

## Uganda

### 1. Discrimination in the family

The Ministry of Gender, Labour and Social Development is the national machinery tasked with advancing gender equality in Uganda. With the support of UNDP Uganda, the government established the *2014-2017 Gender Equality Strategy: Investing in Gender Equality for Uganda's Socio-Economic Transformation* which addresses barriers to gender responsive sustainable development (UNDP Uganda, 2014) and the *Uganda Gender Policy of 2007-2017* which outlines the State's commitment to gender equality and gender mainstreaming at all levels of the government (Ministry of Gender, Labour and Social Development, 2008).

#### a) Overarching legal framework for marriage

Women and men have equal rights to enter into marriage (Constitution Act, 1995). Five types of marriages are recognized in Ugandan law: Christian, Hindu, civil, Muslim and customary. In the rural areas, customary marriages are frequently arranged for minors (FIDH, 2012).

Since 1964, there have been many attempts by the government to consolidate and streamline laws that govern marriage, divorce and separation among the many religions and ethnic groups. The adoption of legislation has been pending and after the failed adoption of the Domestic Relations Bill in 2005, the Bill was separated into the Marriage and Divorce Bill and the Muslim Personal Law/Qadhis Courts Bill (SIGI-OECD, 2014). The decade-long delays are based in moral, gendered and cultural differences and implications if the law were to pass (UPR, 2016; African Women and Child Feature Service, 2010).

Article 31 of the Constitution articulates equality between married spouses during marriage and upon a divorce; requires consent between spouses to marry; requires the State to enact laws that protect a widow's right to inherit property of her deceased spouse and care over her children; reiterates the minimum age of consent in marriage to be 18 for both parties and emphasizes parental responsibility to care for children and the rights of families to have children be raised under their care (Constitution Act, 1995).

The Marriage and Divorce Bill, currently being assessed, would help strengthen Article 31 of the 1995 Constitution (UPR, 2016). Once passed, the Bill would provide equal rights for a woman to choose her spouse, prohibit the practice of 'widow inheritance' and allow a woman to pursue a divorce due to cruel and violent treatment from her spouse (FIDH, 2012). The Bill would also recognize de facto or informal unions and criminalize marital rape and bride wealth (OECD Uganda SIGI, 2014). There is currently no mention of informal or de-facto unions under any of the guiding marriage legislation and if passed, the Bill will not apply to Muslim marriages. The Bill would address laws relating to civil, Christian, Hindu, Bahai, and customary marriages and consolidate and repeal the following laws: (i) the Customary Marriage (Registration) Act (Cap. 248); (ii) the Divorce Act (Cap. 249); (iii) the Hindu Marriage and Divorce Act (Cap. 250); (iv) the Marriage Act (Cap. 251); and (v) the Marriage of Africans

Act (Cap. 253). The Muslim Personal Law/Qadhis Courts Bill would govern marriage, divorce, guardianship, inheritance and property issues in the Muslim community through the establishment of Qadhis Courts.

Under the Marriage Act 1904 and the Hindu Marriage and Divorce Act 1961, marriage must be monogamous. The 1973 Customary Marriages Act (Chapter 248) and the Marriage and Divorce of Mohammedans Act allow for polygamy. Islamic and customary laws authorize polygamous marriages however there are no guaranteed legal protections for women in such unions and upon the dissolution of the marriage (FIDH, 2012). The proposed Marriage and Divorce Bill would recognize polygamy but requires consent from the first wife before the man can marry a second wife (African Women and Child Feature Service, 2010).

### **b) Child marriage**

Though the age of marriage is 21 for both women and men (Constitution Act, 1995), article 17 of the Marriage Act 1904 allows for a person aged between 18-21 to be married with parental consent. The 1973 Customary Marriage Act (Chapter 248) also sets the age of consent for the registration of both monogamous and polygamous marriages at 16 years for women and 18 years (Article 11) for men (OECD Uganda SIGI, 2014). The law then contradicts with the Ugandan Constitution on the age of consent as well as international standards. Arranged marriages for minors still occur, especially in rural areas therefore superseding customary law and practice as opposed to the Constitution.

