



# UGANDA WOMEN'S NETWORK

Gender Transformation & Empowerment

## POLICY BRIEF

### **OBSERVING OUR COMMITMENT TO ADDRESSING GENDER BASED VIOLENCE AND REPRODUCTIVE RIGHTS IN UGANDA**

This brief is drawn from the concluding observations of the Committee on the convention on the Elimination of All Form the Discrimination Against Women (CEDAW) based on the combined fourth, fifth, sixth and seventh report of Uganda (CEDAW/C/UGA/4-7). It is intended to highlight the Committee's specific concluding observations and recommendations on gender based violence (GBV) and reproductive rights (RR) so as to draw policy attention and action. Uganda ratified CEDAW in 1985.

#### **Gender Based Violence and Reproductive Rights in Uganda**

Gender based violence in its various forms is endemic in Uganda. It has a greater impact on women and girls who are often the survivors and suffer greater physical damage than men when victimized (WHO, 2005). In fact, the term "gender-based violence" is often used interchangeably with the term "violence against women.

The Uganda Demographic and Health Survey-UDHS (2006) reports that 48% of married women age 15-49 have experienced physical violence from their intimate partners. 50% of these women experienced the physical violence from their current husband or intimate partner while 8% of these experienced the violence from their former husband or intimate partner; 36% have experienced sexual violence.

One in four women age 15-49 report that their first sexual intercourse was against their will, as compared to one in one hundred men.

It also found that among young women age 15 - 19, one in four reported having been "physically forced, hurt or threatened into having sexual intercourse" Half of these female adolescent respondents interviewed had had sex even if they did not want to during their first sexual experience. It is important to note that where gender based violence is prevalent, abuse/denial of reproductive rights is equally high putting the lives of many people mostly women at risk for instance 6,000 women die every year (16 daily) in Uganda due to pregnancy related causes and much of which relate to denial of reproductive rights.

Government of Uganda has tried to address the problem of GBV; Uganda is a signatory to international and regional human rights instruments and treaties that conform to and protect the human rights of persons, especially women, and which expressly prohibit sexual and gender based violence especially violence against women and children as most vulnerable groups in the society. Uganda ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW in 1985) among many other human rights instruments and interventions however integration and prioritisation of the problem in development planning and financing that would ultimately help to address the problem is wanting.

This brief is among a series of efforts by UWONET, her members and partners to share specific concluding observations and recommendations of the CEDAW Committee on gender based violence and reproductive rights in an attempt to draw policy attention and action to the problem.

## What does the CEDAW Committee recommend about GBV and Reproductive Rights? Legislative Measures and Reforms

Committee's Observation 5,6&11: Though the Committee welcomes the efforts of the State Party (Uganda) towards achieving legislative reforms and adopting a wide range of legislative measures and reforms prohibiting discriminatory practices based on gender including for instance the Land Act Amendment (2004); Refugee Act 2006; the amendments to the Penal Code prohibiting defilement of girls and boys (2007) The Equal Opportunities Commission Act (2007); the Domestic Violence Act (2010), criminalizing violence in a domestic setting; the Anti Female Genital Mutilation Act (2010); the Prevention of Trafficking in Persons Act (2010) and the International Criminal Court Act (2010), criminalizing sexual exploitation of women during conflict situations among others, it reiterates its concern at the low priority given to comprehensive legal reform to eliminate sex-discriminatory provisions and to close legislative gaps in order to bring the country's legal framework fully into compliance with the provisions of the Convention and to achieve women's de jure equality. The committee is concerned in particular about the delay in the passage of the Marriage and Divorce Bill, the Sexual Offences Bill and the HIV/AIDS prevention and Control Bill. The Committee is further concerned that other legislation and customary practices that discriminate against women and are incompatible with the Convention remain in force.

### **Committee's Recommendation 12:**

*The Committee thus calls upon the State party to accelerate its law review process to harmonise its domestic legislation with its constitutional principles relating to non-discrimination and equality between women and men and with its obligations under the convention without delay and within a clear timeframe. To this end, the Committee urges the State party to:*

- I. Expediently enact the marriage and Divorce Bill, the Sexual Offences Bill and the HIV/AIDS Prevention and Control Bill;*
- II. Raise the awareness of legislators about the need to give priority attention to legal reforms in order to achieve de jure equality for women and compliance with the State party's international treaty obligations; and*
- III. Continue to increase support for law reform.*

## Stereotypes and harmful practices

Committee's Observation 19: The Committee reiterates its concern at the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life. The Committee is concerned that such customs and practices perpetuate discrimination against women and girls, that they are reflected in the disadvantageous and unequal status in many years, including in education, public life, decision-making, marriage and family relations, and the persistence of violence against women and harmful practices, including polygamy, early marriages and bride price, and that, thus far, the State party has not taken effective and comprehensive action to modify or eliminate stereotypes and negative action to modify or eliminate stereotypes and negative traditional values and practices. The Committee also expresses its concern at the continuing stereotypical portrayal of women in the media which encourages discrimination and undermines equality of women and men.

