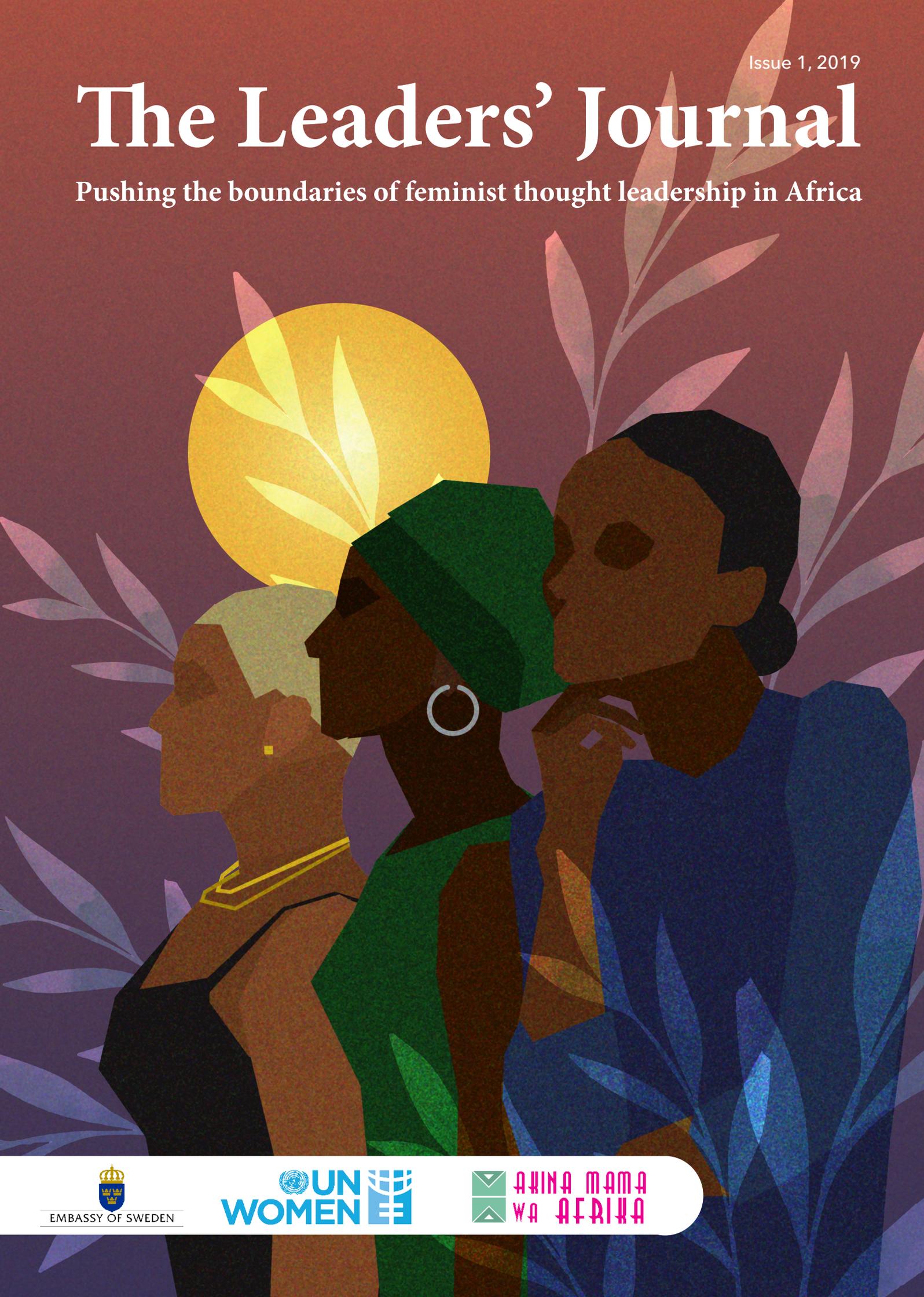


Issue 1, 2019

# The Leaders' Journal

Pushing the boundaries of feminist thought leadership in Africa



EMBASSY OF SWEDEN



## About Leaders'

As the feminist movement makes strides in organizing for women's liberation, a false dichotomy between activism and the development of feminist thought and knowledge remains. And yet feminist theory provides the language and lens to express and concisely articulate women's experiences. Amina Mama writes that Feminist writing and publishing is a key route to conscientization. She believes that unless we link collective organising with coherent feminist consciousness informed by sound theories of gender oppression and change, we easily become subject to an identity politics that will keep us divided. And yet not many platforms exist for African feminists, and young non-established ones in particular to contribute to the movement's growth and strengthening through feminist scholarship. Furthermore, too few opportunities exist for budding writers to be supported in raising the quality of their written work to the level that mainstream and established journals would feature.

Akina Mama wa Afrika seeks to radicalise, disrupt and contribute to intellectual activism through the leaders' journal, a platform for feminists to provide thought leadership and to create home grown repositories of knowledge on gender issues using feminist tools of analysis. The journal looks to build a community of contributors and readers that value intellectual rigour and activism and that understand feminist analysis as both an intellectual and movement building pursuit.

### Acknowledgements

**Consulting Editor:** Rosebell Kagumire,

**Editorial Support:** Leah Eryenyu

**Coordinator:** Fionah Komusana

## About us

Akina Mama wa Afrika (AMwA) is a feminist Pan-African leadership development organization that was founded in 1985 by a group of visionary African women in the United Kingdom but later relocated to Africa with headquarters in Kampala, Uganda. Our work is rooted in feminist principles and beliefs guided by the Charter of Feminist Principles for African Feminists which define our leadership development program and movement building activities. Our mission is to strengthen the individual and collective leadership of African women, forming strategic partnerships, to tackle patriarchy and attain gender equality and women's empowerment for a just and secure Africa.

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**W**OMEN in Uganda, like all across the world, continue the struggle to eradicate gendered hierarchical power that has for generations worked against women, diminished their participation, often erased their labour and achievements in favour of upholding patriarchy as the norm. From the home to the street, from local councils to the cabinet, the struggle to equalise this power remains tied to Uganda's own struggle to usher in a new equitable paradigm, away from the inherited colonial patriarchal capitalist state.

While countries like Uganda continue to struggle with colonial legacies, the leaders who have inherited the state have often carried on business as usual without actual power-sharing where the various citizens, taking into account multiple marginalisations, are heard and their will respected, from the ballot box to everyday service delivery. The struggle to uphold constitutionalism in Uganda under the 34 years of President Yoweri Museveni has had a grave impact on the ability of women to rise beyond tokenist appointments to contest for power and exercise power as their male counterparts.

Uganda is one of the countries with the world's youngest populations, with those ages 15 or below around 47 per cent. The power contestations, therefore, do not only take on a class lens between the haves and the have nots but also the ageing vs the young. Young women are disproportionately affected by inequalities from social-cultural power to economics to political representation. With new technologies enabling historically marginalised communities and social groups to speak out and be more visible, young women are increasingly visibilizing their everyday struggles and those of their peers.

This journal is timely and its authors show how young women are slowly moving into the public discourse in their droves to challenge the long-held notions around who is knowledgeable, who is an expert. They are using this platform to assert their right to impart knowledge as equals. This journal takes stock of the achievements of the women's movement, through the lens of a younger generation, and the unfinished work in the liberation of women from sexist oppression and exploitation towards a more equal Uganda. The authors critique the leadership journeys of women's movements as well as push the status quo that is upheld by the media, culture, religion and the political establishment, to bring herstories of Uganda and Africa that often are relegated to the periphery.

From, school curriculums to media we continue to witness a perpetuation of the imbalance in who is seen an authority and this has an impact on what change women can bring, even when they succeed against all odds to hold office.

This journal is crucial in providing an alternative platform where herstories of struggle and success can be embraced, questioned, celebrated in real-time in order to never again look back and erase women's voices.

Witnessing and inking women's work and lives are within the goals of the resistance and the struggle to eliminate gendered hierarchies that have installed an order that bestows privileges on particular groups and burdens for others. Establishing and affirming women's voice and despoiling the constant reference to 'there are no women' in Uganda's public discourse and public policy is a fight of our lifetime.

The authors take on issues Ugandans face and deploy a gendered lens and offer alternative solutions where possible. From feminist political activity; questioning hegemonic class power and the limited achievements of the women's movement; the elusive quest to equalise power with a majority of women; a look into the role of rising online activism in renewing feminist demands for rights of women to challenging dominant media narratives and the coverage of women in Uganda's media. The questions raised about continued criminalisation of women's lives through laws on abortion and sex work are going to continue to the centre of the struggle for gender equality, not just here but for women across the globe.

Old and emerging challenges around reproductive health rights and women's reproductive autonomy will continue to occupy the centre in the quest for feminist leadership and equality. Moreover these pushes by pro-rights groups are happening at the time the world is witnessing a rise of populism and anti-women's rights wave, coupled with a shrinking space for civil society these leave little room for women to manoeuvre as state systems are hijacked to serve conservative demands around women's bodily autonomy and health.

The journal explores the complex and multiple discriminations and debasement of indigenous communities in a political dispensation that is designed to alienate smaller ethnic groups; the increased economic violence that pushed young women to the margins and rendering them vulnerable to further inhumane treatment by human trafficking networks and how NGOisation of women's rights has pushed everyday women's agency to the back seat.

With the emergence of young women with the zest to tell their own stories, to smash long-held narratives, to push back on the normalisation of violence against women and create opportunities for a younger generation, this journal will be key to capture the energy of a new generation which will push Uganda towards a more equal and just society for all.

### **Rosebell Kagumire (Consulting Editor)**



**Rosebell Kagumire** is a feminist writer, award-winning blogger and socio-political commentator. She is the curator and editor of African Feminism - AF, a platform that documents narratives and experiences of African women. Rosebell was honored with the 2018 Anna Guèye Award for her work on digital democracy, justice and equality by Africтивistes. The World Economic Forum recognized Rosebell as one of the Young Global Leaders under the age of 40. She holds a Masters in Media, Peace and Conflict Studies from the University for Peace in Costa Rica. She has also studied Global Leadership and Public Policy at the Harvard Kennedy School, and Nonviolent Conflict at The Fletcher School of Law and Diplomacy, Tufts University. Her undergraduate degree is in Mass Communication from Makerere University.

# WOMEN SHALL NO LONGER WAIT

Stella Nyanzi

Women shall no longer wait for absent men.  
To drive these poisonous snakes out of our houses.  
We pick up your machetes rusting away  
And chop the venomous snakes into many pieces

Women shall no longer wait for castrated men  
To carry the coffins of kin killed by the state.  
We were your trousers and your kanzus  
And lift the caskets to graves dug by ourselves.

Women shall no longer wait for timid men  
To fight for the liberation of Uganda.  
We pack missiles in our pens and grenades in our mouths  
And shoot our truths at the dictatorship.

Women shall no longer wait for blinded men  
To drive us to the beautiful promised land  
We thicken the muscles of our legs  
And ride ourselves to freedom on bicycles and cars.  
Women shall no longer wait for faceless men  
To woo, love or pleasure us.  
We wear dildos dipped in oil  
And inseminate ourselves with stronger sperm.

*Reproduced with permission from No Roses From My Mouth, a collection of poetry written while Nyanzi was serving an 18 months jail sentence at Luzira Women's Prison for cyber-harassing and offending the President of Uganda.*

# Skewed Dynamics; Exploring Ways in Which Media Fuels Inequality in Uganda

Twasiima Patricia Bigirwa

## Abstract

Media continues to be one of the most influential tools in shaping mindsets in our societies. In Uganda's case, that influence has been used largely to under-represent and give credence to dangerous stereotypes about the most minoritized in our society. Uganda's media; the people who own and work within it, inertly and actively fuel already existing gendered inequalities in Uganda.

The reinforcement of women's subordination and perpetuating harmful beliefs around other minorities in Uganda has remained a focus by the media. Newspaper articles underpin ideas of subservient gender roles and television shows often that make casual reference to rape analogies, and other forms of abuse. Content of this nature catches the attention of large parts of society and influences them.

The spread of sexist imagery and language has contributed to the normalization of sexist practices and beliefs, the trivialization of sexual harassment and a continuation of stereotypes that fuel different abuse specifically against women and LGBTQI<sup>1</sup> persons. The exposure to language and imagery that regularizes inequalities, makes harmful ideas acceptable and normal. It is therefore not surprising that a common justification given by media institutions is "it is simply how things are."

The construction of certain beliefs around gender, sexuality, among others and the expansion of new realities can be attributed to how the media has decided to educate, inform, and entertain.<sup>2</sup> This paper argues that Uganda's media has abdicated its role as influencers of how society thinks and behaves, and how women are misrepresented despite the fact that women make up half of the country's population. The media has normalized the erasure of women's voices on key issues that affect how they are governed, with the calls to remedy this summarily dismissed. The paper further argues that the deliberate erasure of women does not exist in a vacuum and is a continuum of society's understanding of women's roles which restricts women, a blowback to the gains against inequalities.

The paper suggests that media representations should be understood as just one aspect of a range of gendered forms of discrimination which have common characteristics. It highlights how these contribute to violence(s), abuse and erasure of women and other minoritized people in our society. It concludes by suggesting different ways in which the media can be tasked to remedy the problem, drawing inspiration from the existing works and efforts of feminists in Uganda.

1 Umbrella term for sexual minorities standing for Lesbian Gay Bisexual Trans Queer Intersex

2 Hakim Khalid Mehraj, Akhtar Neyaz Bhat & Hakeem Rameez Mehraj, *Impacts OF Media on Society: A Sociological Perspective*, 3(6) INT'L J. HUMAN. & SOC. SCI. INVENTION 56, 56 - 57 (2014).