The National Strategy to end Child Marriage and Teenage Pregnancy a public measure that the State has taken to address early and forced marriage of children. The 2014/15-2019/2020 Strategy is intended to provide comprehensive guidance on the implementation of programmes and policies to help eliminate child marriage across Uganda (National Strategy, 2015). With a monitoring and evaluation framework in place and a dedicated budget, this strategy will address programmatic and strategic interventions to feed into a national response on child marriage and teenage pregnancy.

The Children (Amendment) Act No.19 of 2016 also aims to protect children from harmful customary practices, violence and exploitative employment conditions violence. The Act also protect a child's right to child protection services and establishes the National Children's Authority which is tasked with monitoring the implementation of laws relating to all forms of child abuse.

### **c) Household responsibilities**

Article 31(1) of the 1995 Constitution Act provides equal rights for all women and men to be recognised as the head of household. However, depending on the relevant customary law, different practices is applicable as customary law determines marital practices (OECD Uganda SIGI, 2014). Due to customs, norms and marital practices, women are expected to be dependent on the male breadwinner and maintain the unpaid caring duties in the home therefore compromising their economic and negotiating power (OECD Uganda Country Study, 2015). Poverty has also led many families to marry their daughters and receive the *bride price* which is still quite common (OECD Uganda Country Study, 2014).

There are no legal requirements or consequences for a woman to obey her husband and article 29(2) of the Constitution allows for all women to choose where they want to live (Constitution Act, 1995). However, women's participation in decision-making processes within the household are curtailed by discriminatory opinions that believe the husband should make the decisions and that women should not have a say (OECD Uganda Country Study, 2015).

A 2013 Uganda Bureau of Statistics study found that there are more male-headed households than female ones. However, more women are "in polygamous marriages at younger ages and widowed, divorced or separated at older ages while there are more men in monogamous marriages across the ages and in polygamous marriages at an older age" (p. 11) therefore compromising the economic autonomy and poverty levels in female-headed households (FHH).

Overall, there is a higher dependency on female-headed households (FHH) who are more disproportionately represented among chronically poor households and those moving towards poverty (CEDAW, 2010). Therefore, legislated provisions to address the economic, social and cultural needs of FHHs is critical. Due to civil war and unrest and the use of child soldiers, there are also households that are led by children further increasing their chances of living in poverty and limiting opportunities for the children to pursue formal education (Amnesty International, 2008).

Article 6 of the Children Act 1997 holds both parents (married or not) responsible for the care, protection and maintenance of the child and if deceased, relatives of the parent or the child may be placed under the care of the state and moved to a foster home (Children Act, 1997). The Children (Amendment) Act No.19 of 2016 amended section 4 of the principal act to allow for the child to live with his or her parent or guardian, to inherit property; to not be discriminated against and to access legal aid in all civil, criminal and administrative proceedings (article 4).

#### **d) Divorce**

Women do not have equal rights to initiate a divorce as men under the Marriage and Divorce of Mohammedans Act. Within the context of marriages known as 'Khula', the man has to be the one to initiate the divorce (article 5(1)). Where a woman is a 'purdah-nisheen', her authorized 'vakil' may file the divorce on her behalf (article 5(1)); it is unclear if this is mandatory or suggestive.

The Divorce Act (Chapter 249) allows for a husband to petition to the court for a divorce on the ground of adultery and a wife may initiate a divorce if her husband deserts her, is no longer a Christian, if he has entered a form of marriage with another woman or if he is found guilty of incest, rape, bigamy, sodomy or bestiality (OECD-SIGI, 2014).

#### **e) Inheritance**

While the Succession Amendment Act is currently being assessed (UPR, 2016), the Succession Act (Amendment) Decree 22/72 of 1972 continues to be the law that governs inheritance rights in Uganda. The Act restricts the application of customary law and guarantees a woman's right to inherit from her husband (Hannay, 2014).

Customary law conflicts with statutory law when it comes to the inheritance rights of widows. Under the Marriage Act, widows can inherit 15% of their deceased spouse's property. However customary

law dictates that they are unable to inherit (OECD-SIGI, 2014). Given the prominent role of customary law in determining the ownership, administration and use of land in Uganda (FAO, n.d.), in practice, women's, in particular widows' land and inheritance rights are restricted (Uganda OECD-SIGI, 2015). These discriminatory practices towards widows and inheritance are compounded by commonly shared views where many Ugandans do not think that men and women should enjoy equal inheritance rights to land and non-land assets and that property grabbing is justified if a widow remarries outside of her husband's clan (OECD Uganda Country Study, 2015).

