



The Legal & Policy Framework for promotion of Gender Equality & Women's Rights in Uganda

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Executive Summary

Legislation of gender and women rights issues has proved difficult to conclude since the initial steps were made in 2003. Attempts at entrenching gender balance and observation of women rights have remained in public discussion forums with no legal instruments to support uptake of agencies and socialization agencies at family and community levels where individual mindsets are constructed. The delayed passing of the Marriage and Divorce Bill, the Sexual Offences Bill and the HIV/AIDS Prevention and Control Bill are some of the examples of pending legislative tools that would strengthen the legal framework to support women's rights.

Investigation of existing literature was conducted to identify gaps in the policy framework for promotion of gender equality and women's rights in Uganda that policy makers need to address.

This investigation found that while Uganda has ratified international conventions for women's rights and much has been done in the direction of gender equality and women's rights including affirmative action in education, it remains elitist and there is need to institute legal reforms to ensure integration and appreciation of gender equality and women's rights at grassroots level through socialization and established social structure.

Potential avenues for effective appreciation of gender equality and women's rights at community level entail; revisiting the policy framework, integration of gender sensitivity at community level, inclusive growth and sustainable development, alignment of the law to international aspirations like SDGs and ensuring rule of law and equitable access to justice.

The policy brief suggests review of current legal framework to promote gender equality and women's rights more consistently by; strengthening sensitivity to gender equality and women's rights, growth of staff capacity to appreciate gender issues across MDAs, introduction of indicators for gender equality and women's rights in annual government performance assessments, deliberate grassroots level sensitization and inclusion of gender equality and women's rights in school and community level socialization.



Hon. Betty Amongi Ongom, the Minister of Gender, Labour and Social Development, with Uganda's delegation at a recent International event.



Rural Ugandan women share a light moment after a meeting for grassroots level sensitization and inclusion of gender equality and women's rights

Introduction

Since the promulgation of the 1995 Constitution, Parliament of the Republic of Uganda has attempted to engrave Gender equality and women's rights in the National laws with partial success. A number of gender sensitive bills that would contribute to promotion of gender equality and women's rights remain shelved long after they were introduced to Parliament including the Domestic Relations Bill (2003). Other examples of delayed bills include Marriage and Divorce Bill, the Sexual Offences Bill and the HIV/AIDS Prevention and Control Bill. Practitioners have observed that existing laws that would protect women's rights are archaic and frustrate litigants. The justification for review of legal and policy framework for promotion of gender equality and women's rights lies in the weakness of existing laws and hesitation of Parliament to pass laws that would cushion women interests from marginalization which is etched in socialization at family and community level. The pursuit of laws to enforce gender equality and rights of women is to ensure fair distribution of social roles among the female and male persons, based on evolving social dynamics.

This policy brief specifies the areas for policy intervention to ensure that laws promoting gender equality and women rights are passed by Parliament, integrated in the penal code act and absorbed by socialization agencies like family, community, schools and churches, the entities that prescribe and shape social behavior in Uganda.

Research informing this policy brief was commissioned by the Uganda Policy Development Management Forum at Uganda Management Institute in partnership with Africa Leadership Institute to interrogate potential avenues for strengthening policy framework for promotion of gender equality and women's rights in Uganda. The study was conducted by scholars at Law Development Centre and critiqued by School of Women Studies Makerere University and presented at the quarterly Public Policy Dialogue at Uganda Management Institute on June 24, 2021.

Rationale

While it is expected that different societies set gender roles at micro level, it is imperative for multicultural societies to set overarching policy guidelines to secure basic human rights for all.

Gender in the social context refers to the social meaning and roles assigned to the “male” and the “female” that influence the power dynamics in the society (Lubega, 2021). Social edicts in most of Uganda’s tribal groupings allocate power to the male child as the female child is socialized to support male children’s authority over them hence the female persons only enjoy subtle power. Decision making and resource management at family and community level remain largely the domain of males (Tamale 2004).

Since the Convention of Elimination of Discrimination Against Women (CEDAW) in 1979 and Beijing Women’s Conference of 1995 when women all over the world converged and set standards for advocacy and measurement of progress towards gender equality and women’s rights across countries, Uganda has struggled to position herself legislatively on matters concerning women’s rights, leaving a policy vacuum that provides a window for continued abuse of women’s rights. The delayed passing of the Marriage and Divorce Bill, the Sexual Offences Bill and the HIV/AIDS Prevention and Control Bill, are some of the struggling attempts at promotion of gender equality and women’s rights.

With the advent of Universal Education and exposure of the girl child to superior social settings, gender equality and human rights, it is risky for government not to pronounce its commitment to equal rights and freedoms of men and women. The elements of social disharmony that society risks if gender equality and women’s rights are not legally entrenched include; family break-ups as women seek respect in their homes, workplace biases as women jostle for boardroom influence, business failures as female business partners face-off with chauvinistic partners and the potentially aggressive change of doctrine and dogma across religions still hesitant to ordain women.