## Introduction

To understand the current problem, one must understand media sexism aptly defined as “the (re)production of societal sexism through under- and misrepresentation of women in media, leading to a false portrayal of society through a gendered lens.”<sup>3</sup> This includes the different accounts that both actively and passively reinforce dominant narratives on gender. These range from the caricature depictions of women, to their underrepresentation.

Mass media often morphs and operates based on the socio-political leanings within which it is based. Uganda’s media landscape is a reflection of how the country views, and treats women, and other minoritized groups. The institutionalization of biases, and the different ways in which the media is complicit in furthering different harmful tropes is a window into how much more work needs to be done.

In a field that remains largely male dominated<sup>4</sup>, it is no wonder that the crumbs of stories told of<sup>5</sup>

<sup>3</sup> Amanda Haraldsson & Lena Wängnerud, *The Effect of Media Sexism on Women’s Political Ambition: Evidence From a Worldwide Study*, 19 (4) FEMINIST MEDIA STUD. 523, 524 (2019).

<sup>4</sup> Out of the five major media houses none is currently headed by a woman.

<sup>5</sup> A study by Uganda Media Women’s Association looking “at the gender of news subjects by television

and by women lack nuance and remain centered on a lot on stereotypical ideas, based in part on adopted concepts of morality and traditions. The problem must be understood first from a systemic and interconnected level. What is largely believed, particularly by those who control the media, is depicted continuously, and further accepted. Large parts of our population believe that harassment is a show of love; the largely male dominated media empathize with a man who is charged for continued barraging of a woman under the guise of winning her affection.<sup>6</sup> The result of this, is that the headlines relay an act of harassment, as an act of love.<sup>7</sup> These depictions reinforce traditional roles and normalize violence against women as will be further discussed. This continues to reinforce the different cycles that dehumanize women, as no real effort is made to push back against such narratives by those who have the power, and the means to do so.



Of the many tools by which people continue to view themselves

stations, found that out of a total of 372 news subjects, 29% were female.” Read more at, Lisa Nsaba, *Men Dominate Media Space in Uganda, Says Study*, NEW VISION, June 2, 2019.

<sup>6</sup> Drawn from media’s reporting around the case of Brian Isiko who was accused of continuously harassing and cyber stalking Hon. Sylvia Rwabogo.

<sup>7</sup> Betty Ndagire, *Case in Which Student is Accused of Sending Love Messages to MP Deferred*, DAILY MONITOR, Nov. 16, 2016.

## “Symbolic Annihilation” and the Misrepresentation of Women

and the world, media remains a strong tool of influence. Among the responsibilities then to the media, is to aptly represent the different complexities and nuances of the population. This ball has been dropped in Uganda’s case.

Symbolic annihilation<sup>8</sup> has been used to describe the systemic and deliberate way in which women and their full humanness is invisibilized by the media. Where they are not ignored, women are portrayed in stereotypi-

<sup>8</sup> As introduced by George Gerbner (1972); “absence means symbolic annihilation.”

cal roles limiting them to representations that paint them in domesticated functions, defined by their roles as mothers or wives, and discouraging depictions that stray away from that narrative.<sup>9</sup>

One of the biggest criticisms by Ugandan feminists has been the continued erasure of women in Uganda’s media. This is a distortion of the reality of life in a country where wom-

<sup>9</sup> Gaye Tuchman, *The Symbolic Annihilation of Women by the Mass Media*. (Culture and Politics. Palgrave Macmillan, Crothers L., Lockhart C. eds., 2000).

en are half of the population and continue to serve in different fields and play numerous roles. This is specifically true of political shows and commentary in Uganda, issues related with the economy, finance, among others. An analysis of who gets featured and represented on television to give expertise on a raft of issue reinforces the idea of men as authorities.<sup>10</sup> This underrepresentation of women in the media perpetuates the belief that women are either unable to articulate or uninterested in issues that greatly affect their quality of life. This creates the idea of “men as the cultural standard”<sup>11</sup>, where it becomes part of daily expectations to see men in certain roles, and their views as the dominant and more widely accepted. In turn, this contributes to the limited perceptions of women’s capabilities. The effect cements binary notions, relegating women (and by extension excluding men who are interested) to discussions often considered inconsequential such as fashion, pop-culture, home décor, among others.

The proliferation of this show of sexism contributes to the normalization of many sexist ideals. People then tacitly accept gendered discrimination as part of their daily lives because it is reinforced by what media portrays on a daily. Society has therefore become so accustomed to seeing and hearing men speak on particular issues that conditioning now demands that women, as well as other minoritized people, are cast in supporting roles - accepting of tokenism that places one woman on a panel with five or six men. The message seen and heard is that specific ideas, spaces and discussions remain unattainable to women, unless you are the exception - and there are not many. The irony then is the one day a year parade that usually happens during International Women’s Day celebrations where more women than we see in a year are showcased as speakers, discussants and where media houses and those who run them report of their commitment to parity.

10 Julia T. Wood, *Gendered Media: The Influence of Media on Views of Gender* (2013).

11 Cultural standard as discussed by Julia T. Wood, *Gendered Media: The Influence of Media on Views of Gender* (2013), is based on the dominant portrayals that underrepresent women, thus normalizing and cementing men’s dominance across certain fields.

Among a long array of justifications for this behavior, is that women remain unavailable to attend most of these discussions which happen later during the day, or in the night. Some have argued that women simply don’t want to show up for these discussions. These pointed remarks are often in reference to legitimate concerns raised about the timings or distance between homes and studios for example, given the added domestic and care burdens, fear of travelling at certain hours, among other concerns that have been continuously raised by women. It is also not surprising that women might be hesitant to participate in discussions given the media’s track record not only of exclusion, but the way they report on women, among others.

Where women are accommodated, there remains a lack of effort by the media to go beyond gendered understandings and depict women as multi-faceted human beings. Women are still mostly portrayed in equally biased and restricted notions of their roles.<sup>12</sup> In an advertisement<sup>13</sup>, aimed at promoting a new T.V Station targeted at women and girls, the images and videos feature women engaged in what is assumedly considered women’s daily activities that include; doing chores, crying, shopping and “bringing the drama”. This type of portrayal remains dominant in an era where we should be evolving past the limited understanding of roles between men and women. Cooking commercials feature women preparing the meals and serving their happy-reipient husbands. Where are the advertisements showing partnered households where both men and women are equally involved in household chores, or where men are the caretakers? This narrative is also reinforced by prime-time programming where the messaging includes questions like, “How education can affect your marriage.”<sup>14</sup> Additionally, long

12 Adhikari Sharda, *Media and Gender Stereotyping: The need for Media Literacy*, 3(8) INT’L RES. J. OF SOC. SCI., 43, 45 (2014).

13 Spark TV Television Commercial, Jan. 10, 2016. Can be accessed via, <https://www.youtube.com/watch?v=dpiERy81sBY&feature=youtu.be>

14 In a since deleted tweet by Spark TV Uganda on March 27, 2019, this question was posed as an issue of conversation based off the discussion between the presenter and the day’s guests where women were being urged not to forget their marital roles, under the guise of education. For more context, please see Twasiima P Bigirwa (@triciatwasiima) Twitter, Mar. 27, 2019), <https://twitter.com/triciatwasiima/status/1110817604711731201?s=21>

running television stations continue to give platforms to shows whose presenters are almost always men that further trivialize issues such as sexual violence and consent, among others.<sup>15</sup>

This placing and reinforcement of stereotypical gender roles in gender-specific marketing is another element of what the media continues to promote. The effects of such internalizations should not be underestimated. These beliefs limit how women are able to navigate the world.



<sup>15</sup> Shows such as NTV Men, Another Round on NBS have routinely been pointed out for their harmful conversations.

## A Sordid Tale of Excusing Violence

The story of Hon. Sylvia Rwabogo, the Kabarole women member of parliament paints a clear picture of the media's complicity in perpetuating violence against women in Uganda.<sup>16</sup> In what turned the abuser into the victim, the media in Uganda refused to acknowledge the harms that Brian Isiko caused by sending unsolicited messages, phone calls, stalking to the extent that Hon. Rwabogo felt her life was in imminent danger. In a society with such high a prevalence of violence against women<sup>17</sup>, while the response was disappointing, it was not particularly surprising that the media chose to respond the way it did. The abuse was watered down to "love messages"<sup>18</sup> and a lot of similar commentary was founded on the denial of women's agency. This narrowly constructed understanding of the types of relationships between men and women as is amplified by the media legitimizes violence. The beliefs around the representations of re-

lationships between women and men that depict women as objects in men's sexual desires are as a result of cultural and religious conditioning, reinforced again by media choices in their reporting on cases such as the one above. These beliefs are deeply entrenched in our society, that advertisements based on harassment and rejecting boundaries of women are considered a marketing gimmick. Popular telecom companies such as MTN Uganda and Airtel have standardized such standards.<sup>19</sup>

The societal standards of femininity such as beauty and sexiness are also key among the contributors to women's victimization. Women who are considered conventionally beautiful are expected to continue harassment. This has been depicted by announcements for television shows as well as company advertisements where objectification and harassment of women are considered innocent tugs for women's affections, even when they have shown disinterest. NBS Television for example advertised their lifestyle show Another Round

<sup>16</sup> Godiva Akullo, *Harrasment Is Not Love*, AfricanFeminism.Com, July 9, 2018.

<sup>17</sup> See more at, UN Women, **Global Database on Violence against Women (Uganda)**.

<sup>18</sup> Betty Ndgaire, *Defence Protests New Evidence Against Student Accused of Sending Love Messages to MP*, DAILY MONITOR, Nov. 23, 2018.

<sup>19</sup> Rosebell Kagumire, *Ads About Bus Stop Harassment and 'Bonus Wives' Normalise Sexism*, THE GUARDIAN, Apr. 1, 2019.

by showing the hosts ogling a woman as she walked by them.<sup>20</sup> The show hosts later went on to defend the billboard excusing it as a depiction of normal reactions.<sup>21</sup>

“Turning a human being into a thing is almost always the first step in justifying violence against that person.”<sup>22</sup> Dangerous effects of objectification have been widely explained by many who have drawn the link between the failure to make the link between men’s objectification of women and sexual aggression.<sup>23</sup> The daily realities of women which adversely affect their quality life are constantly considered sources of entertainment and promotion tools.

Perhaps one of the most damaging consequences of media’s biases are its effects on LGBTQI persons in Uganda. In what continued a series of targeted attacks against

20 The Billboard initially set up in Bugolobi was eventually taken down after Ugandan feminists on twitter called out the T.V station.

21 Another Round Episode 5 Part 1, YOUTUBE, Oct 30, 2017, <https://www.youtube.com/watch?v=6eFSQ7wg24E>

22 Wright, P.J. & Tokunaga, R.S., *Men’s Objectifying Media Consumption, Objectification of Women, and Attitudes Supportive of Violence Against Women*, 45 ARCHIVES SEXUAL BEHAV. 955-964 (2016).

23 As explained by Dr Jean Kilbourne in, *Killing Us Softly 4: Advertising’s Image of Women* (2010).

LGBTQI persons in Uganda, Red Pepper published several lists of names and professionals whom they alleged to be gay.<sup>24</sup> In a country already riddled with homophobia, this act was intended to steer violence against the homosexual community in Uganda. In October 2010, Ugandan tabloid Rolling Stone similarly published a story in which it called for the execution of Ugandans whom it alleged were gay and lesbian.<sup>25</sup> The paper featured their names, accompanied with addresses and photographs. Other newspapers and tabloids have continued to publicly list names of individuals, organizations and social hangouts for and working on LGBTQI issues endangering them and their work. The refusal of media houses in Uganda to counter in-factual narratives aimed at further perpetrating abuse towards an already marginalized group of people is a show of complicity in the various ways in which the state and society inflict harms against specific groups of Ugandans.

24 Ugandan ‘homosexuals’ named in Red Pepper Paper, BBC NEWS AFRICA, Feb. 25, 2014.

25 Xan Rice, *Ugandan Paper calls for Gay People to be Hanged*, THE GUARDIAN, Oct. 21, 2010.

## Conclusion

The intersectional and feminist demand to end patriarchal and homophobic systems of oppressions must continue to demand for a media that centers the voices of the minoritized, and aptly represents the different struggles and injustices of all of Ugandan society. Ugandan feminists have continued to have campaigns aimed at challenging media to do better, engaging in conversations with various stakeholders as well as creating alternative spaces that center a range of issues often ignored by traditional media.

#WomenInMediaUg<sup>26</sup> started a conversation with media practitioners, academics and feminists on the importance of full representation,

26 Harriet Anena, *Activists Demand Fairer Coverage of Women by Ugandan Media*, AFR. CTR. MEDIA EXCELLENCE, Mar. 13, 2017.

among other issues all discussed in this paper. While editors, journalists and heads of media houses continue to promise action, the results paint a different picture. Part of this can be attributed to what the media considers a lack of continued push to do better. In the past, the women’s movement has banded together to boycott media houses for their underrepresentation of women. Perhaps only radical and collective actions will breed the tangible results.

The growth of social media, and the allowance of new media, and ways of communicating has created an opportunity to challenge and push back on the existing establishments. Feminist led alternatives such as Lakwena<sup>27</sup>, and Black

27 Lakwena is a feminist led and ran website dedicated to

No Shuga<sup>28</sup> are stepping in to counter popular narratives, and create content for women, by women. While traditional media still has a wider reach in Uganda, the growing resistances by spaces such as this creates openings to challenge notions long upheld by the status quo. The win is in continuing to influence and educate through videos, writings and video.

Viewed collectively, the actions of the media can be understood as either enablers or inhibitors of progressing the shifts in society that are required to undo systemic imbalances. It is therefore imperative that feminists in Uganda collectively reject the binaries and limitations that have been set by the media. Contribution to a substantial shift in perceptions in the society can only begin with their media houses internal introspections, and deliberate want remedy.