The delay in the adoption of the Marriage and Divorce Bill means that widow inheritance – a frequent practice where the brother of the deceased male spouse can “inherit” the man's widow – is allowed to continue (OECD Uganda SIGI, 2014). Property grabbing, widow inheritance and other forms of discrimination faced by widows increases theirs as well as their dependents' chances of living in poverty and isolation (Joint Submission to CEDAW, 2010).

Article 27 of the Land Act 1998 respects customary law tenure except when it violates the Constitutional rights of women, children and persons with a disability as states in articles 33, 34 and 35 of the 1995 Constitution. Article 27 goes on to provide equal inheritance rights for sons and daughters to inherit land and non-land assets however in practice, a lack of enforcement and restrictive practices under customary law tenure and land grabbing prohibits women and girls from inheriting land (Land Policy, 2013). Article 39 of the Land Act prohibits disinheritance and property grabbing and the 2013 National Land Policy calls on the state to review and regulate customary law and practices to ensure that women's and children's succession rights are not impeded (para. 66).

Though under the distribution section (article 27) of the Succession (Amendment) Decree of 1972, reference is only made to the wife or wives, customary heir, lineal descendant or dependant relatives, it is not clear if women are given the same rights to draft a will.

## 2. Restricted Physical integrity

Uganda signed the African Charter on Human and Peoples' Rights (also known as the Banjul Charter) on May 10, 1986. The Charter is an international human rights instrument intended to promote and protect human rights on the continent of Africa. Uganda then went on to ratify and sign the Maputo Protocol to the African Charter on Human and Peoples' Rights on September 22, 2010 which further commits the state to eliminating all forms of violence and systemic, cultural and social barriers that negatively impact the advancement of women. Uganda is a dualist state and must pass domestic law to integrate the international treaties (Constitution Act, 1995).

A Sexual Offences Bill has been drafted and the state has guaranteed that it will be presented to Parliament in due course (UPR, 2016). If passed, this Bill will consolidate all laws pertaining to gender and sexual violence including the procedural and evidentiary requirements during trial and punishment for offenders.

### a) Violence against women

The CEDAW State Report from Uganda named a combination of socio-economic, cultural, social and legal barriers that impact rates of violence against women in Uganda (CEDAW State Report, 2009).

Rape, including marital rape, battery, assault, defilement and FGM continue to be forms of violence experienced by Ugandan women (CEDAW State Report, 2009).

Besides the Domestic Violence Act of 2010, there is currently no stand-alone legislation that addresses sexual violence. Weak enforcement of laws and policies and commonly shared perspectives and practices that normalize and permit high rates of gender-based violence including spousal violence (OECD Uganda Country Study, 2015).

### **b) Domestic violence**

The Domestic Violence Act 2010 provides a detailed definition of domestic violence that addresses physical, emotional, verbal or psychological, sexual and economic abuse (Article 2) as well as harassing and intimidating behaviour (Article 2). A domestic relationship is defined as a familial or non-familial one that is within a domestic setting. The relationship can be a past or ongoing one between past and former spouses, partners, family members, an employer, those in informal unions and those who share the same residence – all of whom can be held responsible (Article 3). The Bill also provides protections for abused women which did not previously exist in Ugandan law (OECD Uganda Country Study, 2015).

Upon conviction, an offender may be imposed with a fine not exceeding 48 currency points or imprisonment not exceeding 2 years or both (Article 4). The court may also order that the offender pay compensation to the victim, the amount of which will be determined by the court (Domestic Violence Act, 2010).

Consent is not a defence to a charge of domestic violence (Article 5) and victims of domestic violence may file a complaint with a local council court where involved parties reside. The Act provides protocols and guidelines to assist professionals in being able to effectively and appropriately address domestic violence (Articles 6,7,8,9).

### **c) Rape**

The Penal Code Amendment Act, Cap 120, article 124 makes rape a criminal offence and upon conviction, the offender may face the death penalty. Article 123 defines rape as the “unlawful carnal knowledge of woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind or by fear of bodily harm, or by means of false representations as to the nature of the act, or in the case of a married woman, by personating her husband, commits the felony termed rape” (Penal Code, Cap 120).

