



Joint Parallel Report to the UN Committee on the Elimination of Discrimination against Women

submitted by

**Shelter and Settlements Alternatives (Uganda) and
Housing and Land Rights Network – Habitat International Coalition**

for the Committee's review of the

**Combined eighth and ninth periodic reports submitted by Uganda under article 18
of the Convention, CEDAW/C/UGA/8–9**

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Background

Shelter and Settlements Alternatives (SSA) is a network organization established in 2010 comprising of civil society organizations, communities, individuals, and private sector stakeholders working together to collectively lobby, advocate and share information for better policies, programs and practices toward sustainable improvement of human settlements in Uganda. Our vision is “A nation with accessible, decent, affordable and sustainable human settlements for all.” Our mission is “To promote improvements in the human settlement sector through policy engagement, access to housing, basic service delivery and environmental conservation that benefit poor women, men and youth in Uganda.”

Housing and Land Rights Network (HLRN), a thematic structure of Habitat International Coalition (HIC), in special consultative status with ECOSOC since 1993, is specialized in the human rights dimensions of habitat and the related global policy agendas. HLRN's vision is a world in which everyone, everywhere enjoys the human right to adequate housing and other human rights related to a safe, clean, healthy and sustainable habitat. Its purpose is to support HIC Member organizations to develop and operationalize human rights in their programming and to engagement in international forums, in particular the UN Human Rights System.

SSA and HIC-HLRN acknowledge the Government of Uganda's efforts at promoting and upholding the rights of women through the various laws and policy frameworks, the institutional framework to promote gender equality and equity, end and mitigate different forms of gender-based violence (GBV), especially with women as victims. For instance, in March 2021, the Succession (Amendment) Bill addressed historical discrimination faced by girls and women due to the law favoring the male child in cases of inheritance and land ownership. Without the possibility of income and land upon which to create a safe home, many women and girls have been left vulnerable to violence. Also laws enable gender responsive budgeting, affirmative action among others.

This report highlights key concerns identified during the period under review regarding Uganda's performance in elimination of all forms of discrimination and violence against women. It parallels the structure of CEDaW's List of issues and questions in relation to the combined eighth and ninth periodic reports of Uganda.¹

Specific concerns

Visibility of the Convention:

We are concerned that as much as CEDAW (1979) has been ratified by Uganda, it is still not visible in the day to day lives of citizens, especially girls, women and other Special Interest groups who experience a lot of discrimination at household- family level, schools, hospitals, community and nation. According to the country report submitted; "Government has disseminated these recommendations widely to all Ministries, Departments and Agencies (MDAs) in the official language. The Uganda Human Rights Commission (UHRC) and CSOs have disseminated the recommendations to communities around the country." CEDaW is known among some civil society organizations (CSOs), donor agencies, parliamentarians and government entities; however, citizens are hardly engaged.

The Convention is a legal document that is not popular with citizens, who find legal terms hard to understand. The official language of CEDaW (English) is understood by a small percentage of Ugandans, and especially women and girls, a small fraction of whom access higher education, suffer low literacy levels and poor-quality education due to poor teachers, inadequate financing.²

- **We call upon government to translate the Convention into popular languages, including Luganda, Luo, Ateso and Kiswahili.**
- **We also call upon government to popularize and disseminate the Convention through pictorials, animations, and charts for the semi-illiterate masses.**
- **Finally, to domesticate CEDaW in laws, policies, by-laws and ordinances of all sectors especially, land, and housing.**

Women's rights and gender equality in relation to the pandemic and recovery efforts

In Uganda, government is unable to deal sufficiently with the COVID effects; especially for its vulnerable population, including women, girls and persons with disabilities. The emergency measures and realities of the COVID-19 pandemic expose women and other vulnerable sections

¹ CEDaW, List of issues and questions in relation to the combined eighth and ninth periodic reports of Uganda, CEDAW/C/UGA/Q/8-9, 10 March 2021, <https://digitallibrary.un.org/record/3906233?ln=en>.