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producing news, lifestyle, and education content. It was created to curate an intersectional space for writing, creation and highlighting of persons traditionally erased. See more at <https://lakwena.org/28> Black No Sugar is a feminist you-tube channel created by and hosted by Ugandan women highlighting a wide range of issues. See more at [https://www.youtube.com/channel/UCfBbjIUvV\\_-coZ6HSRK5-pA/featured](https://www.youtube.com/channel/UCfBbjIUvV_-coZ6HSRK5-pA/featured)

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20. Black No Sugar is a feminist you-tube channel created by and hosted by Ugandan women highlighting a wide range of issues. See more at [https://www.youtube.com/channel/UCfBbjIUvV\\_-coZ6HSRK5-pA/featured](https://www.youtube.com/channel/UCfBbjIUvV_-coZ6HSRK5-pA/featured)



**Twasiima Patricia Bigirwa** is a feminist lawyer and organizer from Uganda. She hopes to use her writing as an expression of anger and outrage at the injustices she observes, especially against the most marginalized. She continues to write on the human rights situation in Uganda, gendered inequalities, contemporary feminism among others, and purposes that her writing both informs and teaches. She currently serves on the Board of Trustees of Womankind Worldwide and on the FRIDA| The Young feminist fund advisory committee. Twasiima has an LL.B. from Makerere University and an LL.M. from Georgetown University - Law Center. She tweets at @triciatwasiima

## Ethnocentrism as an Impediment to Women's Rights: A Case of Batwa Women in Uganda

*Lornah Afoyomungu Olum*

### Abstract

Minorities in Uganda are largely comprised of indigenous peoples who have been described as peoples "whose cultures and ways of life differ considerably from the dominant society and their cultures are under threat, and in some cases to the point of extinction."

Intersectionality in feminist theory has become the predominant way of conceptualising the relation between systems of oppression which construct the multiple identities and social locations in hierarchies of power and privilege.<sup>29</sup> For the indigenous Batwa women, this intersection between gender and ethnicity intersects to disproportionately affect their access to human rights. Therefore, this paper posits that while women and girls in Uganda face multiple barriers to their empowerment and advancement because of such factors as their age, language, culture, religion, or disability, those who belong to ethnic minorities face additional barriers posed by their very belonging to an ethnic minority group.

The paper analyses the disempowerment of marginalized Batwa women and attempts to capture the consequences of the interaction between ethnocentrism and access to basic human rights.

<sup>29</sup> Anna Carastathis, "The Concept of Intersectionality in Feminist Theory" *Philosophy Compass* 9 no.5 (2014): doi.org/10.1111/phc3.12129.

## Introduction

The concept of ethnocentrism combines the belief that one's own culture is superior to other cultures, with the practice of judging other cultures by the standards of one's own culture.<sup>30</sup> Ethnocentrism is also defined as a feeling that one's own group has a mode of living, values and patterns of adaptation that are superior to other groups.<sup>31</sup> This leads to a generalized contempt of members of other groups.

The Constitution of the Republic of Uganda, 1995 (as amended) (schedule 3) offers a wide interpretation in which the term "indigenous" refers to a list of 65 indigenous communities in the country with the main criteria being tribes/ groups "indigenous to Africa". Of these, 17 are considered to be ethnic minorities and include, among others, the Alur, Lugbara, Kakwa, Ma'di, Nubian, Bamba, Banyabindi, Banyala, Babukusu, Batuku, Bagungu, Tepeth, Lendu,

30 Pierre L. van den Berghe, *Race and Ethnicity: Essays in Comparative Sociology* (New York: Orbis Books, 1970)

31 Daniel Kasomo, "An assessment of ethnic conflict and its challenges today", *African Journal of Political Science and International Relations* Vol. 6(1) (2012):1-7doi.org/10.5897/AJPSIR11.001.



Ik, Batwa, Basongora, Bahehe, Dodoth, Ethur, Mening, Jie, Mvuba, Nyangia, Napore and Venoma, among others. This interpretation is wide and falls short of the specific interpretations as per international and regional human rights standards.<sup>32</sup>

The Equal Opportunities Commission 2016/2017 Annual Report defined indigenous/minority people as 'a distinct, vulnerable, social and cultural group.'

Uganda houses a large number of diverse ethnic groups and historically this diversity has been used by those in power to divide and rule the country.<sup>33</sup> Today, core elements of minority rights, such as the right to recognition, language, and to development have all been violated.<sup>34</sup> The 'impact extends beyond the immediate effects on individual victims

to affect entire communities in the process further marginalising them from basic services, participation and other rights.'<sup>35</sup>

32 Report on the African Commission's Working Group on Indigenous populations/ communities. Research and Information visit to the Republic of Uganda (14-17 and 24-29 July 2006) adopted at the 43rd Ordinary Session, 7-22 May 2008.

33 Baker G. Wairama, "Uganda: The Marginalization of Minorities, Minority Rights Group International," *Minority Rights Group International Report* (2001).

34 Ethnic Minorities in Uganda: Universal Periodic Review Joint Submissions for Uganda (2011)

35 State of the World's Minorities and Indigenous

## 2.0 Legal Framework on the Protection of Ethnic Minorities in Uganda

Despite the protections contained in international and national legislation to support minority rights, Batwa women continue to be affected by the intersectional discriminatory factors peculiar to their situation.<sup>36</sup> Uganda is party to a number of human rights treaties like the African Charter on Human and Peoples' Rights (1948)<sup>37</sup>, the International Covenant on Civil and Political Rights (ICCPR), 1966<sup>38</sup> and the International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention

Peoples, Minority Rights Group International (2014).

36 The United Nations Fact Sheet No. 9/Rev.2.

37 Articles 1, 2, 7, 8 and 23.

38 Article 27.

on the Elimination of all Forms of Racial Discrimination (1965).<sup>39</sup>

However, failure to ratify and domesticate the United Nations Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (1992)<sup>40</sup> and the International Labour Organization (ILO) Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries, 1989 has hampered the harmonization of constitutional rights for minorities with international standards and has made enforcement and

39 Article 2.

40 Article 1 to 9.

monitoring of those rights more difficult.

The African Commission on Human and Peoples' Rights expressed concern regarding 'the exploitation, discrimination and marginalization of indigenous people', particularly the Batwa and denounced 'the failure to recognise the Batwa peoples as indigenous as guaranteed under the African Charter.'<sup>41</sup>

The Constitution does not define 'minorities' thus reducing its effectiveness in protecting ethnic minorities. While it guarantees equality and freedom from discrimination<sup>42</sup>, the rights of women<sup>43</sup>, and prescribes that affirmative action be taken to redress imbalances that exist for both women and groups marginalised on the basis of gender, age, disability or any

other reason created by history, tradition or custom<sup>44</sup>, no special measures are being taken by Uganda to address the vulnerable situation of Batwa women.<sup>45</sup> Though it is a positive step in recognition of the rights of minorities in Uganda, the Constitution falls short of international standards.<sup>46</sup>

In addition, the Equal Opportunities Commission Act 2007 was passed to eliminate discrimination and inequalities against any individual or group of persons on the grounds of, among others, ethnic origin. However, the Act does not expressly provide for the special needs of minorities. Minority groups are also not represented on the Equal Opportunities Commission.

41 Concluding Observations of the African Commission on the 3rd Periodic Report of the Republic of Uganda: 45th Ordinary Session of the African Commission on Human and Peoples' Rights, Banjul, the Gambia, 13 to 27 May 2009, recommendation

42 Article 21, Constitution of the Republic of Uganda.

43 Article 33, 33(5).

44 Article 32.

45 United Organisation for Batwa Development in Uganda and Forest Peoples Programme, "Batwa women in Uganda: disproportionate human rights violations" (2010).

46 Ethnic Minorities in Uganda: Universal Periodic Review Joint Submissions for Uganda (2011)

## The Status of Batwa women

In order to protect, promote and advance women's human rights, it is important to take into account differences among women with respect to age, socio-economic status, racial/ethnic background, religion, national origin, citizenship, status, health, and disability among others.

Failure to recognize the intersectional nature of systems of oppression and integrate an ethnic and gender perspective when analysing indigenous women's status is likely to result in further reinforcing their subordination. Ethnocentrism has manifested itself in various forms against minority groups in Uganda. For Batwa women, they are subject of multiple stereotypes, including the myth that having sex with a Mutwa woman can cure certain ailments, including HIV.<sup>47</sup> Regardless of laws that could curb denigrating speech and other discriminatory practices, such laws are often

in practice not being used to protect minority and indigenous rights.<sup>48</sup>

In addition, it is difficult to find statistics and data about the Batwa communities in Uganda, it is harder to find gender-specific data about the situation of women and girls.<sup>49</sup> This presents an issue because comprehensive data collection is vital in ensuring that governments meet their obligations to protect minorities and indigenous peoples under international law and national law and in ensuring that development programmes respond sufficiently and appropriately to the specific needs of Batwa.<sup>50</sup>

47 Brilliant Mhlanga, Inga Thiemann, Wilhite J. Jennings and Laura A. Young, "State of the World's Minority and Indigenous Peoples" (2014) Pg. 61.

48 Mhlanga, Thiemann, Jennings and Young, "State of the World's Minority and Indigenous Peoples," 61.

49 Duncan Wilson, "Education rights", in *Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples*, ed. Margot E. Salomon (London, MRG, 2005).

50 Fay Warrilow, "The Right to Learn: Batwa Education in the Great Lakes Region of Africa" *Minority Rights Group International Report* (2008): 21.

## Access to Education

Education is a fundamental human right guaranteed by the Constitution.<sup>51</sup> Education opportunities are linked to socioeconomic factors, including land access and ownership, health, labour opportunities and freedom to maintain cultural values.<sup>52</sup> In regions ground down by poverty, the Batwa are often the poorest. Frequently landless or settled on uncultivable land, many are forced to labour for others for very low wages or payment in food.<sup>53</sup>

Batwa identity has been historically misrepresented in school curricula in the region. Teaching materials used in some schools portray Batwa as greedy, ready to work with diabolical forces and poor through their own misdeeds.<sup>54</sup> Such blatant exposure of Batwa women and school going children to ethnocentrism then curtails their right to education which in turn further affects other rights such as the right to economic rights; as employment and access to health services. A study by the African International Christian Ministry in 2008 revealed that 'about 81% of the adult male Batwa and 90% of the women did not know how to read and write.'<sup>55</sup>

Moreover, in addition to the historical marginalisation and discrimination, societal norms usually result in women having a heavier burden in terms of their responsibilities for care giving, economically productive activities and community life than men have means that women belonging to ethnic minority groups are less likely to enrol into schools thus being at a greater disadvantage.<sup>56</sup> Additionally, due to the gendered division of labour at home and in the marketplace, where women undertake a very large share of unpaid caring work, women are less able to take up or remain in

51 Article 30.

52 Supplemental Report on the First Periodic Report of Uganda to the African Commission on Human and Peoples' Rights: State Party Report.

53 Warrilow, "The Right to Learn: Batwa Education in the Great Lakes Region of Africa," 14.

54 Warrilow, "The Right to Learn: Batwa Education in the Great Lakes Region of Africa," 3.

55 African International Christian Ministry, (2008).

56 Social Protection in Uganda Report, 'Analysis of Vulnerability in Uganda', pg. 21.

full-time education.<sup>57</sup>

## 3.1.2 Access to health Services

While the Constitution provides that the State shall take all practical measures to ensure the provision of basic medical services to the population,<sup>58</sup> the Batwa continue to be left out of health programmes.

The Batwa women are more prone to suffering the effects of lack of access to health services given their childbearing role. They are forced to resort to traditional medicine where traditional birth attendants are responsible thus presenting a higher maternal health risks. Other factors like lack of awareness of the services available, especially because of low levels of education, lack of their own indigenous health staff, and language barrier between health workers and indigenous staff, are known to create barriers to the access to health.<sup>59</sup>

Women and girls are also prone to specific problems arising from social behaviours related to beliefs of their ethnicity; other groups in Uganda believe that sexual relations with a Batwa woman can cure men from backache and protect them against HIV/AIDS. This puts Batwa women and girls at increased risk of sexual assault.<sup>60</sup> The situation is made worse by loss of land on which they depend for medicines. Access to testing and care and treatment is a challenge, as they have to pay for services, and health workers do not treat them well.<sup>61</sup>

## 3.1.3 Access to Civic Rights

The Constitution protects the right of minorities to participate in decision-making processes and have their views taken into account

57 Mhlanga, Thiemann, Jennings and Young, "State of the World's Minority and Indigenous Peoples," 61.

58 Objective XX.

59 State of the World's Minorities and Indigenous Peoples, Minority Rights Group International Report (2016).

60 United Organisation for Batwa Development in Uganda and Forest Peoples Programme, "Batwa women in Uganda: disproportionate human rights violations" (2010).

61 State of the World's Minorities and Indigenous Peoples, Minority Rights Group International Report (2016).

in the making of national plans and programmes.<sup>62</sup> Article 33(4) also guarantees the rights of women to equal treatment with men in political, economic and social activities.

For marginalised groups, these provisions enshrine the right to participation in public affairs and development activities to ensure that their right to inclusion is respected and promoted. The right to participation is a fundamental tenet of democratic governance that determines how decisions that affect the interests of an individual and the community at large are taken into consideration. The directives in the Constitution identify rights and obligations across the socio-political spectrum. However, Uganda has yet to ensure that the Batwa women are represented fairly. As discussed earlier, the high levels of illiteracy, unemployment, poverty, and vulnerable health situation, and ethnocentrism, among others, limit their chances of being considered as political candidates.