Though criminalized under the pending Marriage and Divorce Act and the draft Sexual Offences (Miscellaneous Amendments) bill of 2004, spousal rape is not a criminal offence. The OECD indicates a shared opinion by many Ugandans that a wife is not justified in denying sex and sexual favours to her husband (OECD Country Study, 2014). Civil unrest, war and norms and practices that normalize sexual violence makes rape very common in Uganda with limited enforcement of the laws (OECD Uganda SIGI, 2014).

#### **d) Sexual harassment**

There is currently no stand-alone legislation that addresses sexual harassment. Article 7 of the Employment Act 2007 addresses sexual harassment in the workplace but as noted by the CEDAW in their 2010 Concluding Observations, the article is limited to an employer or an employer representative and only requires positive actions to be taken by an employer if there are more than 25 employees (CEDAW, 2010). The Employment Act also does not cover workers and employment in the informal sector which is predominantly made up of women (CEDAW State Report, 2009). Article 128 of the Penal Code (Cap 120) on indecent assaults makes any unlawful and indecent assault on a woman or girl a felony, punishable for 14 years in prison, with or without corporal punishment (Penal Code).

Sexual harassment continues to be widely reported in schools, workplaces, hospitals and other public places (OECD Uganda SIGI, 2014). There are groups of women in Uganda who are disproportionately impacted by sexual violence and harassment and they are older women, women who identify or who are perceived as lesbian, gay, bisexual, transgender and intersex; and women with disabilities (OECD Uganda SIGI, 2014).

#### **e) Female genital mutilation**

The Prohibition of Female Genital Mutilation Act 5, 2010 is the principle statutory instrument that addresses female genital mutilation (FGM). There are variations of FGM cases across the country with the highest incidences taking place in the north-eastern parts in the Eastern and Karamoja parts of the country (28 Too Many, 2013).

The Act holds medical practitioners, parents, practitioners and persons who perform FGM on themselves liable (Articles 2,4-8). Where the offender is a parent, husband or a person holding authority over the victim, they can be imprisoned for a term not exceeding 8 years (FGM Act, 2010). Survivors of FGM can apply for redress and compensation under the law (article 2). Overall, the term of imprisonment for someone found guilty of practicing or attempting to practice FGM is 5-10 years with up to life imprisonment for those found guilty of aggravated FGM (Article 3).

Though the court may order compensation to be provided to the FGM survivor, the Act is not clear on whether a survivor file a complaint with the court seeking redress and/or compensation can on her own.

With the passage of the Act, it has been reported that practices of FGM have now gone underground with potential increases in defiance of the legislation being passed. Therefore this would imply that customary, traditional and religious laws and practices take precedence over statutory law (28 Too Many, 2013). However, section 14 of the Traditional or Cultural Leaders Act (6 of 2011) forbids a traditional or cultural leader from practicing “any custom, culture, usage or tradition that detracts from the rights of any person as guaranteed under the Constitution or contravenes the Constitution or any other law” (Traditional or Cultural Leaders Act (6 of 2011)).

In addition to the legal approach towards addressing FGM, the government has also engaged in a range of strategies and initiatives such as taking a health risk approach to address the health



complications of FGM; providing alternative sources of income for those who practice FGM as a livelihood; providing alternative rites of passage; encouraging intergenerational dialogue and promoting girls' education and assisting in ending child marriage (28 Too Many, 2013). Addressing FGM practices is also an intervention named in the 2015 National Strategy to End Child Marriage.

#### **f) Abortion**

Article 22 of the 1995 Constitution Act states that except authorized by law, no one has the right to terminate the life of an unborn child, therefore, abortion is not legal in Uganda.

By law, there are no legal exceptions to abortion. However, as noted in a UN document on Uganda's Abortion Policy (UN, n.d.), in the event where the mother's life, physical and mental health are at risk, an abortion can be performed. The legal abortion must be performed by a registered physician and in practice, the consent of two physicians is required (UN, n.d.). In its 2014 Abortion Policies and Reproductive Health Across the World report, the UN notes that in 2013, Uganda liberalized abortions in the event of foetal impairment and where the pregnancy was a result of rape or incest (UN, 2014).

