilty. Several awareness raising actions conducted by the government and by NGOs, targeting concerned communities, are conducted on a regular basis, but no other interventions under the law have been pursued. According to the political leadership (both at Ministerial level and in Parliament) a dedicated cross-border program with Kenya would be required to fight the current trend. This could entail in particular establishing cross-border police patrols. However to date, such collaboration had not been initiated. Another proposed initiative, was the establishment of government incentive programs (such as scholarships, educational grants for girls) targeting communities who do not practice FGM in the concerned area.

Other harmful traditional practices in Uganda are prevalent, including early and forced marriage, abduction of girls, polygamy, “widow inheritance”, “wife sharing”, and the “bride-price”. However, recent and reliable research and figures are not readily available. A concerted government strategy towards eliminating these practices is lacking.

16. Under the Domestic Violence Act, perpetrators of domestic violence are liable to a fine of up to 960,000 Uganda Shillings or imprisonment of up to two years, or both. The court may, in addition to imposing a fine or imprisonment, order the offender to pay compensation to the victim of an amount determined by the court.

3.2.1 Eliminating harmful traditional practices in Chiboga

Interview with representatives of the Pastoral Women Alliance to Break Cultural Chains in Chiboga

Isolated from roads, services and from each other (they tend to live on isolated patches of land used for rearing cattle), representatives of this community-based organization identify the persistence of harmful traditional practices as the main obstacle to the well-being of women and children, and of their communities at large. They described these practices as culture ‘with a stick’, which pastoral men carry constantly. A stick, they said, that is designed to beat women, children and cattle alike.

They have focused advocacy on men and women, resulting in some changed attitudes. They have consciously targeted men and the elderly, who traditionally hold power and respect in the community. They have focused on raising awareness, in particular, on the consequences of the practice of ‘wife-sharing’ (a husband is entitled to ‘share’ his wife with family members or any other “guest” as he wishes) and the abduction of girls for forced marriage. The spread of HIV/AIDS has also begun to make some men aware that these practices are indeed harmful to them as well.

The women interviewed said that creating the association had empowered them as decision-makers within their own home and as citizens. It has also made it possible for them to engage with the District Police Commander (DPC) and demand that the police pursue abductors of girls and fight corruption within their forces.

Members of the Pastoral Women Alliance to Break Cultural Chains, Chiboga, explaining what they have achieved by creating the association.



3.3 Violence against women in conflict-affected areas in Northern Uganda (Lira)

Interview with representatives of the Women Peace Initiative (WOPI) in Lira

As in many post-conflict settings, gender-based violence continues to be widespread after the conflict has settled. Sexual violence and rape of women and girls is reported to be rampant and in most cases is met with impunity. Suspects are sometimes detained then released without the victim being informed.

Child pregnancies are a common as is child marriage, putting an end to education prospects and putting the girls' health at risk. "Widow inheritance" is prevalent in conflict affected areas. Those who resist tend to be forced out of their homes and to leave their children. There are also numerous reports of husbands harassing and physically assaulting their wives especially during harvest time, when men claim the proceeds acquired by the work of their wives.

A major post-conflict challenge in Northern Uganda concerns the return of women who were abducted by rebels during the conflict. These women have remained in the bush for many years and usually have children fathered by the abductors. They are often rejected by husbands, relatives, parents and the community and become destitute. Some women are too traumatised to return home or to their land. There are reported cases of women who have killed their children as a result of their trauma and lack of any option for survival. Many of those who were abducted and raped have returned with health problems such as fistula, HIV/AIDS, as well as psychological problems. There are inadequate resources to treat these women.

NGOs are involved in dialogues with clan leaders, religious leaders and police personnel to seek solutions for victims of abduction. Most cases have been dealt with through mediation and counselling. There is a general feeling that the government priority for the region is economic development, and that the focus on rehabilitation and reparation to victims has been left behind.¹⁷

17. At time of reporting, most donor-funded programs aimed at dealing with the aftermath of conflict, including reparation and rehabilitation were significantly reduced or wound-up gradually since the 2006-2008 peace accords. Support to the region is now being channelled through generic democratic governance funding or development aid.