The election results in 2011 indicated that there was no councillor from the Batwa ethnic group in the Kabale and Kisolo district councils, districts that are inhabited by the Batwa

ethnic group.<sup>63</sup> The representation of minority groups, especially women representatives, in local Council and other political leadership roles is not prioritized by the government. Therefore, they are generally represented by people from other ethnic groups and forced to accept policies made by members of surrounding communities.

63 Douglas Karekoma Singiza and Jaap De Visser, "The unresolved ethnic question in Uganda's district councils" (2015) *Law, Democracy and Development*, 19 (2015).



62 Article 36.

## Conclusion

The social marginalisation of women belonging to ethnic minorities has dire negative consequences. The negative stereotypes about particular ethnic groups form prejudices that are subsequently treated over the years as truths hence creating a drastic impact on community cohesion and peaceful coexistence with communities belonging to dominant ethnic groups. While it is evident that ethnocentric attitudes in ethnic groups in Uganda are deeply rooted owing to the country's history, the government should increase the participation of ethnic minorities, especially women, in developing policies and programs that concern them.

Failure by government to acknowledge and deal with the existence of minorities is at the

heart of the problem. Social cohesion can be attained upon taking deliberate measures of social, economic and cultural inclusion of ethnic minorities. The government, therefore, has to acknowledge the intersectional and unique nature of discrimination faced by women belonging to ethnic minority groups. There is urgent need to promote peaceful coexistence among ethnic groups for instance by developing inclusive and intercultural educational provisions and curricula, which ensure that all ethnic minority groups have an understanding of their multicultural society and erase ethnocentric tendencies by other groups.

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# Women's Inclusion in Local Governance: Harnessing Gains of Gender Mainstreaming

Rebecca Nalwoga-Mukwaya

## Abstract

Worldwide, women and girls' right to hold public office is recognised. Whereas the significance of women's participation in local governance has been acknowledged at the national and international level, the justification for their involvement in local governance is yet to be fully appreciated. Equal participation and representation of women in local decision-making processes is critical for prioritising women's needs and issues.

For a review of the participation of women to be done, it is crucial that power; the exercise of power to make decisions or influence a decision making process ought to be made. This paper uses the Moser framework to critique the efforts that have been made by Uganda as a country in regard to both nationally and internationally set gender targets and parameters. It answers the following questions: Why has there been limited participation of women in local governance in spite of the policies like affirmative action? What are the challenges to women participation and decision making? What shifts need to be made and what does progress look like for Ugandan women at the local level? What are the good practices that promote inclusive women participation in local governance exist? The ultimate aim of this paper, therefore, is to show why we should be emphasising participation of women in local governance.

## Introduction

The pre-colonial period has not been extensively documented but notwithstanding, Uganda like all African communities, was patrilineal in nature and the effects of patriarchy are inevitable. As such, women were in the background in terms of the leadership in their communities. Tamale (1999) suggests that women were not directly involved in politics but their opinions were valued and very often sought before political decisions were taken. Tamale (1999) also observes that to an outsider, politics in pre-colonial Uganda appeared to be the exclusive realm of men. This was partly because of the male dominance in the public sphere that prevailed in largely patriarchal societies.

British rule which was introduced in 1900 was mainly characterized by the use of agents who were basically male to extend colonial rule to other territories. 'With the coming of the British colonial rule, meant that the gender inequalities were deepened and eroded women's participation in and control of local decision making' (Kyomuhendo and McIntosh, 2006)<sup>64</sup>. The coming in of the colonial rule stripped women of all their political power. However, the colonial era did permit the development of voluntary women organisations.

Towards independence, the nature of women movement was activism and advocacy.

<sup>64</sup> Kyomuhendo, Grace B, and M.K. McIntosh, 2006 Women, work and domestic virtue in Uganda, 1900-2003. Kampala: Fountain Publisher

During the 1958 Legislative Council (LEG-CO) elections, women were poorly represented - this caused the Uganda Council of Women (UWC) to rally behind female political participants and front themselves as worthy contenders (Tripp, 2000). Internationally, the legal framework Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) was signed in 1989 by 189 member states, the Uganda Government ratified CEDAW and in 1995 it domesticated its provisions in the Constitution. In 1995 the UN convened the fourth conference on Women in Beijing and the focus was action for development, peace and democracy. The Beijing Platform of Action flagged twelve key areas that tackled the attitudes and practices which perpetuated inequality and discrimination against women in public and private life in the whole world and laid out concrete ways to bring about change. Uganda implemented the Action by first of all adopting a National Gender Policy by the Government of Uganda in 1997 and the Uganda Law Reform Commission embarked on laws to ensure equality between men and women including the Local Government Act.



The 1995 Constitution<sup>65</sup> section 11 reserves seats for women in the composition of district councils in paragraph (c) and (d) and the decentralization policy that was introduced in 1997 under the Local Government Act made steps to ensure inclusion of women in the governance of their local communities. The Local Government Act (1997) a key decentralization policy document stipulates that the population quota of women representatives shall be determined by the requirement of women constituting a third of any Local Council (LC) being considered.<sup>66</sup>

The participation of women in the politics of their communities is of paramount importance in advancing gender equality and pro-

65 Government of Uganda, 1995. The Constitution of the Republic of Uganda. Entebbe: Government Printer  
66 Local Government Act 1997 (part x, article 109(3)).

motion of authentic democracy. Some of the advantages of promoting this include; Ensuring inclusive democracy and empowerment; Women's political participation is critical to ensure inclusive democracy and empowerment in the political space. It also enhances their participation in governance and their direct engagement in governance and decision-making, in the public space as well as safeguarding accountability to women. (UBOS, 2017)<sup>67</sup>.

Advocating for women friendly policies; Misa-fi (2014) points out that, 'Literature supporting critical mass thinking argues that it is only when the numbers of women increases that they will be able to more efficiently and promotes women-friendly policy change.' Therefore, an increase in numerical representation is crucial for ensuring that women's interests, needs and concerns (such as autonomy, well-being) are incorporated into the policymaking process by women's input (Phillips, 1995.p.14-15). Like the famous adage that the men-in -the -situation are their best liberators, so it is with women being involved in the local governance.

Chowdhury, (1994) and Panday, (2008) relatedly state that a more convincing argument for representation and participation of women in local governance is rooted in the conviction that unless all sections of society, whether women, racial or religious minorities and other disadvantaged groups are represented in legislative bodies, their interests will not be articulated and therefore will suffer from policy neglect.

Women are presumed to be specialists in their own interests based on their social experiences and knowledge. It is theorized that women have special needs and interests they would like to be represented including such issues as gender social relations and child welfare,

67 Women in local government Baseline Statistics for Local Council levels III-V in Uganda July, 2017 UBOS, UKAID, UN WOMEN UBOS,2017s

community health services, and production and the environment. Misafi (2014, p.20)

Moreover, given their care giving and nurturing role, women always raise issues pertaining to the welfare of the communities which may not necessarily be raised by men. Opare (2005)<sup>68</sup> argues that the ability of any group of people or their chosen representatives to participate in decisions affecting their lives not only puts them in a position to contribute ideas but also provides them with the tools and options for reshaping the course, direction, and outcome of specific programmes and activities which will determine their future.



68 Opare, S (2005). 'Engaging Women in Community Decision-making Processes in Rural Ghana: Problems and Prospects. Development in Practice 15: 90-99.s

## Women's political representation after 2016 elections

Increasingly, there has been an influx of women joining in the political arena through the creation of more political spaces like the special interest groups (including elderly, workers, PWDs, and youth) which have ensured an increment in women representation. From the elections that were held in 2016, there were gaps between the male and female representation with a seven percent gap at the sub county, sixteen point two gap at the Municipality level and a sixteen point eight percent gap at the district Council. This means as one moves up the ladder, the gender gap increases and a higher male dominance at the highest level of local government hierarchy and this is similar to what happens at the parliamentary level.

There could be a number of explanations for this; there is comfort at the lower tier and the business at this level is not so serious; the Sub county level, women are closer home so as they go about their roles as councillors, they can easily go back to their homes and carry

out their gender roles as opposed to if they were district councillors necessitating them to move away from their homes for very long periods ; and at the Sub county level a councilor represents only one parish and therefore there is limited competition and running for such an office is financially convenient while a district councilor might be representing over ten parishes and so competition to that office would be very high. '...women prioritise family more than men do, and will often choose a flexible, lower paying job over a rigid paying one.'(Hawkins, 2017)<sup>69</sup>

69 Women ,work and the facade of choice-featured stories. Grace Hawkins (2017) accessed from medium.com on 2nd April 2020.

The table below is a summary of the 2016 elections in local governments;

**Table 1: Distribution of Women and Men in Local Government Councils, 2016.**

Local Government Councils	Number			Percentage		
	Men	Women	Total	Men	Women	Total
District Council	1916	1364	3280	58.4	41.6	100.0
Municipality / Municipal Divisions Council	745	537	1282	58.1	41.9	100.0
Sub-County / Town Councils	12412	10781	23193	53.5	46.5	100.0
Total	15073	12682	27755	54.3	45.7	100.0

Source: Electoral Commission, 2016

## Challenges to women’s political participation

Unlike men, there are specific challenges that are peculiar to women representatives in local government politics. According to Ekiyor & Lo in Olayode (2016) consent that there are four interrelated areas of concern are emerging from ongoing studies of gender inequality in political representation. These are

- i) Structural impediments attributed to patriarchal ethos that entrench gender biases and impede women’s representation in governance processes;
- ii) institutional barriers and failures to systemize ,domesticate and enforce gender equity instruments;
- iii) contextual challenges ,such as violent conflicts, political instability and reconfiguration of political power; and
- iv) internal challenges within women’s movements and networks. The proceeding section tries to unpack the various groupings of challenges that women in local governance face and some ways in which we can overcome the m.

### Structural impediments

The level of education among women is lower than that of men and yet the documentation in council must be analysed with some level of literacy. ‘There is no doubt about the fact that

the quality of councilors is likely to be affected by the level education... councilors with the lowest levels of education ... registered their worst performance in the legislative role; especially during plenary, as some could not make written contributions to any committee. The low levels of education undermined effective debate and interaction among councilors and the highly educated technical staff whom they are presumably supposed to supervise.’ Muyomba-Tamale et al (2011, p.32).The capacities of women ought to be built through apprentice training and finding a way in which their competences of dissecting technical information can be made. In so doing, women then can make meaningful contributions to the technical documents that are presented to them in council. There is no minimum qualification standards for the district councillors and for the LC3 chairpersons and most common level of education attainment among councillors is secondary school level.

### Institutional barriers

The prejudice against women as portrayed in the media, women are often portrayed as brainless, dependent, indecisive and subser-

vient (Mukama 2002). As a result, their views are not taken into consideration because they seem not to be very serious or to have an impact. Therefore decisions must be made on their behalf since they cannot choose.

Furthermore, in spite of the quota system, the numbers of the women in councils remain fewer than those of the men. This makes their vote more or less insignificant. Moreover, when it comes to decision making, the men in council and those of the technical wing outnumber the women and so often their voices count more than the women. As a result, the priorities of women are not taken seriously even by the implementers like the local government officials.

Cultural Prejudice is a major challenge; Cultural prejudice where first and foremost its men who lead and have better leadership skills and that women must be assistants or below the men. As such, a number of women have failed to take up positions which the communities feel are a preserve of men, for instance the role of the chairperson is viewed as a male position. A 2015 UNDP<sup>70</sup> report recognises that women are limited to playing a “seconding, signing and supporting” role in the District Councils. The report explicitly attributes this to adherence to cultural norms that “thrive on the subordination of women”. The unwritten culture is that the leadership of a district must be driven by men. This calls for the need to change social norms that have perpetually caused social exclusion and would necessitate questioning communities’ attitudes, beliefs and practices.

Women have larger constituencies compared to men because they represent two or sometimes up to three sub counties at the district monitoring such big constituencies with the small honorarium is a challenge yet they are expected to perform as well as their male counterparts. The male councillors of sub counties to the districts are referred to as the directly elected councilors and are also viewed in the community as the main representatives again a patriarchal ethos.

70 Uganda Human Development Report 2015: Unlocking the Development Potential of Northern Uganda. UNDP

So far, the inclusion of women has just been a matter of having more numbers and not necessarily the impact of the representation. The emphasis that has been made is to ensure that women are represented in every sphere but there has not been a lot of analysis made on whether they are making an impact as a result of their presence in council. The focus now should then shift from numbers to the what and how of their work.

Like a number of political spaces women occupy, district councils are not devoid of sexual harassment; amongst the community of councillors, women are viewed as possessions, lured into sexual relationships and often contend with men seeking sexual favours as pre-conditions for support or even positions. This has not only been a source of conflict in some councils but has destabilized women’s marital homes and their responsibility of presenting their constituents. It is important therefore to interest the Local Government in developing and operationalising a Gender Equity and Diversity training as well as adopt a Gender sexual harassment and discrimination policy in the Local Government Councils. In addition to this, women should also be sensitized to better understand their leadership and decision making roles.

## Contextual challenges

Whereas quotas may be a step ahead, they are not the only determinants of women’s participation in local governance. Shawna (2017)<sup>71</sup> states that research points to the importance of having a critical mass of women in leadership positions, usually accepted as at least 30%, in order to shift norms of decision making.<sup>72</sup> However, this is not at all certain; it depends on a variety of factors, including the degree of transparency and democracy within those systems. A system that secures women’s participation within the status quo is not

71 Wakefield, Shawna, “Transformative and Feminist Leadership for Women’s Rights.” Oxfam America Research Backgrounder series (2017): <https://www.oxfamamerica.org/explore/research-publications/transformative-feministleadership-womens-rights>.