Article 141 of the Penal Code states that anyone found guilty of performing an abortion commits a felony and faces an imprisonment term of 14 years. A woman found guilty of self-inducing a miscarriage commits a felony and is liable to imprisonment for 7 years (Article 142). Someone found guilty of aiding and abetting an abortion e.g. through the provision of drugs is liable to imprisonment for 3 years (Article 143). The criminalization of abortion has led to clandestine abortions being a major concern impacting the health of women and girls and sometimes resulting in their death (CEDAW, 2010; CEDAW State Report, 2009).

### **3. Restricted Access to productive and financial resources**

#### **a) Secure access to land and assets**

Article 237 of the 1995 Constitution states that all land is owned by the people of Uganda and recognizes four tenure systems governing the ownership of land; customary, freehold, 'mailo' and leasehold (Constitution Act, 1995). The state can also acquire land for public use once the Constitution is not violated (Constitution Act, 1995). Chapter 4, article 26(1) goes on to protect every person's right to own property, on an individual basis or collectively with others (Constitution Act, 1995).

The Land Act 1998 with its subsequent amendments in 2001, 2004 and 2010 is the principle statutory body of law that governs land rights in Uganda. However, most of the land in Uganda is governed by customary law which has been recognized as discriminatory towards women and is applied differently to women depending on the relevant customary system (Land Policy, 2013). The Land (Amendment) Act 2004 provides for spousal consent (article 38A (3)) but fails to address land rights of widows, divorcees and children (Land Policy, 2013) and is confined by customary laws and practices that perpetuate gendered inequalities (OECD Uganda Country Study, 2015).

Customary and statutory systems of law govern the administration and management of land and any disputes that may arise in Uganda (Land Policy, 2013) and land rights and the management of that land is largely left up to men (OECD Uganda Country Study, 2015).

Legislation alone cannot create change as there must also be a shift in societal norms, opinions and practices. Many Ugandans are of the opinion that men and women should not enjoy equal rights to inherit land and non-land assets and decision-making power over the use and administration of the land (OECD Uganda Country Study, 2015) therefore pre-emptively circumscribing the positive impacts of legislative reform.

The Government introduced the 2013 National Land Policy to address inequalities in ownership, access and management of land resources to advance overall socio-economic development (Land Policy, 2013). Though there has been successful litigation in respect of the Succession Bill (Cap 162) and the Divorce Act (Cap 249), these have not been translated into law (Land Policy, 2013).

The Registration of Titles Act, 1924 allows for equal joint land titling to acquire and use land. However it does not address land that falls under customary law. The Act is also not clear on how land and property is shared upon the dissolution of a marriage.

Articles 47 and 65 of the Land Act 1998 provide quotas to ensure the participation of women on the Land Commission, land committees and the subcounty land tribunals (Land Act, 1998).

#### **b) Secure access to formal financial resources**

There are no legal provisions prohibiting women from accessing financial institutions or requiring them to seek the permission of their husbands however in practice, many formal financial institutions require women to provide proof of consent from their husbands to open a personal bank account (OECD Uganda Country Study, 2015).

Though part 4, article 33 of the 1995 Constitution Act provides equal socio-economic and political rights for men and women, discriminatory practices and infrastructural inequalities contribute to women's inequitable access to land, credit and financial resources (CEDAW Country Report, 2009). The CEDAW in its 2010 Concluding Observations noted concerns of the ongoing constraints experienced by women in being able to access land, capital and financial resources (CEDAW, 2010).

Equality of access may be different for women than for men as collateral to access credit is usually based on ownership and access to assets and given women's inequitable access to land ownership, their access to credit may be impacted. Also, most women's loan applications will be denied if they do not hold title deeds to land as a guarantee (OECD Uganda Country Study, 2015). There are also gendered differences in the type of credit afforded to women where short-term, smaller loans with high interest rates are typically granted to women (OECD Uganda Country Study, 2015) limiting their abilities to build financial purchasing power over time.

The Uganda Women Entrepreneurship Programme (UWEP) was established to help increase the participation of women in creating and implementing development plans however integrating and addressing the needs of rural women remains a challenge (UPR, 2016).

#### **c) Workplace rights**

The Employment Act 2006 is the overarching piece of legislation governing workers and workplace rights in Uganda. Part 4, article 54 provides the legal mandate for the Uganda Human Rights



Commission which is tasked with monitoring and assessing the human rights landscape in Uganda including sex-based discrimination in employment (Articles 53, 54 of the Constitution, 1995). One of the shortcomings of the Act is that it fails to address workers in the informal sector which is predominantly comprised of women and the provision requiring employers to proactively address sexual harassment is only applicable to workplaces with more than 25 employees (CEDAW State Report, 2009).