4. Accessing basic services: education and health for women and girls in Uganda

There remain serious obstacles to access to education and health services for women and girls in Uganda. The Ugandan Human Development Index (HDI), which takes into account life expectancy, literacy and educational enrolment, among other factors, remains low. It rates Uganda 157th out of 182 countries with data. It is thus of concern that the Ugandan National Development Plan (NDP), does not prioritize the health and education sectors. Indeed, the percentage of annual budget allocated to these areas will be reduced between 2010/2011 and 2014/2015.¹⁸

4.1 Girl's education

Uganda has a Universal Primary education policy (UPE) which makes primary education free. The mid-point review report (2010) on Uganda's efforts towards attaining the MDGs considered that the country is on track to meet its 2015 targets on universal primary education. Uganda was also assessed as being on track to eliminate gender disparity in primary and secondary education levels by 2015. Gender gaps in enrolment in primary school narrowed significantly, with the proportion of girls in primary school rising to 49.8 percent in 2006 from 44.2 percent in 1990.

However, this success hides tremendously high and increasing drop-out rates, as well as poor access to schools in most rural areas. Primary education enrolment rates do not reflect the gender disparity in completion rates both at primary and secondary levels. Retention in primary school is low and reveals gender disparity, with 53 per cent of boys and 42 percent of girls completing primary school. Enrolment figures for secondary education show gender disparities, with only one third of girls continuing in school to the age of 18, compared to 50% of boys.¹⁹

A common feeling in rural communities in Uganda is that schools are simply unavailable: they are generally too distant from their communities. In rural areas, girls often start schooling at an already advanced age. Risks associated with walking long distances to school are one of the factors preventing enrolment of girls at a young age. Girls enrolling later tend not to 'fit in' and are often at increased risk of sexual harassment and pregnancy.

Civil society and local authority representatives met by the mission delegation in Lira, Northern Uganda, raised the problem of inadequate funding of the schools by the government. As a result, contrary to government policy, the Local council in Lira has begun to request contributions from

18. Health will represent 11, 8% of annual budget in 2015 against 14.6% in 2010. Education represented 6.2% in 2010 and only 5.6% in 2015. Energy and mineral development will rise from 6.7% of the expenditures to 18.9% in 2015.

19. Uganda National Development Plan, 2010/2011 – 2014/2015.

parents to school funding. According to those met, children of parents who cannot contribute have stopped going to school. If parents can afford to pay for some but not all children, priority is given to boys.

4.2 Accessing basic health services

Several measures have been taken recently aimed at improving maternal health (adoption of a Health Sector Strategic Plan and a Road-map for Reduction of Maternal and New-born Mortality and Morbidity). In November 2009 the government launched a campaign to promote family planning and the use of contraceptives among women, with the aim of reducing abortions and thereby reducing maternal mortality, although the campaign was silent on unsafe abortions.

The mid-point review report (2010) on Uganda's efforts towards attaining the MDGs considered that the country is far from reaching goals on reducing maternal mortality. In the last 15 years, there has not been any significant decline in maternal deaths. Only a slight reduction from 505 to 435 deaths per 100,000 live births has been registered, according to the results of the 2006 Uganda Demographic Health Survey conducted by the Uganda National Bureau of Statistics (UNBS). To meet its target under the MDGs, Uganda needs to reduce its mortality rate from 435 to 131 deaths per 100,000 live births by 2015.

In 2011, according to the Coalition to stop maternal mortality in Uganda, 16 women died every day of preventable death in childbirth. Clandestine abortions are a major cause. The level of access to family planning services and contraception remain very low and the effects of the government campaign are yet to be seen on the ground. According to government data, unmet demand for family planning services was estimated at 41%, and the contraceptive prevalence rate was 24%, with 25% of adolescents being pregnant before age 19.²⁰ The Uganda National Development Plan²¹ also points to traditional harmful practices, such as early marriage, as partly responsible for the country's high maternal mortality rate. In October 2010, the CEDAW Committee stated its concern "at the very high number of teenage pregnancies [and] women's limited access to quality reproductive and sexual health services, especially in rural areas."

At the time of writing, almost daily accounts of suspected malpractice or other maternal mortality cases involving denial to basic services in childbirth were reported in the media. The high profile and internationally reported constitutional case on maternal health has also helped galvanize attention on this issue (see *infra*). Specialized NGOs point at the poor governance of the health sector at district level (responsible for health centres) as a major cause for deficiencies.