72 UN Women, Progress of the World’s Women, 2010

sufficient and may not move much. There is need to look more on the qualitative aspects of women's participation in local governance as opposed to the quantifiable aspects so that focus is moved from the numbers (Goetz, 2002). While there have been achievements in the quota system in Uganda's case where women can also have representation of their different sub counties or parishes, we need to move further ahead and start interrogating issues such as the kind of critical mass of women required for gender equality; women's collective action on issues of gender equality; and building women's political empowerment including constituency building. (Tadros 2015)

## Internal challenges

The women as a group lack core civic engagement skills like mobilization, monitoring and evaluation, advocacy and alliance building. (Chowdhury, 1994) The inadequacy of women in such vital skills is dire and this affects for instance how much they can advocate for programs or for better service delivery that their constituents need. Feminist writing has elaborated the need for women's organisations in mobilising for women's rights. Like Narayan (2000) notes the importance for lo-

## Conclusion

Undoubtedly there are milestones that have been made on paper in terms of policy and legal provisions to promote women's political empowerment which could be termed as merely symbolic, but concrete participation is still a challenge.

Numbers serve as lip service but the actual commitment to include women in the decision making of the local governments will happen when and if they are placed as mainstream representatives. Women need to be viewed as those who have leadership potential and not an extension of a constituency in Goetz's (2002, p.558) view or add-ons. They should be recognized as a group with specific interests so that it is their politics that brings

cal governments to develop partnerships with grass root women's organisations and recognize the need to increase the opportunities and resources for poor women. In turn this will help the women who are economically empowered to be fully engaged in the local governance of their communities. It is therefore imperative that there is building of agency amongst women to empower them so that they can tackle barriers that affect their participation.

Participatory Gender Responsive Budgeting is one way out of the structural impediments. Gender Responsive Budgeting (GRB) is a tool that aims at integrating gender perspectives in the budgeting process. It should be viewed as an influential element of managerial activities related to development of budgets of different levels, which provides important information to specialists making decisions about allocation of budget funds.<sup>73</sup>

73 Elisabeth Klatzer & Tatiana Ivanina Gender Responsive Budgeting: Analysis of Budget Programmes from Gender Perspective. UN Women, CRB, Sweden and Friedrich Ebert Stiftung.

them to office not their gender. Legislative efforts have been made and women as a constituency are being represented but their ability to influence policy and decision making has not yet materialized making this political participation not concrete. What has been emphasized is the politics of presence but we should also include the politics of ideas.<sup>74</sup> As such, the actions ascribed to the representatives should be the focus, that is what and how they are affecting decision making. It remains a challenge to address structural impediments that continue to hinder women from fully participating which means dealing with; social and political relationships in their communities (Bari, 2005), Patriarchy

74 Phillips, A. (1995) The politics of presence. Oxford Clarendon Press

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# Sex is Work: The Impact of Criminalization of Sex Work on Sex Workers and other Women in Uganda

Shira Natenda

## Abstract

Sex work is legally, socially and religiously unacceptable in Uganda. But the practice lingers almost unaffected. While both men and women can be sex workers, the sex industry is commonly occupied by women. However, societal and religious perceptions of a woman having several sex partners is a taboo and an abomination. Such perceptions do not apply to men. Thus this has fueled human rights violations and risks of sexual and gender based violence against not only women who engage in sex work but also women in general. This paper intends to tell the negative social, political and economic impact that criminalization of sex work has on sex workers and other women in Uganda.

## Background

Sex work has been described as the world's oldest profession, despite consistent attempts and actual criminalization of the practice. Sex work continues to grow in Uganda and all over the world. Sex Work is the provision of sexual services for money or goods. Sex workers are women, men and transgendered people who receive money or goods in exchange for sexual services, and who consciously define those activities as income generating even if they do not consider sex work as their occupation.

Sex workers as adults who receive money or goods in exchange for consensual sexual services or erotic performances, either regularly or occasionally.

Sex workers recognize sex work as work, and it should not be conflated or confused with prostitution. This distinction is key in the fight to recognize sex worker's rights. Prostitution has connotations of criminality and immoral-

ity. Many people willingly working in the sex industry prefer to be called sex workers and find prostitute rather demeaning and stigmatizing which contributes to their exclusion from health, legal and social services.

Sex workers include escorts strip dancers, call girls, street-based and brothel-based sex workers among others. Class determines access and how much one earns (high, medium, low). Different people engage in sex work for different reasons, some engage for survival, others do it by choice and find it favorable (flexible working hours and better pay) while others do it for sexual exploration reasons. Certainly all these women, trans persons and men are able to make ends meet doing sex work.

Third parties too equally or hugely earn a living on sex work however criminalization has continued to enable extensive exploitation and oppression of sex workers. Some Agencies or brothels take criminalization as an opportunity to economically violate sex workers since sex workers are not protected. Street-

based sex workers are prone to police and social brutality because they work in the open. But generally, all sex workers are susceptible to inhuman degradation, homicides and sexual Assault.

## Impact of the law on Sex Work

There are various legislative models used to manage, control, or regulate sex. Full criminalization prohibits all organizational aspects of sex work and selling and buying sex. Partial criminalization is where some aspects of sex work are penalized (e.g., soliciting sex in public for sex workers and/or clients, advertising services, collective working, or involvement of third parties).<sup>75</sup>

Uganda fully criminalizes prostitution under the Penal Code Act CAP 120 that is to say Art 138. Additionally Article 139 on *Prohibition of prostitution* states that any person who practices or engages in prostitution commits an offence and is liable to imprisonment for seven years. Article. 136: *Person living on earnings of prostitution*: Every person who knowingly lives wholly or in part on the earnings of prostitution and every person who in any place solicits or importunes for immoral purposes commits an offence and is liable to imprisonment for seven years and Article 137. *Brothels*: Any person who keeps a house, room, set of rooms or place of any kind for purposes of prostitution commits an offence and is liable to imprisonment of seven years.

Even in the face of criminalization, stigma and discrimination, hundreds of women and other genders still join the industry as a way of earning a living. The continued presence and growth of sex work attests to the fact that crim-

75 <https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1002680#pmed-1002680-t001>  
Canary Mugume, Girls in Risky Business, documentary NBS investigates(16th September 2019  
@hrapf\_Uganda, (20th September 2019).  
Human Rights Awareness and Promotion Forum, "The Human Rights Advocate 5th issue :When Being Poor and Undesirable is a Crime, Reflections on the impact of the idle and disorderly laws on marginalized communities", (2018)

inalization of sex work in Uganda and elsewhere has failed to serve its purpose; instead, it has imposed more risks on sex workers such as extortion, arbitrary detention, exploitation and heightened Gender-based violence among others.

Criminalization does more harm of creating a culture of silence among sex workers about violations by clients and police, exposing their vulnerability to incarceration, reprisal and more abuse. Since sex workers are already taken as criminals, it is hard to access legal redress in the informal or formal Justice sectors. The society and police already condemn sex workers even before being charged. It is not uncommon that cases reported by sex workers are shrugged off and the victim is blamed and all they have to say is; "You called for it after all its part of your work".



In the Girls in Risky Business documentary, I reiterate this. Lack of justice in the system ensures perpetrators walk free even when they commit repeated acts of violence against sex workers. The criminalization means sex workers are subjected to arbitrary and targeted arrests. The police spokesperson told NBS TV in the same documentary that, "It is quite a challenge to prove one is a sex worker before the courts of law. Women appearing on the streets does not bring out the act of prostitution. You need to witness negotiation and exchange of money between the parties and it has to be a repeated act."

Often women sex workers are arrested because they fit a profile of a sex worker and are charged under the idle and disorderly

law, an old colonial law under the Penal Code Act. Although this law affects all people, it disproportionately impacts the lives of sexual minorities and marginalized communities especially street-based sex workers. Moreover, the process of arrests is accompanied by brutal treatment and verbal abuse. Following the airing of the NBS documentary, Human Rights Awareness and Promotion Forum (HRAPF), a Ugandan rights organization posted on their twitter that over 200 sex worker were arrested on 20 September, 2019. The victims were arrested and charged with possession of illegal drugs and for being rogue. and vagabond, easy go-to trumped up charges. The rogue and vagabond law infringes on the right to movement and privacy. Interviews with fellow paralegals who have worked with HRAPF on this case, attest that during this particular raid, some women lost money and others were dragged from their homes leaving their children unattended to. Once sex workers are arrested, what follows is extortion in the form of financial or sexual bribes to be released.

The Human Rights Advocate 5th issue 2018 by HRAPF entitled *"When Being Poor and Undesirable is a Crime, Reflections on the impact of the idle and disorderly laws on marginalized communities"* this issue was discussed.

## Cultural restrictions on women's bodies

The continued criminalization must also be understood in the rooted beliefs around women's bodies. In most cultures in Uganda, women are condemned for owning their sexual power, Example some tribes and religions support polygamy but intensely condemn polyandry. Women who have sex before marriage are named concubines which is regarded a far less status for a noble woman. To make it worse, men's sex satisfaction and keeping a stable relationship are all weighed on women. These gravities have deemed women powerless. Whereas the men/boys are privileged for exploring their sexual power on the same women. Once a woman enters a relationship with any man, she becomes the subordinate

It states that the offence of "being a rogue and vagabond is extensively implemented in Uganda and that the police usually carries out arrests under these provisions in swoops, which are sudden raids and which usually involve a large number of persons found in targeted areas, indiscriminately being arrested". It was also found that despite the rampant arrests, the provisions have little prosecutorial value in that only about half of the arrests under these provisions lead to cases being heard in court. HRAPF's study found that it is very difficult to prove the elements of the offences under Section 167 Idle and Disorderly Persons and 168 Rogue and Vagabond of the Penal Code Act since they are not clearly defined. In instances where court cases end in the conviction of the charged persons, this is mostly because the accused persons pleaded guilty for the sake of trying to avoid a long prison sentence.

Additionally, the violence sex workers face is a reflection of the general violence in society. For instance while sex workers were targeted in the spat of women kidnap and killings between 2017-2018 in Uganda, not all the 23 women killed in Wakiso district were sex workers.

and he becomes her master. It is an abomination for a woman to exercise her sexual rights, hence a sexually liberated woman is a prostitute even when she does not engage in sex work.

It is clear that the law prohibiting prostitution in Uganda is ingrained from a patriarchal and sexist perception. This was portrayed in Eve Ensler, BBC News- Africa *"Uganda Ban on Vagina Monologues"* (Feb /18th/2005) *Vagina Monologues* screening by the Uganda Media Council claiming the play promotes prostitution, homosexuality and unnatural sexual acts. Despite the fact that the performance intended to empower women explore

their sexuality and strength as well as raise awareness of sexual abuses against women. The ban was hugely supported by parliamentarians and church leaders.

*"I am extremely outraged at the hypocrisy! I am amazed that this country Uganda gives the impression that it is progressive and supports women's rights and the notions of free speech yet when women want to share their stories the government uses the apparatus of the state to shut us up"* Sara Mukasa commented on this ban. Thus a sex worker or any sexually liberated woman is perceived as insubordinate by law because she owns her body integrity and sexual power. Her power to decide on how, when, with who and how many people she has sex with is out of the noble.

*"My argument is that prostitution should be made legal, sex workers offered the same rights and respect as workers in any other field, and that by doing this sex work can become something that benefits*



*women and humanity in general"*

Kelly J Bell, "A feminist Argument on How Sex Work Can Benefit Women" 2009

The article elaborates that sex work can be very profitable for women, and many women may enjoy work that allows them to creatively express their sexuality. Sex work can allow human beings a way to safely explore their sexual desires in ways they cannot through the current social norm of heterosexual, monogamous relationships. The sex work industry and its workers need not be chastised by a society that clings to puritan ideals of what is "moral." Sex work is illegal because it is largely viewed as immoral and degrading, but morality is subjective and society's opinion on what is "right" and "wrong" is constantly shifting. Morality provides no sound basis for law, as people governed by laws cannot possibly all share the same moral beliefs

## Impact on sex workers' health

Criminalization heightens stigma and discrimination towards sex workers in healthcare systems. In the Girls in Risky Business documentary earlier mentioned, Juliet speaks about the indifference among health workers towards sex workers and often they are shunned from accessing health services.

*"You can't disclose your occupation to the health workers so you reserve your health issues or wait until they bring targeted health outreaches to your community,"* she says.

Although the links between sex work and HIV vulnerability are known and have been recognized since the earliest days of the epidemic, surveys indicate that sex workers have inadequate access to HIV prevention services, and it is believed that their access is even more limited for appropriate treatment, care and support. There's been insufficient attention and

resources to address HIV among sex workers. No wonder the HIV prevalence among women sex workers in Uganda is 37 per cent (UNAIDS Report 2015/2016) compared to 7.6 per cent among women in general UPHIA 2016-2017. It is estimated that sex workers and their clients accounted for 18% of new HIV infections in Uganda in 2015/16.<sup>76</sup> The epidemiological data on HIV infection rates among sex workers and their clients reflects the failure to adequately respond to their Mental and public health needs.

76 Uganda AIDS Commission (2016) 'The Uganda HIV and AIDS Country Progress Report July 2015-June 2016' [pdf]

## Labor rights and the Ugandan economy

Sex work criminalization drives sex work operations underground and deter sex workers from exercising their labor rights. This grants third parties like brothels more power to exploit sex workers hence daunting risks and creating a vicious cycle of poverty among sex workers yet brothel managers and pimps earn huge profits from the industry. There are no set minimum wage guidelines or protection in the informal labour sector, no wonder a

big percentage of this sector is occupied by women. In *Girls in Risky Business* documentary, Julie says that she has to attend to over 10 men to make 100,000UGX (28 \$) per day. She also rents a room at 20,000 UGX/ per day and sometimes clients refuse to pay or she receives no client at all but the brothel Manager does not care if you got a client or not.