² See UWEZO Uganda, Annual Learning Assessment Reports; e.g., *Are Our Children Learning? Uwezo Uganda Eighth Learning Assessment Report 2019*, <https://palnetwork.org/wp-content/uploads/2019/12/UWEZO-REPORT-2019-FINAL.pdf>; *The capacity of civil society organisations at district level for education advocacy in Uganda*, December 2020, <https://uwezouganda.org/wp-content/uploads/2021/12/Uwezo-Report-on-CSO-Capacity.pdf>; *Are Our Children Learning? Illuminating the Covid-19 learning losses and gains in Uganda*, Uwezo National Learning Assessment, 2021, https://uwezouganda.org/wp-content/uploads/2022/01/uwezo-report_Launch-version_Final180122-1.pdf.

of the society to negative impacts such as a rise in maternal mortality rates, challenges in accessing sexual and reproductive health services, domestic violence, increased poverty, GBV and an escalating teenage pregnancy. The lockdown and the months that followed continue to exacerbate inequalities.³ COVID-19 also has had a disproportionately negative economic impact on the vulnerable segments of society, especially women and girls.

Uganda instituted some of the harshest measures on the African continent following the outbreak of COVID-19. In March 2020, even before a single case was registered in the country, the government closed its air, land and water borders. Movement was restricted; schools, churches and shops were shut down; and the military enforced these measures with an iron hand. This gutted the largely informal economy, and the Ministry of Finance's growth projections for 2020 declined from 6% to 4%. The Government of Uganda (GoU) estimates that poverty numbers, according to the national poverty line, could increase by 2.6 million people.⁴

Petty traders especially women in Uganda were directed to sleep in markets to reduce contact with family members as a measure to control the spread of COVID-19.⁵ However, testimonies of these women report being robbed, as well as failure to access sanitary facilities.⁶ The only move government made was to provide mosquito nets to the vendors. It should also be noted that, as a result of women sleeping in markets, young girls were left at home alone with predator relatives, thereby increasing the cases of incest and teenage pregnancies.⁷

We, therefore, recommend that the state party:

- **Develop and provide prevention and response services: Make integrated prevention and redress of violence against women a key part of the national COVID-19 response plan. Increase advocacy and awareness campaigns.**
- **Support domestic violence shelters: Designate domestic violence shelters as essential services. Allocate resources to support the shelters, psychosocial care, online counseling, and other related helpline services. GoU should consider using other facilities such as empty hotels to expand shelter for victims and survivors of violence.**
- **Designate legal services as essential: Government should ensure that legal services are designated as essential, at all times, to exempt vaccinated lawyers from the travel restrictions.**
- **Encourage the use of safe spaces to report violence: Require the police to partner with pharmacies, dispensaries, clinics, hospitals, grocery stores, and other safe spaces to encourage women and other vulnerable groups to report violence.**

³ "What happened after COVID-19 hit: Uganda," *UN Women* (07 December 2020), <https://www.unwomen.org/en/news/stories/2020/12/what-happened-after-covid-19-hit-uganda>

⁴ development initiatives, *Socioeconomic impact of Covid-19 in Uganda: How has the government allocated public expenditure for FY2020/21?* 12 August 2020, <https://devinit.org/resources/socioeconomic-impact-of-covid-19-in-uganda/?nav=more-about>.

⁵ development initiatives, *Poverty in Uganda: National and regional data and trends*, 2 October 2020, https://devinit.org/resources/poverty-uganda-national-and-regional-data-and-trends/#note-YGq_GdVcb

⁶ URN, "Lockdown: Arua vendors equate sleeping in market to being in prison," *The Observer* (25 June 2021), <https://observer.ug/news/headlines/70325-lockdown-arua-vendors-equate-sleeping-in-market-to-being-in-prison>.

⁷ "Women activists against women sleeping in markets," *The Independent* (25 June 2021), <https://www.independent.co.ug/women-activists-against-women-sleeping-in-markets/>.

- **Encourage the use of online platforms to report violence: Require the police and other relevant institutions to move their services online to ensure that victims of abuse have access to legal and support services.**

Legislative and policy framework

Obligations under CEDAW include operationalizing gender equality into the domestic legal system; abolishing discriminatory laws; creating specific mechanisms and policies to eliminate all forms of gender-based prejudice, stereotyping and violence against women; and adopting measures to promote gender equality in all areas of life — from health and education to political decision making and access to justice.