Measures designed to improve basic health services delivery, including maternal health, are under-way according to the Ministry of Health. These efforts are designed to help health centres better administer and manage their stock of basic supplies, in reaction to widespread cases of expecting women being asked to pay for or provide themselves with basic supplies, such as plastic gloves, cotton, paper sheeting etc. In addition a reporting framework is being developed to monitor maternal and infant mortality, and increase accountability of all health workers. However the intended use of the data and reporting is unclear, in particular whether data is being collected for statistical purposes or whether the data would be dealt with by dedicated staff in a timely fashion with a view to addressing situations and inappropriate practices on the ground.

20. Uganda Development Plan, at 56.

21. Uganda National Development Plan, 2010/2011 – 2014/2015.

One of the most challenging realities according to the Ministry of Health is to retain doctors in the public sector. The turn-over was very high among medical professionals, who often leave for more lucrative opportunities in the private sector. According to the Ministry, as of end 2011, only 56% of positions for medical doctors in public health facilities were filled.

With a budget below 10% of GDP (it has stagnated between 7 and 9% over the past few years), the Ministry of Health allocation falls far below the promised 15% of GDP.²²

22. The Abuja Declaration on Health, signed by Uganda, enjoins all signatory countries to commit 15% of their total budget to health.

5. Other obstacles to economic and political empowerment

The Uganda National Development Plan²³ points to the limited political and economic participation of women, as a major factor contributing to the persistence of violence and discrimination against women, which in turn “negatively impacts Uganda’s development”. Such limited participation “leads to the formulation and passing of policies and laws which do not protect women’s rights”. The plan highlights women’s lack of decision-making power at home, preventing them from participating in important decisions such as use of resources, family planning and accessing services such as health and education. In addition, the plan underlines that women have been marginalized in access to ownership and control over land, education, business ownership, skills development, access to financial resources, employment and inheritance rights.

Yet, thus far, insufficient measures have been taken to address these issues.

5.1 Discriminatory laws on ownership of property

Although there are no laws prohibiting women from owning land, women traditionally do not own family land in Uganda. Whilst women do most of the agricultural work, it is estimated that they own only 7 percent of agricultural land. Land generally belongs to the family or clan and is held by men, though women may have the right to live on land and farm it. In addition, discriminatory laws governing inheritance result in the vast majority of women being excluded from land ownership.

According to the Succession Act, property is apportioned among the deceased’s family members according to fixed proportions and widows stand to inherit 15%. Under the Act, women cannot inherit their father’s property (section 27). FIDA-U and other women’s rights organisations successfully petitioned the Constitutional Court in 2006 to declare this provision unconstitutional. However, over 5 years later, the Succession Act has still not been reformed to address this issue. The Law Reform Commission assured the FIDH/FHRI delegation that the issue was on their agenda, following a recent referral by the Ministry of Justice empowering them to take action.

Obstacles to land ownership, particularly in a traditional mostly agrarian society, has huge bearing on women’s capacity to become economically empowered. 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,” i.e. land on which the married couple lives and depends. However, there does not seem to be any near prospect for further amending the Land Act (which was last amended in 2004 to provide

23. Uganda National Development Plan, 2010/2011 – 2014/2015.

that ‘spousal consent’ is required in writing for the sale of family land on which the family resides or depends).

The Government Land Policy 2010, in its 5th draft version, provides that the government will undertake further legislative measures to protect the rights of access to inheritance and ownership of land for women and children and that it will address gender inequality and ensure equal rights to land before marriage, in marriage, after marriage, at succession without discrimination.

5.2 A deficient micro-finance scheme

The Government micro-finance scheme (SACCO) launched in 2006 had disappointing results. The interest rates (15-20% average annual interest) remained too high to be affordable to their intended beneficiaries: ‘it looked as though beneficiaries were making other people rich’ said one respondent. Various stakeholders have advocated for alternative initiatives to improve the service to women and other intended beneficiaries: in particular, the establishment of a small cooperative banking system with a minimum operational grant to allow for 0% interest loans, as well as legislation putting a mandatory ceiling for interest rates applied to beneficiaries outside urban areas.

5.3 Increasing participation in political life

Affirmative action, provided for under the Constitution and the law, has made it possible for women to be represented in Parliament in significant number (116 women sit in Parliament out 375 seats, representing 34.9%, and putting Uganda among the top 20 countries in terms of women’s parliamentary representation).²⁴

According to the Chair of the Women Parliamentary Association (WOPA), Hon Betty Amongi-Ongom, affirmative action has played a vital role in improving women’s political representation and changing public images in Uganda. First elected under the Parliamentary affirmative action scheme, Ms. Amongi-Ongom later won competitive elections standing against men candidates. She says that the program has contributed to changed perspective on the capacities and skills of women in public office.: ‘women are often more concerned with social issues faced by the population, and people recognize that’.