## Action from the sex work movement

In Uganda, sex workers of all genders who believe that sex work is work have joined hands towards supporting sex work decriminalization, improving working conditions, eliminating violence, stigma and discrimination decades ago. Today there are sex work led groups and alliances in Uganda. Notable of these are Alliance of Women Advocating for Change, Golden Centre for Women's Rights Uganda, Women Positive Empowerment Initiative, Trans Youth Initiative among others. Some of the core activities of these groups/ organizations are; dialogues with key policy decision makers and leaders, health service provision, human rights awareness, access to justices, education and economic empowerment all projected to elevate the status quo of women sex workers in Uganda.

Largely due to this work, we slowly see topics on sex work being openly discussed on television and other media although it comes with stigma; there is the engagement of sex workers in HIV programming among others. Many bold women sex workers have toiled to end stigma and humanize sex work like Kyomya Macklean of Alliance of Women Advocating for Change. She is often seen taking up the needed space and she says she is "motivated by the desire to make a difference."

Efforts like these have seen many sex workers gain courage to engage in public policy de-

bates to push for sex work decriminalization and equal access to health services.

Personally, I continue to advocate for decriminalization as a way to protect sex worker's labor rights, as well as set guidelines that will deter underage girls from joining the sex industry and the increasing challenges of human trafficking. When we look at countries that have decriminalized sex work such as Netherlands, Australia and New Zealand, reports indicate that there was an improvement in working conditions, the number of sex workers didn't increase and they have a very low rate of HIV infection.

Uberto Bacchi *Legalizing Prostitution Lowers Violence and Disease Report* says Dec/11/2018

Nowadays human rights advocates have increasingly incorporated sex workers' rights as human rights. Adults have a right to choose sex work as an occupation and if it's done by choice, sex workers have a right to engage in it without violation of their human rights.

## Conclusion

There is a need to rethink criminalization and its implication on the rights of sex workers and the use of a right-based approach when dealing with cases reported by sex workers. Being a sex worker doesn't justify the deprivation of some one's right to life, right to equality and non-discrimination, right to a fair trial, the right to dignity, right to health, freedom from cruel and inhuman degradation as well as the right to liberty.

Sex work is work if it involves choice and consent. Where there is free entry and exit. If entry and retention in sex work encompass coercion, that is human trafficking, not sex work. Many Ugandan women are trafficked both within the country and increasingly to the Middle East and India. You don't have to be a sex worker to be a victim of sexual exploitation but the criminalization of sex work makes it further difficult for women stuck in trafficking to break away and seek justice. Traffickers, serial killers and rapists do not discriminate who they kill or traffic.

Nevertheless, they find it easy to prey on sex workers because they are not protected by law thus criminalization of sex work has an impact on women beyond those involved in sex work. It is important to push law enforcers to hold those who violate sex workers and

women accountable. Having consensual sex with an adult in exchange for money or goods should not be a crime but coercing a person into sex is a felony that must be apprehended.

Like Open Society Foundation emphasizes, sex work decriminalization means the removal of criminal penalties that apply specifically to sex work, creating an enabling environment for sex, health and safety. But for decriminalization to be meaningful, it must be accompanied by the recognition of sex work as work, allowing sex workers to be governed by labor rights and regulations.

Contrary to adversarial opinions, decriminalizing of sex work does not lure more women into sex work but grants sex workers the power to negotiate for safe sex, protect sex workers from violence and enables them to thrive. That is to say, formalizing sex work will give an opportunity for sex workers to access justice, health, social protection and report any form of abuse or exploitation from police, client and third parties.

In my view, I believe that if the sex transaction happens between two consenting adults, it should be regarded as a righteous and legal act.



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# Impact of NGOisation of Women's Rights: Rural Individual and Community Based Actions as A Roadmap for Feminist Movement Building in Uganda

Namata Tendo

## Abstract

This paper interrogates the role of Non-Governmental Organizations (NGOs) in dis-empowering rural citizens and community-based movements and later discusses the extent to which they can be strengthened and used as a sustainable meaningful roadmap to analyze and prog-

ress women's rights in Uganda. The paper further attempts to give a practical understanding of how we can consolidate women's rights across rural and urban boundaries.

The NGOs have played an active role in policy advocacy, funding of women and development as well as made a significant impact in building a Ugandan women's movement. However, this institutionalization of the debate on women's rights through NGOs has brought about discrediting and dis-empowering individual and community based rural actions. In addition, the role of rural women and movements in building the women's movement in Uganda is rarely documented and given the place it deserves.

Furthermore, the women's movement in Uganda has often been dubbed elitist and urban because largely the modus operandi is middle-class individuals in the NGOs who document lives of the less privileged and disseminate that as actions of their work. Rural women and community-based movements that do not always document their work and are often disregarded as knowledgeable participating actors in rights agitation. This paper explores the negative impact of NGOisation characterized under three patterns: power dynamics, careerism of women's rights and underplay of rural women's agency for donor agency. This paper further attempts to give practical solutions on how we can consolidate women's rights across rural and urban boundaries to create a stronger and bigger women's movement.

## History of women's collective and individual actions in Uganda.

African feminist scholars have critiqued the elitist, androcentric and ethnocentric nature of African and particularly Ugandan women's pre-colonial history that eliminated or downplayed the participation of ordinary women in active community participation (Tamaale, 1999; Nakanyike, 1991). These biases concentrated on the historical and political participative roles of the royal women and largely dismissed the everyday lives of ordinary women. Nevertheless, feminist organizing and movement building can be traced back to pre-colonial rural-based movements where women fought patriarchy and colonialism to occupy important leadership and decision-making spaces as fierce leaders, warriors and spiritual mediators. This is clearly exemplified in Queen Muhumuza, Kaigirirwa and Nyakishenyi who were said to have possessed spiritual powers hailing from the legendary Queen Nyabingi of Kigezi and Northern Rwanda. They resisted both colonialism and patriarchy and used divine powers from Nyabingi's spirit to lead and mobilize peasant resistances for over 10 years from 1919

to mid-1930s against British colonial brutality (Rutanga, 1991). Their influence spread from Rwanda, Burundi, Tanganyika and Congo.

One of the successful post-colonial products of the women's movement was, the Uganda Council of Women (UCW) formed in 1947. UCW was successful because it enjoyed the collective comradeship of women with differences in age, political affiliations, religion or by race. They agitated around needs and interests of women and included African and Asian women as well as Muslims, Hindus and Christians. By 1957, the group boasted of 2000 members and had sent the first African woman to enter the colonial Legislative Council, Pumla Kisosonkole (Tripp and Kwesigwa, 2002). Despite the successes of the UCW, it struggled with the inclusion of rural and non-elite women in the movement. In 1967, they joined with grassroots rural movements, this union led to the Kalema Commission that laid the basis for the rights of women in marriage and inheritance (Tripp and Kwesigwa, 2002). This victory happened because of consoli-

dated effort between rural community-based groups and urban movement efforts.

This history shows three essential insights: First, that rural and peasant movements can provide sustainable movement building models against patriarchy and injustice. Secondly, there is need to de-urbanize and “de-eliticize” the women’s movement by documenting and attaching more value to rural individual and community-based actions. Lastly, it is important to ally and consolidate women movement actions in urban and rural areas.



major role in policy advocacy for example agitation of legal frameworks that bring more rights for women.

Yet, the term NGOisation is no longer used to denote an increase of NGOs working on women’s rights but an ideological evaluation of how this increase is harmful for feminism (Roy, 2015).

NGOisation evaluation shows NGO continual inability to duly acknowledge rural movements as credible models and a failure to de-urbanize and “de-eliticize” thus creating weaker rural-urban movement linkages.

## Definition of movements

For the purposes of this paper, I will borrow Batliwala Srilatha’s definition co-opted by Wilson (2011) of a movement as “a set of organized constituents pursuing a common political agenda through collective action.”

Wilson also defines movement building as: “Processes that build the collective power of an organized constituency of excluded, marginalized, oppressed or invisible people around a change agenda that enables them to access rights and resources, challenge dominant ideologies and transform social power relations (6).”

## NGOisation of Women’s rights

Ugandan NGOs became more active with the changing political climate during and after the National Resistance Army war in the 1980s. First, they were relief organizations but later transitioned to post-war development work. Internationally, women’s contribution to development was also enjoying newfound recognition. The United Nations even declared 1976 to 1985 the decade for women. This environment gave major preoccupations for women’s rights mobilization. Since the 1980s, NGOs have been able to attract larger funding, organize more widely and even play a

In identifying the challenges of NGOisation of women’s rights in rural areas, this evaluation is characterized under three patterns: power dynamics, careerism of women’s rights and underplay of rural women agency for donor agency.

## Power dynamics

Many times, NGOs create power over structures among women. Power as a social good becomes un-equally distributed between rural and urban, elite and non-elite and even men and women within NGOs. This power limits rural actors to passive receiving objects as they are often at the receiving end. They are purportedly seen as unable to produce high calibre ‘useful’ knowledge in the form of complicated reports and analyses.

In several cases, the urban and elite take credit for solutions rural actors have innovated. Similarly, within feminist circles, rural women are presented as case studies or on banners in community-led programs even where they contributed equally. This injustice is replayed at international level. For example, at the 62nd Convention of the Status of Women in 2018, under the theme *Women and Girls Living in Rural Areas*, women from rural Africa were denied visas by American Embassies

clearly highlighted a by blog posted by Rugeni (2018). This shows how opportunities are limited to the privileged few which impacts on the ability of the women's movement to mobilize more collectively across rural-urban boundaries and between nations.

## Careerism of women's rights

Women's rights have become a career choice rather than a genuine interest in transformation with a search for so-called gender specialists by NGOs. In 2019, I attended a gender masters' class, where a student said she had come to learn gender because "it was profitable" and another stated that she has heard that "the United Nations was intent on such a profession." Tamale (2003) raises a similar concern when she highlights that many people in NGOs are in "*the business of women's rights.*" If feminist action is coopted more as paid work rather than political protest, when underfunded, there will be no work done.

Careerism also marries expertise with further education and professionalism. This means that urban elite who often qualify decide what is good for rural actors thus further disempowering of rural women.

## Rural women's agency underplayed for donor agency

The excuse that remains common in many circles is that rural actors lack "meaningful" agency in fighting structural patriarchy outside participation in cash yielding forms of production and consumerism. However, non-elite rural women have always been and remain in resistance against the daily conditions of patriarchy and injustice. This is exemplified in Alice Lakwena from northern Uganda who outside NGO mobilization offered spiritual leadership to men and women through

an insurgency against the NRM government from 1987 to 1993 (Tamale, 1999). On April 21, 2012, the Daily Monitor also reported on the women in Amuru district who undressed to resist land evictions from communal land by Madvani company to establish a multi-billion sugar plant project.

Over the years, rural communities and especially women through mass mobilization and individual agency have acted against patriarchy outside NGOs through self-help groups, saving groups, funeral circles and peace initiatives fighting for social, economic and political rights.

The lack of inclusion of rural actors and the inability to link their needs to the relevance of feminist struggles therefore is partly an issue of neo-liberal donor politics that dictate what issues NGOs fight and how they mobilize.

Rural women often raise the question of "so what?" not because the issue doesn't concern them but due to failure to link it to their everyday life. The current relationship between NGOs and ordinary people is a deterrent for rural women formally joining and

playing an active part in the women's movement. Besides, donor agency rarely reflects rural needs. The movement would profit from reviewing different forms of actions to facilitate participation of all people.

## How challenges can be overcome

Practical solutions are needed to reconnect rural actors in the agitation for women's rights, to bridge rural-urban movements and consolidate actions towards the realization of women's rights.



## A Ugandan Nego- feminism

Obioma Nnaemeka, a Nigerian-American academic, speaks of nego-feminism, a feminism of negotiation cultivated by cultural imperatives and building on the indigenous. A feminism that is willing to detonate patriarchal land mines instead of one that collides head-on with patriarchy. She speaks of a practice of the hold back where women hold back house-keeping money received from their husband to start business ventures outside the home (Nnaemeka,2004). Such acts may encourage us to look at these practices through a feminist lens pushing women to attain economic freedom. Rural women maintain and need practical feminism like the one Nnaemeka refers to. In recognizing that they lose quite a lot from detaching from patriarchy including access to land through their husbands, they detonate the landmines going against even male inheritance through informal practices and actions. In one such incident, Gupta (2005) documents the case of Noerina Mubiru, a widow from Mubende who stripped naked and resisted her dead husband's relatives from grabbing her marital property.

These acts of resistance rarely receive recognition from scholars but are important ways in which rural women fight oppression by building off the indigenous. An analysis of these acts can be used to create evocative practical models of movement building outside NGOs that are sustainable and require less funding to create impact. With Ugandan nego-feminism, we stand to address policy implementation gaps and bridge the rural-urban divide thus creating a stronger and homogenous movement.

## Documentation

An important part of creating and generating new knowledge is the ability to document actions in varying contexts. The feminist movement has done a lot of work around the documentation of women's current and past lived experiences. Akina Mama Wa Afrika has done extraordinary work in Uganda by document-

ing and contributing to African feminist epistemology through their "Oral History Project." Emerging feminist media like the "Wuulira" podcast and "Black No Sugar" YouTube Series have given space for women present and past agitation to remain documented on the internet.

However, mainstream media that is largely still anti-feminist does not put effort into the documentation of actions and achievements of rural women in defeating patriarchy. Literature shows that there is a lack of rural women's voices. When stories are written about rural women, they are written as sensationalist coverage to entertain especially human-interest stories, for example, women that beat husbands or elope (Kabuchu,1992: 66). Hitherto, media remains a crucial aspect of celebrating and sharing feminist information and achievements. It is imperative for the women movement to continue to push mainstream media on gender equality and accountability of representation for all women.