Article 6 of the Employment Act prohibits discrimination based on “race, colour, sex, religion, political opinion, national extraction or social origin, the HIV status or disability” (Article 6(3)). The article does not include sex, gender, sexual orientation or gender expression and a subsequent clause allows for a provision to discriminate in respect of a specific job if the employee does not have the “inherent requirements for that particular job” (Article 6(4)). Without explicit and strengthened provisions to protect women from discrimination based on sex and gender, article 6(4) may be used to exclude women from particular professions. The law also does not explicitly prohibit discrimination in the selection criteria, recruitment and hiring stages of the employment process however article 6(3) can be applicable. Failing to exclude a provision on discrimination from particular professions therefore provides employers with the opportunity to justify ‘distinctions, exclusions or preferences in respect of a particular job as inherent requirements of that job’ (Employment Act, 2006; CEDAW State Report, 2009).

The Act also limits sexual harassment to actions committed by an employer or his representative to an employee and fails to address a range of inappropriate conduct such as sexual harassment between employees of the same rank; an employee of a lower rank perpetuating sexual harassment towards a supervisor and sexual harassment experienced by and perpetuated by customers, clients and the public.

There are several reporting and evaluation mechanisms in place to help ensure gender equality in workplaces such as the Equal Opportunities Commission which is legally mandated to assess and report on sector budget framework and gender and equity compliance requirements (Article 32(3) of the 1995 Constitution of the Republic of Uganda (as amended), Section 14 and 15 of the Equal Opportunities Commission Act, 2007 and Section 9 (6) (a) and (b) of the Public Finance Management Act, 2015).

Articles 32 and 33 of the Constitution of 1995 allow for the state to adopt affirmative action programmes in favour of groups marginalized because of disability, gender, age “or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them.”

Article 56 of the Employment Act 2006 provides for 60 fully-paid, working days for maternity leave with an additional 4 weeks following childbirth or a miscarriage (Employment Act, 2006). A woman’s job security is also protected where she can return to the job she immediately held prior to her maternity leave or to a reasonable alternative, no less favourable than her previous job (Employment Act, 2006).

Article 57 of the Employment Act, 2006 provides for an annual 4 working day, fully-paid paternity leave immediately after the birth or miscarriage of a child also paid by the employer (Employment Act, 2006).

## 4. Restricted Civil liberties

### a) Citizenship rights

Women and men have equal rights to acquire, change and retain their nationality in Uganda (Citizenship and Immigration Control Act, Chapter 66; Constitution Act, 1995). Women and men also have equal rights to confer nationality to their foreign spouses and children (Citizenship and Immigration Control Act, Chapter 66).

The Registration of Persons Act 2015 provides for equal rights and responsibilities to the parents, regardless of marital status, to register the birth of their children (Article 31).

Article 28 of the Registration of Persons Act 2015 provides for equal rights to apply for national identity cards and article 39 addresses equal rights to apply for passports. Under the same Act, parents have equal rights to apply for travel documents for their children (Article 44) and married women do not require permission from their husbands to travel outside of the country (Constitution Act, 1995). However, married women are required to provide information on their husband and their marriage when applying for passports, while the same stipulation is not applied to married men (Citizenship and Immigration Control Act, 1999). The National Identification and Registration Authority is the body tasked with ensuring that births are registered (UPR, 2016). The National Identification and Registration Authority provides measures to accommodate late or delayed birth registrations but there's no specific mention of measures in place to accommodate increased access to birth registration in rural areas.

Though a woman's freedom of movement is guaranteed under the Constitution, unlike men, women are expected to seek permission from their spouses before journeying away from home (OECD Uganda Country Study, 2015).

### b) Voting

Article 59 of the 1995 Constitution guarantees the right to vote for all citizens of Uganda above the age of 18 and the right to participate in the affairs of the Government. The Article mandates the state to implement measures to ensure that all eligible citizens can register and exercise their right to vote but also places the responsibility to register on the voter (Constitution Act, 1995). The Article also mandates the state to put in place appropriate and effective measures to ensure persons with disabilities can register and exercise their right to vote (Constitution Act, 1995).