However, Ms Amongi-Ongom considers that the system needs to be reformed. This view was shared by several other respondents who considered that affirmative action provisions may have had the adverse effect of deterring women from running alongside men. As a result, says Ms Amongi-Ongom, “women are getting stuck in affirmative action seats and the number of women in directly elected seats is decreasing”. She suggests that affirmative action should be a temporary measure designed to allow women to be elected initially, then they should be trained to run for competitive elections, thereby freeing affirmative action seats for newcomers.

An evaluation of the affirmative action program should foster implementation in other areas such as managerial positions in public service and the judiciary, where the numbers of women in top level positions remain very low. It should also contribute to designing measures to better accompany affirmative action programs and strengthen their impact.

24. Inter-Parliamentary Union, Women in national parliaments, Situation as of 30 November 2011,

6. Recommendations

On the basis of the findings of this report, FIDH and FHRI issue the following recommendations.

To the Ugandan government

- **Strengthen efforts to eliminate harmful practices and stereotypes that discriminate against women.** A strategic action plan geared to achieving this objective must be put in place without delay, involving both governmental and non-governmental actors. This objective should not be perceived as long-term, distant or unattainable.
- **Eliminate remaining discriminatory legislation and adopt laws to increase protection of women's rights.** Remaining discriminatory laws, including the Succession Act, must be reformed urgently. Implement all relevant decisions of the Constitutional Court on succession, divorce, defilement etc. without delay.

Laws including **the Marriage and Divorce Bill and the Sexual Offences Bill must be urgently adopted** to increase protection of women's rights. A marriage and divorce law protecting Muslim women's rights, in conformity with the Constitution and international law, must also be adopted urgently, with a view to eventually adopting a unified Act.

- **Take measures to ensure the effective implementation of the Domestic Violence Act.** Implementing regulations, the necessary budget, and an implementation scheme must be adopted without delay. Such implementation scheme must include the following as priorities: Adoption by government of a training scheme for actors in the justice and law sector; Review of the Local Council Act to include the duties under the law as part of their mandate; Provision of training to local authorities on their new duties under the Law; Launch of a media awareness raising campaign on the Law, including air-time for NGOs; Include awareness raising/training module on the Law in police standard curriculum, and specialized training for community services officers; Improve Ministry of Health/NGO cooperation with a view to enhancing the capacity of health professionals under the law.
- **Enforce the prohibition on FGM,** including through prosecution and inter-governmental cooperation.
- **Ensure women's access to justice,** by adopting measures to overcome obstacles, including the costs of criminal investigations and failures in the collection of forensic evidence, police investigations and trials.
- **Ensure women's and girl's access to education and basic health services.** Government measures must be strengthened to ensure that girls' have access to free education, including in rural areas, and that they remain in school.

Ensure free access for women and girls to family planning services and appropriate, age-

sensitive sexual health services. Ensure access to safe, medical abortion at least in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus, in accordance with the Maputo Protocol.

- **Review affirmative action schemes** to strengthen the current application, including by extending it to public services, including the judiciary.
- **Strengthen the means of independent institutions**, including the Human Rights Commission and the Equal Opportunities Commission, and ensure the complementarity of their work.
- **Support civil society organizations to strengthen their action in favour of women's rights throughout the country, including rural and conflict-affected areas.** The current coverage of Kampala-based CSOs is an estimated 5 to 8% of all Ugandan Districts.

To the international community

- The international community, including the UN, the African Union, the African Commission on Human and Peoples' Rights, the European Union, the Commonwealth and donors should support the government of Uganda in its efforts to address discrimination and violence against women.
- The international community and donors should support civil society organizations to strengthen their action in favour of women's rights throughout the country, including rural and post-conflict areas.