### **Committee's Recommendation 20:**

*The Committee thus urges the State Party to put in place without delay a comprehensive strategy including review and formulation of legislation and establishment of goals and timetables, to modify or eliminate traditional practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measure should include efforts to raise awareness of this subject, targeting women and men at all levels of society, including traditional leaders, in collaboration with civil society.*

*The Committee further urges the State party to address harmful practices, such as polygamy, early marriages and bride price more vigorously. It also calls upon the State party to use innovative and effective measures to strengthen understanding of the equality of women and men and to work with the media to enhance a positive, non-stereotypical and non-discriminatory portrayal of women. The Committee calls upon the State party to undertake an assessment of the impact of these measures in order to identify shortcomings and to improve them accordingly.*

## Female Genital Mutilation:

Committee's Observation 21: While welcoming the recent enactment of the 2010 prohibition of female Genital Mutilation Act, the Committee expresses its concern at the continued prevalence of this harmful practice in the State party, which is a grave violation of girls' and women's human rights and of the State party's obligation under the convention. The Committee also notes with concern the serious health complications for girls and women arising out of this practice which, in some cases may lead to death as well as the impunity of perpetrators.

### **Committee's Recommendation 22:**

*To that regard and further to its general recommendations (Nos. 14&19), the committee calls on the State party to ensure that effective implementation of the 2010 Prohibition of Female Genital Mutilation Act, as well as prosecution and adequate punishment of perpetrators of this practice. It also recommends that the State party continue and increase its awareness-raising and education efforts, targeted at both men and women, with the support of civil society organizations and religious authorities, in order to completely eliminate FGM and its underlying cultural justifications. Such efforts should include the design and implementation of effective education campaigns to combat traditional and family pressures in favour of this practice, particularly among those who are illiterate, especially parents. The Committee requests the State party to include information about the impact of such measures in its next report.*

## Violence against women

Committee's Observation 23: The Committee though welcomes the enactment of 2010 Domestic Violence Act and activities of Gender Based Violence Reference Group, It expresses concern at the prevalence of violence against women and girls, such as widespread domestic violence, and is particularly concerned at inordinately high prevalence of sexual offences against women and girls. The Committee is also concerned at the absence of a holistic approach to the prevention and elimination of all forms of violence against women and that such violence would appear to be socially legitimized and accompanied by culture of silence and impunity. It is further concerned at reports of corruption in police stations, with some police officers illegally charging fees for free services. The Committee regrets the lack of information on the impact of measures and programmes in place to reduce incidences of all forms of violation against women and girls. The Committee is also concerned that social support services, including shelters, are inadequate.

### **Committee's Recommendation 24:**

*The Committee urges the State party to give priority attention to combating violence against women and girls and to adopting comprehensive measures to address such violence, in accordance with general recommendation No.19. It requests the State party to raise public awareness through the media and education programmes, of the fact that all forms of violence against women are a form of discrimination under the Convention and therefore in the violation of women's rights. The Committee calls upon the State party to expeditiously adopt regulations for implementation of the Domestic Violence Act and to develop a coherent multi-Sectoral action plan to combat violence against women.*

*The Committee also urges the State party to enact a comprehensive law, criminalising all forms of sexual violence and abuse. The Committee recommends the implementation of training judiciary and public officials, in particular law enforcement personnel and health service providers in order to ensure that they are sensitised on all forms of violence against women and can provide adequate gender-sensitive support to victims. It also recommends the establishment of counselling services and shelters for victims of violence. The Committee requests the state party to provide in its next periodic report detailed information on the causes, scope and the impact of measures taken to prevent such violence, to investigate occurrences, to prosecute, relief and remedies, including appropriate compensation, to victims and their families.*

## Internally displaced women in Northern Uganda

Committee's Observation 25: Although it notes with satisfaction the adoption of the Uganda Action Plan on UN Security Council Resolutions 1325 and 1820; the Goma Declaration; the 2010 International Criminal Court Act categorizing rape, forced marriage, sexual slavery as war crimes chargeable in Uganda's legal system as well as the State party's adoption of Peace, Recovery and Development Plan (PRDP) for 2007-2010 with the objective to reconstruct the conflict affected districts in Northern Uganda and resettle people from IDP camps into communities and also welcomes the reference in the PRDP to the involvement of women in peace building, reconciliation, rehabilitation and recovery processes, the Committee is seriously concerned at information that disadvantaged groups of women, including older women, women with disabilities and girls, are left behind in IDP camps as they fear for their safety and they continue to experience sexual and gender-based violence and abuse within these camps.