### c) Political voice

Article 38 of the 1995 Constitution Act guarantees the right of every citizen to "participate in the affairs of government, individually or through his or her representatives in accordance with law". Regarding the composition of Parliament, the Constitution guarantees one woman for every district and representation of youth, workers and people with disabilities (Article 78) and an Affirmative Action

Policy guarantees that one woman is elected for each district (African Woman and Child Features Service, 2010). At the local level, the Local Governments Act provides for a population quota determined by the Election Commission to ensure the participation of women in the event there are less women than lower local government units (Article 110) and the Constitution mandates that women must make up one-third of the local council (OECD Uganda Country Study, 2015).

The introduction of the 2006 Electoral Law has led to significant improvements in the perception of women in public and political life establishing quotas at the national and sub-national levels (OECD Uganda Country Study, 2015).

Negative attitudes towards women, implying that men make better political leaders can limit the effectiveness of quotas. Quotas and designated seats also do not guarantee a transformation of the processes that continue to exclude and discriminate against women (African Woman and Child Features Service, 2010).

#### **d) Access to justice**

There are no explicit legal provisions allowing or barring women from being able to sue or be sued however, the Constitution Act of 1995 guarantees “equal opportunities in political, economic and social activities” (Article 33(4)) which may be read as equal rights to sue and be sued. Piecemeal implementation of legislation and services compromises a woman’s access to justice.

Explicit provisions ensuring that a woman’s testimony is weighted similarly to that of a man’s at any court level is not stated however this is compromised as a 2014 OECD Country Study on Uganda shows that men will take a proposal put forward by a male more seriously and that women should be relegated to the home (OECD Uganda Country Study, 2015). Article 42 of the Constitution Act does however, protect a Ugandan’s right to appear before an administrative official body, to be treated justly and fairly and to apply before any court of law regarding any administrative decisions taken against him or her (Constitution Act, 1995).

All Ugandan women and men can seek redress for human rights violations through laws and key national institutions such as the Ugandan Human Rights Commission and the Equal Opportunities Commission (EOC) (Universal Periodic Review, 2016) however distance and differential educational and socio-economic barriers may make it harder for rural and working poor women to access these systems.

The Uganda Human Rights Commission was established under the 1995 Constitution of Uganda. The UHRC is an independent Constitutional body that is mandated with monitoring and assessing the human rights landscape in Uganda (Articles 53, 54 of the Constitution, 1995). If the UHRC finds that there has been a human rights violation, the Commission may order the release of a detainee or restricted person, order the payment of compensation or any other legal remedy or redress (Article 53(2) of the Constitution, 1995).

The UHRC provides free legal services in ten regional offices across Uganda which assists in reducing barriers to justice for women and children, particularly in rural areas (UPR, 2016). The UHRC has also

been accredited with 'A' status by the International Coordinating Committee of National Human Rights Institutions (UPR, 2016).

Established by the Equal Opportunities Commission Act, No. 2 of 2007 (EOC Act), the EOC is an independent, statutory body mandated to put into effect Article 32(3) of the Constitution of Uganda. The Commission monitors, evaluates and ensures that laws, policies, systems, processes and customs exercised by state organs, statutory bodies, private businesses, public bodies, non-governmental organizations and social and cultural communities are compliant with equal opportunity and affirmative action principles (EOC). The Commission has conducted compliance audits to ensure that government ministries, departments, agencies, local governments and the private sector comply with the principles of affirmative action and equal opportunities (UPR, 2016).

The Commission has spearheaded the development and implementation of various educational programmes to raise awareness about equal opportunities and affirmative action (UPR, 2016).

The Government has established shelters for victims of gender-based violence in 5 districts and has implemented a national database to monitor issues related to gender-based violence (UPR, 2016).

Part 4, article 15, section 7(c) of the Equal Opportunities Commission Act states that the Commission "shall observe the rules of natural justice." It is unclear what this means in the translation of justice and fairness for women and girls.

Rural women have found it easier to access the support of community leaders, chiefs and elders when trying to address disputes regarding rape and sexual violence (UNDP Uganda, 2014) and thus besides, physical and financial barriers, may resort less to the formal legal system. Local council courts have been reported as being cost prohibitive and while they apply statutory law, customary law typically drives the deliberations thus increasing the chances of women being discriminated against (OECD Uganda Country Study, 2015).

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