Appendix 1:

List of persons interviewed for this report

Kampala

Officials:

Ministry of Gender, Labour and Social Development, Hon. Syda Bbumba, Minister; Hon. Rukia Nakadama, Minister of State for Gender

Parliament, Hon Betty Amongi-Ongom, Member of Parliament, Chairperson Uganda Women Parliamentary Association (UWOPA)

Family Division of the High Court, Her Worship Margaret Mutonyi, Deputy Registrar

Uganda Human Rights Commission, Chairperson

Ministry of Health, Dr James Mugisha, Human Rights and Health Working Group

Uganda Law Reform Commission (ULRC), Lilliane Kiwanuka, Senior Legal Officer; His Worship Othembi, Registrar

Equal Opportunities Commission, Rita Matovu, Chairperson and Mujuni Bernard Makuba, Secretary

UN Office of the High Commissioner for Human Rights, Paula Simas Magalhaes; Fiona Shanahan

British Embassy, Patricia Znseezi, National Political Officer

NGOs:

FIDA-U, Harriet Nabankema, Legal Aid Clinic Manager

Uganda Women's (UWONET), Ms Rita Aciro Lakor, Executive Director

Centre for Domestic Violence and Prevention (CEDOVIP), Tina Musuya, Executive Director,

Legal Aid Service Providers' Network (LASPNET), Richard Muganzi and Berna Bakkide,

Uganda Land Alliance (ULA), Helen Edimu

National Association of Women Organisation (NAWOU), Peace T. Kyamareku, Chairperson

Human Rights Center Uganda, Rowena T. Kagaba; Farida Kyomuhangi

Jackie Asiimwe, Consultant

Kiboga

Pastoral Women Alliance to Break Cultural Chains (PWABC)

Lira and Agweng (Northern Uganda)

Officials:

Child and Family Protection Unit, Agweng, Police officer

Local Council V (District level), Lira, Martin Ochieng, Speaker

Judith Abonyo, Acting Community Development Officer

NGOs:

Women Peace Initiative (WOPI), (formerly known as the Lira Women Peace Initiative (LIWEPI)), Martha Aiso, Programme Officer, Santa Obong'onyinge, Chairperson

Women Trauma Centre

Agweng Women Peace Club, Ester Ikura, Chairperson and para-legal; Ester Abeya, Rose Jok, Florence Okello, Jacinta Ajuang, Sophia Aring'o, Jacinta Akweny, Members

Concerned Parents Association (CPA), Lira Branch, Job Amot, Program Coordinator

Facilitation for Peace and Development (FAPAD), Doreen Achaye; Grace Achet, Advocate

Labeled Foundation, Alice Christian Achieng

Joyce Opon-Acak, Organiser Lira Mission

Appendix 2: Ugandan Law Reform Commission Matrix

COMMENT	RECOMMENDED ACTIONS	ACTION TAKEN
Discriminatory Laws	Expediently Enact	Advocacy
	The Marriage and Divorce Bill	Parliament (Awaits 2 nd Reading)
	Sexual Offences Bill	Re-table the Sexual offences proposal
	HIV/AIDS prevention and Control Bill	1st Reading
	Raise Awareness of legislators	Partnerships with Civil Society to perform this function
	Increase support for law Reform through partnerships with Civil Society	UWONET, UWOPA, IRCU, MoGLSD, Action Aid etc
Violence Against Women	Enact a comprehensive law, criminalising all forms of sexual violence and abuse	Sexual Offences proposal
Marriage and Family Relations	Ensure that the Marriage and Divorce Bill does not discriminate against women	Polygamy/Marriage Gifts (compromise)
	Enact the Muslim Personal Law Bill/ ensure that it does not discriminate against women	Work in progress
	Eliminate polygamy	To be progressively achieved
Ratification of optional protocol to ACHPR		Ratified

Appendix 3: Statement of the Coalition to Stop Maternal Mortality

The Coalition to Stop Maternal Mortality in Uganda: No more needless deaths of expectant mothers

Who we are: The Coalition to Stop Maternal Mortality in Uganda (CSMMU) is an independent civil society coalition fighting to end the crisis of preventable maternal mortality in Uganda through policy, advocacy and grass-roots mobilization. Every day in Uganda at least 16 women die preventable deaths in childbirth - a crisis which is fuelled by broken promises and a lack of political will. If Government were to fulfil its obligations, motherhood would be safe in Uganda. Unfortunately the government is not doing enough in its obligations to provide the lifesaving essential medicines, training professional health workers, family planning commodities, emergency services, HIV and malaria treatment and prevention, and other basic elements of maternal health services. CSMMU is demanding that maternal deaths and other health priorities get the funding and attention they urgently require from government. CSMMU is made up of health, human rights, HIV/AIDS, women's organisations, and community-based organisations, and welcomes new member organisations that share CSMMU's vision and support our demands.