The Committee also reiterates its concern that many women and girls in the conflict areas have been victims of violence, including abduction and sexual slavery.

### **Committee's Recommendation 26:**

*The Committee therefore calls upon the State party to fully involve women in the peace building, reconciliation, rehabilitation and recovery processes, including in the context of the PRDP. The Committee urges the State party to take all necessary measures to ensure that women and girls can return to their communities, that women and girls in the IDP camps as well as those who have returned to their communities are adequately protected from sexual and gender-based violence and abuse, that the perpetrators of such acts are prosecuted and punished, and that relief and remedies, including appropriate compensation, are provided to victims of violence, including abduction and sexual slavery, and their families.*

## Trafficking and Exploitation of Prostitution

Committee's Observation 27: While welcoming the new Prevention of Trafficking in Persons Act (2010), the Committee notes with concern that statistics on the number of women and girls who are victims of trafficking for sexual and economic exploitation are not available in the light of the fact that prostitution is illegal.

It is also concerned at the State party's failure to address the root causes of trafficking and prostitution, including poverty, which impedes the State party's efforts to address these issues in a serious way. The Committee is further concerned at the lack of training related to anti-trafficking work and at the high prevalence of HIV/AIDS and other sexually transmitted infections (STIs) among women engaged in prostitution. In addition, the Committee regrets the lack of information provided on the existence and implementation of regional and bilateral memoranda of understanding and or agreements with other countries on trafficking and the inadequate information provided on prosecution and punishment of traffickers. While noting the draft Action Plan against Child Sacrifice as well as the establishment of the Anti-Human Sacrifice and Trafficking Task Force, the Committee expresses its concern at increased number of cases of "child sacrifice" or abuse which has been identified as a major child protection gap.

### **Committee's Recommendation 28:**

*The Committee urges the State party to fully implement article 6 of the Convention, including through the effective implementation of the new legislation on trafficking, ensuring that perpetrators are punished and victims adequately protected and assisted. The Committee reiterates its recommendation that the State party develop programmes of action relating to prostitution and the introduction of legislation to ensure the prosecution of, and stronger penalties for, exploitation of women engaged in prostitution. The Committee urges the State party to pay full attention to the provision of health services for these women, so as to combat HIV/AIDS and other STIs.*

*It also recommends that information and training on the anti-trafficking legislation be provided to the judiciary, law enforcement officials, border guards and social workers in all parts of the country. In addition, the Committee urges the State party to review the Penal Code related to prostitution and recommends that the state party conduct comparative studies on trafficking and prostitution and address their root causes, including poverty, in order to eliminate the vulnerability of girls and women to sexual exploitation and trafficking and to undertake*

*efforts for the recovery and social integration of the victims. The Committee calls upon the State party to ensure systematic monitoring and periodic evaluation including the collection and analysis of data on trafficking and exploitation of women in prostitution, and to include such data in its periodic report.*

*It also calls upon the State party to increase its efforts at international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange and to harmonize legal procedures aiming at prosecution of traffickers. The Committee recommends that the State party consider using the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking (2002) as a basis for their implementation. The Committee further calls upon the State party to strengthen its efforts to prevent and investigate cases of "child sacrifice" and prosecute perpetrators.*

## Education

Committee's Observation 31. Despite its notes with appreciation measures undertaken by the State party in the area of education, including the National Strategy for Girls Education which is complemented by the Early Childhood Education and Infrastructure and Sanitation Policies, as well as the proportion of girls in primary schools from 44.2 per cent in 1990 to 49.8 per cent in 2006, the Committee is concerned about tradition attitudes that constitute obstacles to girls' education and is particularly concerned about girls' dropout rates (53.5 per cent in comparison to 46.3 per cent for boys) due to early marriages, pregnancies, involvement in domestic chores etc.

The Committee is seriously concerned at high number of girls who suffer sexual abuse and harassment in schools, as well as the high number of girls who suffer sexual violence while on their way to school. The Committee notes that the low level of education is the key to the advancement of women and that the low level of education of women and girls remains one of the most serious obstacles to their full enjoyment of their human rights.