Although government has passed several laws to protect women against gender-based violence, implementation gaps remain, and raising awareness of the masses on these laws is needed. Notably, many women are unaware of the provisions of the Succession Act and have fallen victim when it comes to property inheritance. For example, many women are living in cohabiting relationships, wherein they acquire property and, upon partner demise or separation, they are violently evicted. A case in point is *Negulu vs. Serugga*,⁸ in which Mifumi, a Ugandan NGO filed a constitutional petition in 2010 challenging the practice of polygamy. The petition was thrown out for want of the petitioner Mifumi’s appearance. In 2018, the case was dismissed with costs for abuse of court process and wasting courts time.⁹

The constitutionality of bride price has also been challenged in court. In Uganda, bride price was not outlawed in the constitutional court and constitutional appeal case in the Supreme Court decision in *LAWU vs. AG*.¹⁰ What was outlawed and declared unconstitutional was the practice of asking for a refund of bride price as condition for dissolution of a marriage.¹¹

In the justice system, women face inherent economic vulnerability, physical remoteness, legal-aid bill enactment delays, procedural hindrances by courts, case backlog, impediments in access to information on rights remedies, cultural constraints, lack of tenure security on land resources, a lack of participation in governance of natural resources, poverty and high costs of legal representation.¹²

⁸ The Republic of Uganda, *Negulu Milly Eva (appellant) versus Dr. Serugga Solomon (respondent)*, The High Court of Uganda at Jinja Civil Appeal No. 103 of 2013, (arising from Divorce Petition No. 001 Of 2009, Njeru Court), <https://ulii.org/ug/judgment/hc-civil-division-uganda/2014/64>.

⁹ URN, “Constitutional court dismisses petition against polygamy,” *The Observer* (25 September 2018), <https://observer.ug/news/headlines/58756-constitutional-court-dismisses-petition-against-polygamy>.

¹⁰ The Republic of Uganda, *Law Advocacy for Women in Uganda v Attorney General* (Constitutional Petition 13 of 2005), Supreme Court of Uganda, UGSC 71 (05 April 2007), <https://ulii.org/ug/judgment/supreme-court-uganda/2007/71>.

¹¹ Constitutional appeal no: 2 of 2014, <https://www.ulii.org/ug/judgment/supreme-court/2015/13/>; The African Law, “Analysis: *Mifumi (U) Ltd & Others v Attorney General Kenneth Kakuru*,” (26 December 2017), <https://africanlii.org/content/analysis-mifumi-u-ltd-others-v-attorney-general-kenneth-kakuru>.

¹² “Justice Needs and Satisfaction in Uganda 2016,” *The Hague Institute for Innovation of Law*, <https://www.hiil.org/wp-content/uploads/2018/07/Uganda-JNST-Data-Report-2016.pdf>.

No protection mechanisms for women human rights defenders exists in Uganda. The Human Rights Defenders Bill is still in draft form. **We, therefore, call for the state party to fast track the enactment of the Human Rights Defenders Bill. In addition, Uganda should respect its commitment to the implementation of the UN resolution A/RES/68/181 on protecting women human rights defenders.**¹³

Gender-based violence against women is largely due to a social-cultural construct of our societies, communities and families shaped by our individual and family experiences and the power relations and structures. This is in spite of the existence of laws and policies aimed at outlawing and criminalizing these behaviors against women. It should be recognized that GBV is experienced also by men and children in the family and in the community. Mindset change; effective implementation of the Domestic Violence Act (2010)¹⁴ and also measures aimed at improving case backlog in resolution of family conflicts.¹⁵

In 2019, Uganda reported 477 women trafficking cases. The undocumented cases are more. The Prevention of Trafficking in Persons Act¹⁶ has not achieved much. The UN Palermo Protocol¹⁷ provides for international collaboration to detect and suppress human trafficking.

Recommendations;

- **The enforcement of the Recruitment of Ugandan Migrant Workers Abroad Regulations 2005¹⁸ is needed, as is the closing of loopholes in Uganda’s trafficking laws and policies.¹⁹**
- **We call for GoU to ensure the rule of law and human rights in employer/employee relations in accordance with municipal and international law and, in particular, the Equal Remuneration Convention,²⁰ among others, as called for in the Gender Strategy for National Land Policy Implementation.²¹ Incentives should be provided to investors**

¹³ Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders, A/RES/68/181, 30 January 2014, <https://undocs.org/A/RES/68/181>. See also OHCHR, “Women human rights defenders,” [undated], <https://www.ohchr.org/en/issues/women/wrgs/pages/hrdefenders.aspx>.

¹⁴ Domestic Violence Act, Act 3 of 2010, *Uganda Gazette*, Acts Supplement No. 21, 9 April 2010, <https://commons.laws.africa/akn/ug/act/2010/3/media/publication/ug-act-2010-3-publication-document.pdf>.

¹⁵ Women’s rights in Uganda: gaps between policy and practice (), <https://www.fidh.org/IMG/pdf/uganda582afinal.pdf>.