Vision: CSMMU works for an end to the crisis of preventable maternal death in Uganda.

Mission: To ensure that all pregnant mothers have access to quality services and health commodities they need to ensure safe delivery, and that the Government of Uganda makes a sufficient investment in maternal health.

What we are fighting for: CSMMU's current projects and campaigns include the following:

1. Constitutional Court Petition Number 16 of 2011: Uganda's Constitutional Court will hear a landmark petition that could finally help to address the crisis of preventable maternal death. The Petition draws on the deaths of two pregnant women— Sylvia Nalubowa and Jennifer Anguko, both of whom died unnecessarily in childbirth. The Petition argues that Government non provision of essential services for pregnant women and their newborns violates the fundamental obligation of the country to uphold the Constitution and defend, protect and promote the right to health and the right to life. CSMMU is building support for the Petition in Uganda and around the world, with the hope that Constitutional Court recognizes the plight Ugandan mothers and their communities face.
2. Budget advocacy and monitoring: CSMMU is working to ensure the current Budget (2011-2012) and future budgets invest in high impact efforts to reverse maternal death. Implementation of new budget allocations in the current budget for the Health sector will be closely monitored by CSMMU. Likewise, CSMMU will work for a supplementary budget request focused on emergency health sector funding gaps resulting in maternal death.
3. Media outreach: CSMMU regularly interfaces with national, regional and international media.
4. Community mobilization: CSMMU works closely with communities hardest hit by preventable maternal deaths, supporting results-oriented community hearings and public dialogues to hold leaders accountable and to ensure our priorities are consistent with those of the communities we are representing.

Join us: For more information and to join this coalition please contact Centre for Health, Human Rights and Development (CEHURD), Nakibuuka Noor Musisi 0782496681/0702977730 or Uganda National Health Consumers Organisations (UNHCO), Mable Kukunda at 0704546017.

Establishing the facts

Investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed, rigorous and impartial procedures to establish facts and responsibility. Experts sent to the field give their time to FIDH on a voluntary basis.

FIDH has conducted more than 1 500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH's alert and advocacy campaigns.

Supporting civil society

Training and exchange

FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

Mobilising the international community

Permanent lobbying before intergovernmental bodies

FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them. FIDH also takes part in the development of international legal instruments.

Informing and reporting

Mobilising public opinion

FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.



The Uganda Association of Women Lawyers - FIDA Uganda

The Association of women lawyers is a premier women's rights organisation that is the pioneer of legal aid, public legal education and legal mediation in Uganda.

Her mission is the promotion of the human rights and inherent dignity of women and children, using law as a tool for social justice and transformation. Her thematic focus includes, Access to Justice, Economic Justice, Sexual and Reproductive Health Rights, Transitional justice, and Institutional development.

Established in 1974, the organization has a track-record of 38 years of exemplar experience as a passionate, trusted, fearless and uncompromising spokesperson and defender of

women's rights. FIDA-Uganda is a household name that has provided women with a shield against legal impunity.

By raising awareness of rights and the mechanisms to enforce them, she empowers women to assert and claim their rights. Concurrently, FIDA-Uganda enhances the capacity of the law enforcement agencies to protect women's rights and undertakes strategic/public interest litigation aimed at law and policy reform. She also monitors the justice systems' adherence to international human rights standards in delivering justice to women. FIDA-Uganda is affiliated to the International Federation of Women Lawyers which has observer status with the ECOSOC. She has independent observer status with the Africa Human Rights Commission.

www.fidauganda.org

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MINISTÈRE DES AFFAIRES ÉTRANGÈRES ET EUROPÉENNES



The Campaign “Africa for women’s rights: ratify and respect!”

This Campaign, bringing together more than 100 NGOs in 40 African countries, was launched in 2009 by FIDH in collaboration with 4 regional organisations: Women in Law and Development in Africa (WILDAF), Femmes Africa Solidarités (FAS), Women in Law in South Africa (WLSA), African Center for Democracy and Human Rights Studies (ACDHRS).