### **Committee's Recommendation 32:**

*The committee urges the State party to enhance its compliance and to raise awareness of the importance of education as a human right and as the basis for the empowerment of women. To this end, it urges the state party to:*

- a) Ensure equal access of girls and women to all levels and fields of education, take steps to overcome traditional attitudes that in some areas may constitute obstacles to girls' and women's education, address girls' dropout rates and adopt in school;*
- b) Take the necessary measures to ensure safe transportation to and from schools and safe educational environments free from discrimination and violence, strengthen awareness raising and training of school officials and students, sensitization of children through the media as well as the establishment of reporting and accountability mechanisms to ensure that perpetrators of all sexual offences against school girls are prosecuted;*
- c) Ensure the necessary budgetary allocation for the implementation of various projects and programmes.*

## Health

Committee's Observation 35: The committee welcomes a number of efforts undertaken by state party to improve women's health since the examination of the last periodic report, including the prioritization of maternal health in the Health Sector Strategic Plan, the development of a Road-map for Reduction of Maternal and New-born Mortality and Morbidity and that the number of children who die before their first birthday has reduced from 88 to 75 per 1000 live births during the same period. However, the committee notes with concern that, despite a slight decline, maternal mortality rates remain very high (505 in 2001 to 435 per 100,000 in 2006), with clandestine abortions being a major cause of this.

The committee is also concerned at the very high number of teenage pregnancies, women's limited access to quality reproductive and sexual health services especially in rural areas, and that the existing sex education programmes are not sufficient, and may not give enough attention to the prevention of early pregnancy and the control of STIs. The committee is further concerned that over 80 per cent women with cervical cancer are diagnosed in advanced stages of the disease, thus making it the leading cause cancer deaths in the country. Furthermore, the committee is concerned at the limited information on women's mental health status.

**Committee's Recommendation 36:**

*The committee calls upon the State party to take all necessary measures to improve women's access to health care and health-related services, within the framework of the committee's general recommendation No.24. It urges the State party to strengthen its efforts to reduce the incidence of maternal and infant mortality and to raise awareness of and increase women's access to health-care facilities and medical assistance by trained personnel, especially in rural areas.*

*The Committee also urges the State party to strengthen and expand efforts to increase knowledge of and access to affordable contraceptive methods throughout the country and to ensure that women in rural areas do not face barriers in accessing family planning information and services. It recommends that education on sexual and reproductive health and rights be widely promoted and targeted at adolescent girls and boys with special attention to the prevention of early pregnancy and the control of STIs, including HIV/AIDS.*

*The Committee also calls upon the State party to provide updated information about measures taken to combat cervical cancer as well as information about women's mental health status and their access to mental health services, in its next periodic report.*

**HIV/AIDS**

Committee's Observation 37: Despite acknowledging information provided on various initiatives undertaken by the State party to prevent and combat HIV/AIDS, including the National Strategic Plan 2007/8-2011/12, the Committee notes with deep concern that the State party continues to face a serious epidemic and that women and girls are disproportionately affected by HIV, as the HIV prevalence among women is higher (8 per cent) than that of men (5 per cent). In this respect, the Committee is concerned that women and girls may be particularly susceptible to infection owing to gender-specific norms and that the persistence of unequal power relations between women and men and the inferior status of women and girls may hamper their ability to negotiate safe sexual practices and may increase their vulnerability to infection. The Committee is also concerned that the draft National HIV/AIDS policy and the HIV/AIDS prevention and Control Bill have not yet been passed.

**Committee's Recommendation 38:**

*The Committee calls upon the State party to ensure the expeditious passage of the draft National HIV/AIDS policy and the HIV/AIDS Prevention and Control Bill. It also recommends that the State party take continued and sustained measures to address the impact of HIV/AIDS on women and girls, as well as its social and family consequences.*

*It urges the State party to enhance its focus on women's empowerment, include clearly and visibly a gender perspective in its policies and programmes on HIV/AIDS and increase the role of men in all relevant measures.*

*The State party is encouraged to undertake awareness-raising campaigns throughout the State party and among Government personnel in respect of prevention, protection and maintenance of confidentiality in order to systemise and integrate approaches for multiple government sectors.*

*The Committee recommends that the State party report on measure taken in this respect as well as on obstacles encountered and results achieved, in its next report.*

**Rural Women**

Committee's Observation 41: The Committee reiterates its concern at the disadvantaged position of women in rural and remote areas who form the majority of women in Uganda. It is concerned that customs and traditional practices, prevalent in rural areas, prevent women from inheriting or acquiring ownership of land and other property.