¹⁶ Prevention of Trafficking in Persons Act, 2009, *Uganda Gazette*, Acts Supplement No. 6, 23 October 2009, <https://old.ulii.org/node/24737>.

¹⁷ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, A/RES/55/25, 15 November 2000, <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>.

¹⁸ Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2005, Statutory Instrument 62 of 2005, *Uganda Gazette* No. 41, 15 July 2005, <https://ulii.org/akn/ug/act/si/2005/62/eng%402005-07-15>.

¹⁹ Jacintah Akino, “Modern Slavery: The role of Uganda’s laws and policies in the protection of women from trafficking,” *Youth 4 Policy* (July 2020), <https://youth4policy.org/modern-slavery-the-role-of-ugandas-laws-and-policies-in-the-protection-of-women-from-trafficking/>.

²⁰ International Labour Organisation, Equal Remuneration Convention, 1951 (No. 100), https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C100, which Uganda ratified on 02 Jun 2005.

²¹ Which commits to “Domesticate all international conventions ratified by the Government of Uganda which outlaw discrimination against women and children and enforce all the principles therein.” Republic of Uganda, Ministry of Lands, Housing and Urban Development, “Land and Property Ownership: The Gender Strategy for National Land Policy Implementation,” 2016, para. 68(II), <https://mlhud.go.ug/wp-content/uploads/2015/10/Gender-Strategy-for-Land-for-NLP-August-2016-Reviewed.doc.pdf>.

in the housing and settlement sector to attract and retain women in their employ across the construction, housing and settlement value chains.

The Committee's Concluding Observations called upon the State party to ensure the expeditious passage of the draft National HIV/AIDS policy and the HIV/AIDS Prevention and Control Bill.²² However, Uganda has no known policy or programmatic approach linking housing and HIV/AIDS. The persons living with HIV/AIDS have special needs and competing demands on their meagre household incomes. A large portion of this income going into housing deprives HIV/AIDS-affected households of other basic services required to fulfil the human right to adequate housing, including access to water, healthcare, social infrastructure, sanitation and security and access to energy and food resources.²³ The homeless, street families, persons with disability, older persons, and children living with HIV/AIDS in homeless conditions need special care.²⁴ The uninfected are further exposed to infection through unprotected sex, rape and defilement, and even teenage pregnancies. **General recommendations of CEDaW on HIV/AIDS²⁵ should be strictly implemented by the GoU.**

The National Machinery for the Advancement of Women

In Uganda, the Ministry of Gender, Labor and Social Development (MoGLSD) is in charge of women's advancement. According to the country report paragraph 16, efforts towards financing MoGLSD are highlighted together with different strategies to strengthen gender mainstreaming mechanisms in MDAs.

Challenges: MoGLSD has a huge mandate, with a small budget. It has inadequate qualified staff from the national level to grassroots. Gender is central in all operations of every ministry, but is ignored, or the staff is not skilled enough to mainstream, implement and monitor the National Gender Policy 2017. In addition, MoGLSD makes little or no mention of the Gender strategy for Implementation of the National Land Policy which was developed in 2019. MoGLSD has only limited coordination and collaboration with women leaders in cultural and religious institutions, civil society organizations.

Recommendations:

- **Qualified, adequately paid gender officers should be deployed in each Ministry including Ministry of Lands, Housing and Urban Development (MoLHUD);**

²² CEDaW, Concluding observations of the Committee on the Elimination of Discrimination against Women: Uganda, CEDAW/C/UGA/CO/7, 5 November 2010, para. 38, <https://undocs.org/CEDAW/C/UGA/CO/7>.

²³ See Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4: The right to adequate housing (art. 11 (1) of the Covenant), 13 December 1991, para. 8, https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/1_Global/INT_CESCR_GEC_4759_E.doc.

²⁴ M.-J. Milloy, Brandon D.L. Marshall, Julio Montaner and Evan Wood, "Housing Status and the Health of People Living with HIV/AIDS," *Current HIV/AIDS Reports*, Vol. 9 (2012), pp. 364-74, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3693560/>.

²⁵ CEDaW, General recommendation No. 15 -- ninth session, 1990, women and AIDS, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/GEC/4726&Lang=en; General recommendation No. 24 – twentieth session, 1999, article 12 – women and health, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/GEC/4738&Lang=en.