The Campaign aims to strengthen advocacy to fight against discrimination and violence against women in Africa. The Campaign Coalition calls on governments to abolish all discriminatory laws and to adopt measures to ensure that women’s rights are protected in law and in practice. In 2010,

the Campaign released a “Dossier of Claims”, setting out the main violations of women’s rights in 31 countries and addressing key recommendations to executive, parliamentary and judicial authorities.

The campaign aims to strengthen cooperation between national human rights NGOs, members of FIDH, and NGOs specialising in women’s rights and to facilitate regional strategic exchanges and mobilisation.

**The Campaign “Dossier of Claims” is available at:
The Campaign Blog: www.africa4womensrights.org
Contact: contact@africa4womensrights.org**



Foundation for Human Rights Initiative (FHRI)

The Foundation for Human Rights Initiative (FHRI) is an independent, non-governmental, non-partisan and not-for-profit human rights advocacy organization established in December 1991. It seeks to remove impediments to democratic development and meaningful enjoyment of the fundamental freedoms enshrined in the 1995 Uganda Constitution and other internationally recognized human rights instruments.

FHRI is legally registered, as a non-governmental human rights organization under the Non-Governmental Organizations Registration Statute 1989. It is a charitable, not-for-profit organization. It is duly incorporated under the Companies Act, Cap.110 as a body corporate.

FHRI addresses the entire range of human rights: civil and political as well as economic, social and cultural rights as defined in international human rights covenants. This is done through public education, capacity building efforts for the community leaders as well as strengthening collaboration with grass root structures, strategic partnerships, media campaigns, mass empowerment, research, monitoring,

documentation and reporting; strategic litigation and legislative analysis, review and advocacy.

Vision

A strong and democratic human rights culture as a foundation for peace, stability, democracy, social justice and sustainable development in Uganda.

Mission

To enhance knowledge, respect and observance of human rights, promote the exchange of information and best practices through training, education, research, advocacy and strategic partnerships.

Mandate

- To educate Ugandans about their fundamental human rights and to provide them with the tools to secure and defend these rights.
- To advocate for just and humane laws and practices that guarantee human rights respect and observance.
- To encourage the sharing of information and experience among human rights defenders and related agencies.

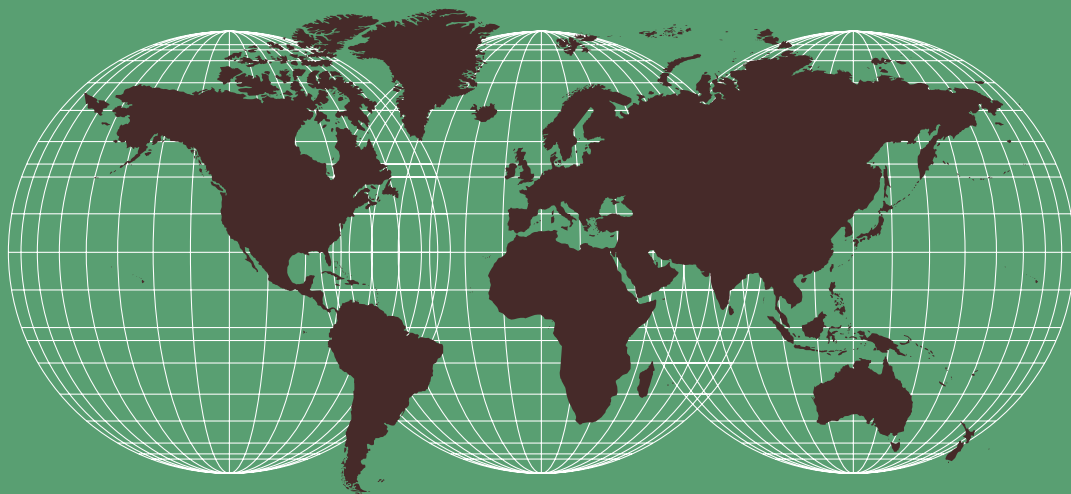
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FIDH
represents **164**
human rights organisations
on **5** continents



inhuman or degrading treatment or punishment. Article 6: Everyone has the right to recognition everywhere as a person before the law. Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Article 9: No one shall be subjected to arbitrary arrest, detention or exile. Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. Article 11: (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty

ABOUT FIDH

FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

A broad mandate

FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

A universal movement

FIDH was established in 1922, and today unites 164 member organisations in more than 100 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

An independent organisation

Like its member organisations, FIDH is not linked to any party or religion and is independent of all governments.

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