Secondly, concentration should be put on the promotion of situated knowledge that resists fixation and is accountable. Harraway (1998) states that we, the knowing subjects are to enter into conversations rather than to speak for and show a constant awareness of our responsibilities in the fabrication of objects.

Lastly, in a bid to document herstories, we should remember that rural actors are placed in a unique position to point out NGO dominant group culture and therefore may promote stronger objectivity than NGOs or the urban elite.

## Conclusion

NGOisation of women's rights has in itself created a roadblock to the inclusion and collective action of rural communities. It is now time to give room for rural actors to take an equally active role if we are to advance feminist movement building and women's rights in Uganda. If rural actors are looked at as knowing subjects with power and agency, a bigger move-

ment consolidating urban and rural actions to agitate for women's rights can be realized. An example of what a rural-urban ally can attain is exemplified in the attainment of the Female Genital Mutilation (FGM) Act of 2010 and the overall national decline of FGM from 1.4 per cent in 2011 to 0.3 per cent in 2016(UDHS, 2016). With the participation of traditional surgeons and rural communities like Sabinu Elders Association (SEA) and a big number of NGOs, a safer environment against FGM has been created.

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## WEAR YOUR LIPSTICK POWERFULLY

Stella Nyanzi

Warrior of free speech and truth,  
Wear your lipstick shamelessly.  
Defender of voice and free expression  
Wear your lipstick as war paint.  
Take time with your lip enhancer.  
Top it up with lip gloss.  
Shine those lips with petroleum jelly.  
Color is my signifier  
Different shades meaning different things  
Scarlet for passionate commitment  
Crimson for boldness amidst fear  
Maroon for courage on bad day  
Purple to bring home my royalty  
Black to enhance my fierceness  
Nude when being vulnerable  
Even orange for sex appeal!  
Pout, baby pout!  
Your lips are carriers for sharp words.  
Your lips convey hot messages.  
Your lips change history.  
Your lips make things happen.  
Your lips bend the hearts of rulers.  
Your words burn like acid.  
So colour your mouth brightly  
Let your lips be conspicuous.  
Let them stand from the crows.  
Wear your lipstick artistically  
For your lips bear dangerous potent truths.

# Feminization of human trafficking for sexual exploitation of Ugandans

Salome Atim

## Abstract

Human trafficking entails the recruitment, transportation, transfer, harboring or receipt of persons by deception for the purpose of exploitation. Uganda is both a source and destination country for human trafficking and the major destination of trafficked Ugandans is the United Arab Emirates. The root cause of human trafficking is the increasing levels of poverty, feminization of poverty, sexual exploitation, patriarchy as well as the changing gender roles amidst tough economic times placing more women in the role of provider. More women than men are exposed to human trafficking, sexual and labour exploitation because of the vulnerable situations they face. The sad lived reality is that the returned women from the exploitative sexual acts experience poor sexual and reproductive health including contracting incurable sexually transmitted infections and diseases such as HIV; they experience stigma and rejection by spouses and family, family break up, poverty and trauma for most part of their lives. Addressing human trafficking for sexual and labour exploitation calls for elimination of the negative impacts of patriarchy because patriarchal perspectives ascribe to the ideology that women's sole purpose is to please men. Such cultural acceptance of male dominance within the society allows for human trafficking for the purpose of commercial sexual exploitation as an acceptable societal patriarchal norm. Furthermore, Uganda needs to implement interventions that address the 'pull' and 'push' factors and fully enforce the Prevention of Trafficking in Persons Act of 2009.

## Background

Working abroad has often been painted to be glamorous, rewarding and a seemingly easier way to get rich quickly. Many desperate young women and men look forward to such opportunities. Traffickers have taken advantage of employment challenges, naivety of individuals and law enforcement gaps to traffick Ugandans. In some instances; media advertisements have continued to promote trafficking by concealing information or failing to offer a true representation of advertised jobs. Concealed information includes actual remuneration, working conditions, type of jobs and fees incurred by individuals seeking

for jobs among others.

Desiring to understand more, I have kept interacting with returnees and followed developments in trafficking and labour exports in the country. Uganda government authorities intercepted a total of 599 suspected trafficking victims, 477 females and 122 males and the major destination countries were Oman, United Arab Emirates (UAE), and Kenya. The government facilitated the repatriation of 90 victims while approximately 58 Ugandan victims remained in trafficking situations abroad<sup>77</sup>. In another study, both men and women are trafficked

<sup>77</sup> Us Department of State 2019 Trafficking in Persons Report: accessed March 2020 <https://www.state.gov/re->

abroad for sexual exploitation. Other destination countries for trafficked Ugandans includes; Kuwait, Dubai, South Africa, Japan, Zimbabwe, Burundi, Tanzania, Rwanda, Australia, Kuwait, China, Malaysia, Thailand, India, Lebanon, Oman, Syria, Iraq, Turkey, Qatar, Egypt and South Sudan. The booming sex industry coupled with high demand for domestic workers heightened sex trafficking.<sup>78</sup>

Ugandans are trying their luck at employment in the Middle East countries and the numbers of Ugandans there formally or informally was anywhere between 65,000 and 70,000 and

ports/2019-trafficking-in-persons-report-2/uganda  
78 Salome, Atim. (2018) Human Trafficking and Sexual exploitation: Experiences of Ugandan male and female diasporic returnees in Kampala, accessed March 2020 <https://www.makir.mak.ac.ug>

the stories about their suffering were also numerous. The government was urged to take action against the hands behind the trafficking of young girls. In a related story, 600 Ugandan girls' victims of human trafficking were stuck in Malaysia. The young, poor and vulnerable girls were lured overseas with the promise of legitimate high-paying jobs and were forced into Malaysia's sex trade in what has become a human trafficking epidemic.<sup>79</sup> Based on the different reports, there is evidence that there are more women than men who are lured, trafficked and sexually exploited abroad.

79 The Daily Monitor newspaper ; 600 Ugandan girls victims of human trafficking in Malaysia, 15 February 2012, <https://www.monitor.co.ug/News/National/688334-1327856-9luurrz/index.html>

## Gendered Dimensions

In Uganda, the working population is 83% male and 76% female. Out of the male and female population, those who are employed constitute 56% male and 40% female. More than half of the working females are not considered as employed because they do not work for pay and this leads to gender inequality in earnings<sup>80</sup>. The circumstances that make Ugandan women easy targets for sex trafficking include gender-based violence, difficulty in accessing well-paying jobs, lack of adequate information, gender inequalities and discrimination, lack of the necessary qualifications, lack of livelihood opportunities coupled with low pay and changing gender roles amidst tough economic times, unemployment, poverty, lack of education and family violence GoU-UNFPA (2007).



advantages women. In most cases, women are paid less than men, are frequently excluded from mainstream economic and social systems such as employment, higher education and legal as well as political spaces. The level of trafficking is very high and human trafficking is a form of Sexual and Gender Based Violence (SGBV). Young people are promised lucrative jobs, are then lured, defiled or raped<sup>81</sup>.

Uganda is a patriarchal society and human trafficking for the purpose of commercial sexual exploitation flourishes because patriarchal perspectives ascribe to the ideology that women's sole purpose is to please men. Male status and assumed privilege entitles them to sexual access to women, with women unable to prohibit that access. Such cultural acceptance of male dominance within the society allows for human trafficking for the purpose of commercial sexual exploitation as an acceptable societal patriarchal norm.

80 State of Uganda Population report 2018, <http://npcsec.go.ug/wp-content/uploads/2013/06/SUPRE-2018-.pdf>

81 The New Vision; Judge Tips Police on fighting human trafficking, 15 October 2018; [https://www.newvision.co.ug/new\\_vision/news/1487672/judge-tips-police-fighting-human-trafficking](https://www.newvision.co.ug/new_vision/news/1487672/judge-tips-police-fighting-human-trafficking)

To this end, human trafficking and sexual exploitation of Ugandan women continues.

In a related story, about 20 Ugandan girls were rescued from China, Malaysia and Abu Dhabi. Some of the girls rescued were found to be infected with HIV/AIDs, while others were impregnated by the human traffickers. Human trafficking is on increase in Uganda and many of the girls go as labour migrants but when they reach their destinations are forced into prostitution.<sup>82</sup>

The sad lived reality is that the returned women from the exploitative sexual acts experience poor sexual and reproductive health including contracting incurable sexually transmitted

82 The New Vision, Victims of human trafficking infected with HIV/AIDs; 12 September 2016; [https://www.newvision.co.ug/new\\_](https://www.newvision.co.ug/new_)

## Response

Addressing human trafficking for sexual and labour exploitation calls for implementation of interventions that address both the 'pull' and 'push' factors, as well as addressing deep rooted underlying causes of poverty in society. There is need to interrogate patriarchy and eliminate tendencies and practices that make women more vulnerable to abuse through awareness raising, policy implementation such as affirmative action and enforcing equal opportunity to reduce vulnerability and pay gap. Support and strengthen the private sector so that more women can access jobs, reduction of trade taxes to support business growth and broadening the youth livelihood programme to include unemployed vulnerable women. Additionally prosecute and punish individuals found trafficking by enforcing the Prevention of Trafficking in Persons Act, (2009).

Ugandan police should emulate tactics used in the United States against drug traffickers. They should investigate who is behind the recruitment, purpose for trafficking to facilitate courts make fair judgments. Without adequate facts, the prosecutors cannot prove beyond reasonable doubt that persons are

infections and diseases such as HIV; they experience stigma and rejection by spouses and family, family break up, poverty and trauma for most part of their lives (Salome. Atim, 2018).

It is suffice it to say that feminization of poverty, sexual exploitation coupled with changing gender roles amidst tough economic times, has left many women vulnerable to human trafficking as well as sexual and labour exploitation. Faced with limited options for redemption they are more easily lured and suffer the consequences of the aftermath of the human trafficking and sexual exploitation shuttering their lives.

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[vision/news/1435085/victims-human-trafficking-infected-hiv-aids](https://www.newvision.co.ug/news/1435085/victims-human-trafficking-infected-hiv-aids)

being trafficked for exploitation and perpetrators go scot free<sup>83</sup>.

Furthermore, there is need to offer courses that equip the youth and women with tradable skills that empower them with business skills and later re-integrate them with their families. The government should empower children in schools with knowledge on how to avoid being trafficked. Additionally, the government should strengthen networking and cooperation with other countries at embassy level to mitigate abuse of exported labor and close organizations reported to engage in trafficking. Additionally it is prudent to provide professional counseling; vocational skills and rehabilitation for the rescued women and girls before they are taken back to the community so that they do not go into depression and backslide back into the trafficking trap.

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83 New vision; Judge Tips Police on fighting human trafficking; 15 October 2018; [https://www.newvision.co.ug/new\\_vision/news/1487672/judge-tips-police-fighting-human-trafficking](https://www.newvision.co.ug/new_vision/news/1487672/judge-tips-police-fighting-human-trafficking)

## Conclusion

Human trafficking and sexual exploitation of Ugandans is real and is a cause of suffering to many Ugandans especially women who are disadvantaged socially, economically and politically. It is prudent that feminist leadership continues to expose human trafficking for sexual exploitation because abuse meted on women and their bodies in an attempt by men and some women to get exorbitant money lives them devastated for life. This calls for feminist participation in policy design, implementation, policy monitoring and research, publication, vigorous activism and advocacy to mitigate sex trafficking of women and girls.

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# Social Cultural Perspectives of Reproductive Autonomy for Women in Uganda

*Kwagala Primah*

## Abstract

In many African countries, Uganda inclusive, a woman's worth to society is measured and tied to her ability to reproduce.<sup>84</sup> At wedding ceremonies, the priest will pray for an increase in family members, while many will speak of the blessing of twins. After the wedding, the societal demand for children is present. In the event that the woman succumbs to 'societal pressure' to bear a child, the 'community police' will thereafter start asking for a boy, should her first child be a girl. A son to carry forward a husband's legacy. This societal pressure impacts on the woman's reproductive autonomy.

Reproductive autonomy (RA) refers to the ability of a person to decide whether to have or not to have children free from coercion. Ugandan society is still organised in such a way that men hold power and decide what women can and cannot do. Women's participation in societal activities is relegated to the spiritual, aesthetic and as a consequence, are excluded from hands-on governance domains of society. These domains are regarded as unconnected and mutually exclusive.<sup>85</sup>

A woman's decision to either have or not have a child is by and large affected by the way society views and polices her body. Policing of women's bodies to deny them reproductive autonomy in the context of this paper refers to situations of society denying women an opportunity to have a choice on whether to have or not to have children. This includes situations where the state restricts abortion and penalises women who go ahead to procure them, denying women access to contraceptives and any modern family planning method for girls in need. These norms and standards are manifestations of patriarchal norms that regard women as incapable of making independent decisions concerning their bodies.