- **GoU needs improve the systems for monitoring gender in all areas of each ministry, including MoLHUD.**
- **MoGLSD should be reviewed, with consideration to be integrated into three ministries: Women and Children Affairs, Labour, and Social Development.**

Stereotypes and Harmful Practices

In paragraph 20 of the country report, Uganda was urged to put in place a comprehensive strategy to modify or eliminate traditional practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Uganda however continues to be a highly patriarchal society where men are admired and privileged over women and girls. The discrimination is encouraged by stereotypes despite the Constitution providing that women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities.

Challenges: Women leaders are not strongly advocating for changes in patriarchal attitudes, norms and perceptions. Few women leaders are in socio-cultural institutions that enshrine and propagate attitudes and norms that discriminate against, and marginalize women and girls in society. Few, if any, regulations apply to religious institutions that undermine constitutional provisions and international standards promoting the rights of women and girls.

For instance, in the land and housing sector, women are routinely denied property and inheritance rights directly and indirectly. This violation is assisted by cultural practices that consider a woman to be property, and thus cannot own property.²⁶ The systems are further complicated by corruption and biased men who are not gender sensitive.

In rural and peri-urban areas, women (young and old) who are not married, widowed or divorced are stigmatized and called insulting names (Nakyeyombekedde, Malaya). They are liable to be subjected to violence and find it hard to rent houses to live in, because the landlords assume such women would fail/default on rent payment and/or would be a source of insecurity in the area. Some landlords harass them sexually.

Recommendation:

The state party should support continuous awareness raising on gender equality and women/human rights, through socio-cultural and religious institutions, in order to

²⁶ *The Case of Makusa and Lwamunyu Fishing Communities in Mayanzi, Kigungu, Entebbe Municipality, Uganda: Violation Impact Assessment of Assets and Potential Losses* (Kampala and Cairo: SSA: Uganda Human Settlements Network [SSA:UHSNET] and Housing and Land Rights Network – Habitat International Coalition [HIC-HLRN], 2019); *Assessing Impacts of Women's Dispossession from Land and Home: The Case of Amuru District, Acholi Sub-region, Northern Uganda, Report on Violation Impact Assessment (VIA) of Assets and Potential Losses* (Kampala and Cairo: SSA:UHSNET and HIC-HLRN, 2019), http://www.hlrn.org/img/documents/Amuru_District_Northern_Uganda_-_Violation_Impact_Assessment.pdf; *Facing Displacement in Kasoli: Impacts of development-induced displacement and dispossession of women's home and habitat* (Kampala and Cairo: SSA:UHSNET and HIC-HLRN, 2021), http://www.hlrn.org/img/documents/Development-induced_Displacement_-_Kasoli_Eastern_Uganda.pdf.

transform negative norms, values and traditions. A gender-responsive national authority on culture should be established, resourced and operationalized.

Rural and Disadvantaged Women

According to Uganda's combined 8th and 9th periodic report, the Equal Opportunities Commission (EOC) is monitoring the compliance of MDAs with gender and equity in budgeting and planning, to ensure that the needs of vulnerable groups such as women, youth, children with special needs, ethnic minorities, older persons, the rural poor and other marginalized groups are adequately planned and budgeted for.

80% of all land available in Uganda is allocated to men. Only 39% of registered land is owned by women, because of customary land allocation. However, the workforce in agriculture is 90% of rural poor women who do subsistence agriculture. This is the group in charge of food security although they do not own or control proceeds from the land. The state reports that women's ownership of agricultural land has increased from an average of 15 per cent in 2012 to 28 per cent in 2017 (UNHS 2012/13–2017/18). However, in practical terms, the control of the land and proceeds from this land is still elusive to rural women.

Challenges: Lack of land means denial of adequate housing for rural women, Rural women have no collateral for credit, they live in poverty, can hardly afford social services like clean water, energy and electricity. Many continue to be overworked, denied rights to health, rights to education for their children and denied rights for employment. The weak link between different levels of women makes it difficult to analyze all challenges.²⁷

Recommendations:

- **Increased awareness and appreciation of women's land rights would enhance socio-economic development, and enhance responsiveness among the judiciary and other bearers of the duty to respect, protect and fulfil women land rights,**
- **The state party should fast tract the passing and operationalization of an amended Succession Act.**
- **The state party should increase efforts at sensitization and implementation of the Gender Strategy for Implementing the National Land Policy 2013.**

²⁷ *Voice to Action: Advancing Gender Equality in the SDGs* (Kampala: Forum for Women in Democracy [FOWODE], 2014), <https://www.peacewomen.org/sites/default/files/VOICE-TO-ACTION-ABRIDGED-VERSION.pdf>.