**Committee's Recommendation 42:**

*The committee urges the State party to eliminate all forms of discrimination with respect to the ownership, co-sharing and inheritance of land. It further urges the introduction of measures to address negative customs and traditional practices, especially in rural areas, which affect full enjoyment of the right to property by women.*

## Sexual Orientation and Gender Identity

Committee Observation 43: Committee notes with grave concern that homosexual behaviour is criminalised in Uganda. The committee also expresses its serious concern about reported harassment, violence, hate crimes and incitement of hatred against women on account of their sexual orientation and gender identity. It is further concerned that they face discrimination in employment, health care, education and other fields. Furthermore, the Committee notes with concern the private member's proposed Anti-Homosexuality Bill, the contents of which would result in further discrimination of women on the basis of sexual orientation and gender identity.

### **Committee's Recommendation 44:**

*State party to decriminalise homosexual behaviour and to provide effective protection from violence and discrimination against women based on their sexual orientation and gender identity, in particular through the enactment of comprehensive anti-discrimination legislation that would include the prohibition of multiple forms of discrimination against women on all grounds, including on the grounds of sexual orientation and gender identity. To this end, the Committee urges the State party to oppose the private member's proposed Anti-Homosexuality Bill.*

*The Committee also urges the State party to intensify its efforts to combat discrimination against women on account of their sexual orientation and gender identity, including by launching a sensitisation campaign aimed at the general public, as well as providing appropriate training to law enforcement officials and other relevant sectors.*

## Older Women and Women with Disabilities

Committee's Observation: 45: Though it notes efforts undertaken, including the adoption of a national policy on ageing, the Committee expresses its concern at the vulnerable situation of older women and women with disabilities. It also expresses its serious concern at reports that women with disabilities especially in Northern Uganda, face stigma and isolation, gender based violence, and obstacles to accessing justice. The committee is also concerned that sexual and reproductive health and rights of women with disabilities are not promoted and protected. More to that the Committee is concerned that older women and women with disabilities often suffer from multiple forms of discrimination especially with regard to access to education, employment and healthcare, social services, protection from violence and access to justice.

### **Committee's Recommendation 46:**

*The Committee urges the state party to prevent, investigate and prosecute gender based violence committed against all women, including women with disabilities. Effective measures should also be taken to ensure that older women and women with disabilities have equal and non-discriminatory access to education and employment, as appropriate as well as healthcare, including reproductive health, rehabilitation and HIV services, social services, protection from violence and access to justice.*

## Marriage and Family Relations

Committee's Observation 47: The Committee is concerned about the multiple marriage regimes that apply in the State party. While noting that the Constitutional Court has declared some aspects of current legislation on divorce as unconstitutional for discriminating against women, as well as noting the existence of the Marriage and Divorce Bill and the Muslim Personal Law Bill, the Committee expresses its concern that these Bills have not yet been enacted into law and that gaps exist in the laws on marriage, property rights, inheritance, divorce and the family in general. The Committee also expresses its concern at the high number of early marriages of girls and the persistence of polygamy in the country.

To this end, the Committee is concerned that the new Marriage and Divorce Bill, in its current version, will not criminalise polygamy and that it would still allow for the possible payment of a bride price which would be designated as marriage gifts.

**Committee's Recommendation 48:**

*he Committee urges the state party to harmonise civil, religious and customary law with article 16 of the Convention and to complete its law reform in the area of marriage and family relations in order to bring its legislative framework into compliance with articles 15 and 16 of the Convention, within a specific time frame. To this end, the Committee calls upon the State party to review and amend as necessary, the current version of the Marriage and Divorce Bill as well as the Muslim Personal Law Bill to ensure that these do not discriminate against women.*

*The Committee also calls upon the State party to implement measures aimed at eliminating polygamy, as called for in the Committee's general recommendation No. 21 on equality in marriage and family relations and to take all necessary measures to combat the practice of early marriages.*

In conclusion, it is important to note that full and effective implementation of gender based violence prevention and response initiatives is indispensable for achieving the Millennium Development Goals; women empowerment, gender equity and equality and over all socio-economic and political development of this country. We thus call for integration and prioritisation of GBV in overall development planning and budgeting of this nation.

**GLOSSARY OF TERMS****Gender based violence (GBV):**

Any harmful act that is perpetrated against a person's will and that is based on socially ascribed gender differences between females and males. Inter Agency Standing Committee (2007): Gender Handbook in Humanitarian Action.

**Reproductive Rights (RR):**

Rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. They also include the right of all to make decisions concerning reproduction free of discrimination, coercion and violence (World Health Organisation-WHO)



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