The feeling of powerlessness in the face of human rights abuse may turn victims into potential abusers and indeed in the Ugandan setting, gender based violence continues to grow as men and women are not adequately guided at social level, on how to legally address gender issues. Similarly, the social power that condones suppression of women’s rights drives males to inadvertently commit crime against women (Ekirikubinza, 1999). Crime disguised

as cultural practices includes Female Genital Mutilation, forced marriages, denial of education to the girl child, denial of succession rights and denial of priestly and religious leadership to women (Tamale, 2007).

Review of gender policy framework is needed to; ensure equality between men and women, ensure that all government policies and programmes are consistent with eliminating gender inequalities. Policy review is needed to establish a legal framework for identification, implementation and coordination of interventions designed to achieve gender equality and women’s empowerment in Uganda (Uganda Gender Policy 2007).



It is imperative for multicultural societies to set overarching policy guidelines to secure basic human rights for all.



Rural Ugandan women undergoing training on accessing internet and making use of ICTs.

Approach

The investigation entailed review of literature using a document review checklist and focusing on legal frameworks for recognition of women's rights and freedoms, the genealogy of gender equality as a concept and practices experienced elsewhere that facilitated gender equality and women's rights. The checklist was supported with informal interviews with the key members of society, disseminated at a Public Policy Forum at Uganda Management Institute following a thorough analysis of data using content analysis.

Key Observations

Women's rights are enshrined in the Universal Declaration of Human Rights that supports the human rights based approach, pronounces equality of all human beings in dignity and rights, guarantees rights and freedoms irrespective of one's sex and asserts indiscriminate entitlement of equality before the law.

Although Uganda has ratified a number of international conventions and promised to establish structures for implementation of their resolutions, steps towards effective realization of this commitment are elite driven, detached from socialization avenues and policy measures to strengthen them have stalled at legislative level. Some of the ratified resolutions include the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979 and Beijing Women's Conference of 1995. At Beijing, the key output was the declaration that women's rights are human rights and gender equality benefits men and women equally.

Declaration on the End to Violence against Women (1993) resolved to promote activism against gender violence calling on States to train and sensitize law enforcement officers and public officials responsible for implementing policies in regard to violence against women. This declaration also emphasized the importance of States to “develop penal, civil, labor and administrative sanctions in domestic legislations” to ensure access to justice for women. Notably, these resolutions require policy review to function.

The Uganda Vision 2040 stipulates gender equality as one of the aspirations of Ugandans and recognizes unity in diversity and equal opportunities for all regardless of gender and envisions a future in which men and women participate in human development projects as equal partners.

Conclusion

The absence of interventions to ensure legislative guidance to the public on matters of gender equality and women’s rights has not been sufficiently addressed by stakeholders yet room exists for negotiation with political actors.



Celebrating victory on the election of new women leaders in a refugee settlement. In Uganda, refugee women’s leadership drives inclusive humanitarian action. Photo courtesy of UN Women Uganda.



In rural Uganda there are very limited opportunities for poor village women to generate sustainable incomes. In many families extreme poverty is a part of daily life. Many women struggle to provide their families with one good meal a day, while even more are not able to afford to send their children to school. These already vulnerable women often have no reliable husband and have to fend for themselves and their families with almost no rights, no employment opportunities and few support systems.

Recommendations

The sector of Gender Labour and Social Development should fast track passing of the pending bills in Parliament of the Republic of Uganda that may promote gender equality and women's rights.

MDAs working with dispensing of justice like the Judiciary, Ministry of Justice and Constitutional Affairs, the Police, Office of the Directorate of Public Prosecution and the Prisons should grow capacity of staff to sensitize communities and plan for implementation of laws promoting gender equality and women's rights.

Government should monitor and evaluate sector programs for their impact on gender equality. It's important to mainstream gender in the monitoring and evaluation framework of MDAs to ensure that performance indicators on gender equality and women's rights are deliberately included in the periodical government performance assessments.

References

Government of Uganda Vision 2040

United Nations, Universal Declaration of Human Rights (1948). Retrieved from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

United Nations (1979), Convention on the Elimination of Discrimination Against Women

Uganda Bureau of Statistics (2017). National Governance Peace and Security Survey report. Retrieved from

Ekirikubinza-Tibatemwa Lillian. (1999). Women's Violent Crime in Uganda. Kampala. Fountain Publishers.

Tamale Sylvia, (2007). The Right to Culture and the Culture of Rights: A Critical Perspective on Women's Sexual Rights in Africa. In Adili Zia, Billy Kahora (Eds), Sex Matters, Kwani Trust Urgent Action Fund.

Tamale Sylvia (2004). Gender Trauma in Africa: enhancing women's link to resources.

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