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84 M Narasimhan & M Loutfy 'Sexual and Reproductive Health and Human rights of Women living with HIV' (2015) 18(6S5) *Journal of the International AIDS Society*. <https://onlinelibrary.wiley.com/doi/full/10.7448/IAS.18.6.20834>

85 J Rifkin 'Towards a theory of law and patriarchy' (1980) 3(83) *Harvard women's Law Journal* at 83

## Patriarchal impact on women's reproductive choice

I am currently in my 30s and having taken 'so long' to get married, family gatherings can be a whole inquisition. I receive counsel from family members to "at least bear a child." The inability to have a choice regarding whether to have or not have children or how many children a woman can have to some extent can be attributed to patriarchy and the gendered roles allotted to men and women in society.<sup>86</sup> If a man is 'head of a household', it is assumed that such a position includes the entitlement and power to decide how many children that household should accommodate.<sup>87</sup>

These norms and unequal distribution of power between men and women prevent women from making decisions concerning their sexual reproductive health.<sup>88</sup> It is noteworthy that a community's belief system plays a critical role in influencing a woman's reproductive autonomy.<sup>89</sup> If a nation therefore omits to address belief and legal systems, the state denies women their right to make decisions concerning their bodies.<sup>90</sup>

Restrictions on access to safe abortion  
Another way women's reproductive autonomy has been denied in Uganda is through restrictions on access to abortion that is safe and legal. A report by the Guttmacher Institute in February 2017 showed that more than 1 in 10 pregnancies in Uganda ended in an abortion.<sup>91</sup> The report elaborated that in 2013 almost 314,300 women carried out abortions, resulting into 14/100

of all pregnancies—or a rate of 39 abortions for every 1,000 women in the age bracket of 15–49.<sup>92</sup> From a regional perspective, the Guttmacher report indicated that abortion statistics in Uganda vary widely by region, from 18 per 1,000 women in the Western region to 77 per 1,000 in Kampala.<sup>93</sup>

On an annual basis at least 297,000 women forcefully abort in Uganda, and the Uganda government has come to terms with the fact that unsafe abortions cause as much as 26% of maternal deaths.<sup>94</sup>

Uganda's restrictive law is a major reason for the prevalence of unsafe abortions. The constitution restricts abortions to exceptional situations provided for by law.<sup>95</sup> The Penal Code Act criminalizes procurement of an abortion and only permits it for when the life of a mother is in danger.<sup>96</sup> The common perception of this law is that no abortion can be carried out in Uganda.<sup>97</sup> The resultant effect is the unsafe abortions performed in unsafe places leading to preventable deaths of women.<sup>98</sup>



86 Sylvia Tamale 'Eroticism, Sensuality and 'Women's Secrets' Among the Baganda' (2006) 37(5) *Institute of Development Studies Bulletin* 89-97 available at <https://opendocs.ids.ac.uk/opendocs/ds2/stream/?#/documents/35015/page/1>

87 S Tamale 'Controlling women's fertility in Uganda: Perspectives on religion, law and medicine' (2016) 24 *International Journal on human rights* at Pg1 -3. <https://sur.conectas.org/en/controlling-womens-fertility-uganda/>

88 M Narasimhan (n1)

89 L Purdy 'Women's reproductive autonomy: medicalisation and beyond' (2006) 32(2) *Journal of Medical Ethics* 287 - 291

90 L Purdy (note 6)

91 Guttmacher Institute 'Abortion and Post abortion Care in Uganda' (2017) Available at <https://www.guttmacher.org/sites/default/files/factsheet/abortion-and-postabortion-care-uganda.pdf> (accessed on 14 March 2019)

92 Sylvia Tamale (note 4)

93 Sylvia Tamale (note4)

94 Stephen Malinga & Anthony Mbonye 'Maternal Morbidity and Mortality in Uganda' (2008) (submission to all-Party Parl. group on PoP, dev. & rePro. Hlth.-U.K.).

95 Constitution of the Republic of Uganda 1995, Article 22(2)

96 Penal Code Act (1950), Chapter 120 of the Laws of Uganda as amended in 2007, Sections 142 and 143 penalise procurement of a miscarriage and supply of drugs to procure an abortion with 7 and 3years imprisonment respectively and Section 224 permits an abortion where it is done in good faith to save the life of a mother.

97 Center for Reproductive Right 'The stakes are high: the tragic impact of unsafe abortion and inadequate access to contraception in Uganda' (2013) Available at <https://www.reproductiverights.org/press-room/new-report-unsafe-abortion-and-inadequate-access-to-contraception-in-uganda> (accessed on 14 March 2019)

98 Center for Reproductive Rights, (note16)

## Legal and Policy Restrictions on Sexual Reproductive Rights

By the age of 18, about 40 percent of women in Uganda are involved in marital relationships and at least 10 percent of girls are married by the age of 15.<sup>99</sup> Furthermore, national statistics indicate that women in Uganda bear two more children than expected<sup>100</sup>; 25 percent of teens aged 15-19 in Uganda have begun childbearing; and 19 percent of teenage girls in the age range of 15-19 have given birth.<sup>101</sup> The percentage of teenage girls unable to access family planning is 30.4%.<sup>102</sup> One of the reasons teenagers are unable to access family planning is the existing restrictive legal and policy framework that makes it impossible for teenagers to access contraceptives.

In August 2016, the Ugandan parliament passed a resolution to ban sexuality education in and out of schools for young people. The Ministry for Gender wrote a press release to emphasize the ban.<sup>103</sup> In 2017 the ministry of health withdrew guidelines on Sexual Reproductive Health and Rights (SRHRs) that recommended for adolescents to be availed contraceptives.<sup>104</sup>

It has been noted severally that access to contraceptives is a woman's right that is key in enabling her to realise her right to health.<sup>105</sup> This is illustrated in a 2009 Guttmacher Institute study that found that if all women of reproductive age in Uganda were to be availed con-

traceptives, an estimated 490,000 unplanned pregnancies and 150,000 induced abortions each year would be averted.<sup>106</sup> This would bring about a 40 percent decline in maternal mortality and 85 percent decline in induced abortions in Uganda that year.<sup>107</sup>

Women's reproductive rights are guaranteed in Article 33(3) of the Uganda Constitution to the effect that 'the State shall protect women and their rights, taking into account their unique status and natural maternal functions in society.'<sup>108</sup> Uganda is party to regional and international human rights instruments such as the Convention on Elimination of All forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) which guarantee women in Uganda the right to reproductive autonomy.

While the human right to reproductive autonomy is not expressly provided for in any instrument, it is often derived from rights including the right to equality and nondiscrimination, health, liberty, dignity, privacy and security of the person.<sup>109</sup> The Maputo Protocol guarantees reproductive autonomy to women.<sup>110</sup> Further article 16(e) of the CEDAW guarantees the same rights of men and women to decide freely and responsibly on the number and spacing of their children.<sup>111</sup>

Uganda placed a reservation on Article 14 (2) (c) of the Maputo Protocol that guarantees access to abortion and<sup>112</sup> maintains a patriarchal

99 Uganda Demographic Health Survey (2012) Available at <https://mail.google.com/mail/u/0/?tab=wm&ogbl#inbox> accessed on 6 September 2019

100 Uganda Bureau of Statistics (UBOS) and ICF International 'Uganda Demographic and Health Survey' (2011)

101 Uganda Bureau of Statistics (UBOS) 'Uganda Demographic and Health Survey' (2016), at 14

102 UBOS, (note19) at 18

103 Anthony Wesaka 'Government sued over delayed policy on sex education' Daily Monitor (Kampala) 15 January, 2017 Available at <https://www.monitor.co.ug/News/National/Government--policy---sex-education-Parliament-Uganda/688334-3517264-ayke0j/index.html>

104 Advance Family Planning 'Uganda Government Suspends Launch of Sexual and Reproductive Health and Rights National Guidelines and Service Standards' 27 September 2017 Available at <https://www.advancefamilyplanning.org/uganda-government-suspends-launch-sexual-and-reproductive-health-and-rights-national-guidelines-and>

105 C Shalev 'C Shalev 'Rights to Sexual and Reproductive Health - the ICPD and the Convention on the Elimination of All Forms of Discrimination Against Women' 1998 <http://www.un.org/womenwatch/daw/csw/shalev.htm>

106 Guttmacher Institute 'Benefits of meeting the contraceptive needs of Ugandan women' (2009) 4 In Brief, New York. Available at <https://www.guttmacher.org/fact-sheet/contraception-and-unintended-pregnancy-uganda>

107 Guttmacher Institute (note 25)

108 Constitution of the Republic of Uganda, 1995 under Article 33 (3)

109 C Shalev 'Rights to Sexual and Reproductive Health - the ICPD and the Convention on the Elimination of All Forms of Discrimination Against Women' 1998 <http://www.un.org/womenwatch/daw/csw/shalev.htm>

110 Protocol to the African Charter on Human and Peoples' Rights On The Rights Of Women In Africa (2003) <http://www.achpr.org/instruments/women-protocol/>

111 Convention on the Elimination of all forms of Discrimination Against Women <https://www.ohchr.org/documents/professionalinterest/cedaw.pdf> accessed on

112 Newvision 'African MPs want laws on abortion harmonised' (Kampala) 19 October 2017 available at [https://www.newvision.co.ug/new\\_vision/news/1463993/african-mps-laws-abortion-harmonised](https://www.newvision.co.ug/new_vision/news/1463993/african-mps-laws-abortion-harmonised)

cultural belief system while it continues to implement policies that bar girls from accessing contraceptives before the age of eighteen<sup>113</sup>. Moreover, there are heavy criminal sanctions; a custodial sentence of seven years for procurement of a miscarriage and 3 years for supply of drugs to procure an abortion prescribed in sections 142 and 143 of the Penal Code respectively.

Key ruling in regard to reproductive autonomy was passed by the Supreme Court of Uganda in 2013 when it upheld maternal health rights under Article 33 of the Constitution including Reproductive Autonomy for women as being constitutional.<sup>114</sup> A case against the the government by activists, argued that non provision of basic maternal health commodities in public health facilities such as razorblades, sutures and gloves to be used in case of provision of emergency obstetric care services, which is a key benchmark of women's RA, was a violation of women's rights including freedom from non-discrimination on the basis of sex, freedom from inhuman and degrading treatment, health and life.<sup>115</sup> The High Court of Uganda in Kampala held that sexual reproductive health services such as emergency obstetric care services that are of quality are a paramount obligation of the government to provide as espoused in international human rights instruments that Uganda is party to.<sup>116</sup>



suasive in the Uganda Jurisdiction. Of paramount importance to this paper is the case of *Roe v Wade* where the Supreme Court of the United States in 1973 struck down a law criminalising abortion in Texas because upholding the same would interfere with a woman's right to privacy thereby legitimizing intrusion to a woman's right to RA.<sup>117</sup> Uganda can also draw lessons from the Colombian case of C which challenged the constitutionality of Colombia's Criminal Code that banned abortion with no exceptions.<sup>118</sup> The Petitioners in this case argued among others that that law was unconstitutional because it violated a woman's right to Reproductive Autonomy, contrary to article 42 of the Constitution of Colombia.<sup>119</sup> The Court held that women cannot be treated merely as instruments for reproduction of the human race as they, too, have constitutional agency.<sup>120</sup> Further to this discussion is the *South African case of Christian Lawyers' Association of South Africa v Minister of Health*<sup>121</sup>

that challenged the validity of the Choice on Termination of Pregnancy Act of 1996 for reasons that it violated foetal rights. The Court held that the law was valid because a foetus is not a bearer of constitutional rights. In other words that a woman's rights to RA were to be held paramount in making a decision as to termination of pregnancy.

Recently the CEDAW Committee released a report to the effect that denying women the opportunity to exercise RA amounted to torture.<sup>122</sup> The CEDAW Committee asserts that denying women a service that is specific to

## Borrowing from International precedent

International legal precedents are also per-

113 note 19 above

114 Center for Health, Human Rights and Development (CEHURD) & Others v Attorney General, Constitutional Appeal N0.1 of 2013 [https://www.escr-net.org/sites/default/files/caselaw/cehurrd\\_and\\_others\\_v\\_attorney\\_general.pdf](https://www.escr-net.org/sites/default/files/caselaw/cehurrd_and_others_v_attorney_general.pdf)

115 CEHURD (note 32)

116 High Court of Uganda Civil Suit 212 of 2013 <https://www.womenslinkworldwide.org/en/files/2944/ojg-urganda-judgment-civilsuit212-eng-pdf.pdf>

117 *Roe v. Wade*, 410 U.S. 113 (1973)

118 Case C-355/2006 (2006) Constitutional Court of Colombia; C. Ngwena 'Human Rights and African Abortion Laws: A handbook for Judges'

119 C. Ngwena 'Human Rights and African Abortion Laws: A handbook for Judges' at 47-48

120 Case C (note 37)

121 *Christian Lawyers Association of South Africa and Others v Minister of Health and Others* 1998 (4) SA 1113

122 CEDAW Committee Report 'Inquiry concerning the United Kingdom of Great Britain and Northern Ireland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women' (2018) CEDAW/C/OP.8/GBR/1 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fOP.8%2fGBR%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fOP.8%2fGBR%2f1&Lang=en)

their gender was a deliberate move to force women to carry pregnancies to full term, thereby subjecting them to cruel, inhuman and degrading treatment.<sup>123</sup>

Without referencing so far, Uganda can take lessons from the Republic of Rwanda to promote women's RA by lifting the reservation on access to safe abortion in the Maputo protocol, expound legal provisions to specifically provide for when and where a woman of reproductive age can access a safe abortion, provide contraceptives and correct scientific information on women's sexuality. The evidence is clear, all countries (Rwanda, South Africa, Cape Verde, Tunisia and Cuba) that have liberalized access to reproductive services (safe abortion, free unlimited access to contraceptives and sexuality education) have managed to keep maternal mortality to under 100/100,000 live births.

## Conclusion

Reproduction should be viewed by Ugandan women as empowering and therefore a source of their power to decide how to deal with decisions most central to their personal well being. Current discussions on criminalising abortion, banning comprehensive sexuality education, unmet need for family planning pause threats to RA and take away the autonomy that women ought to be exercising freely. When the Ugandan government deliberately sets up a specialised maternity unit and thereafter sets a cost an average woman would never afford, it is most evident state sanctioned violence against women in Uganda. Our Government by that action is indirectly saying getting pregnant is a luxury accorded to the rich in our society. Women in Uganda ought to take the lead in conversations on the body politics in our society. Women should lead legal economic and policy discussions on availability of reproductive commodities for all women of reproductive age. It is time for women to start discussions on what works and what is not working for them. Advocacy, empowering women with knowledge of their rights, research, legal and policy reforms ought to be

implemented now more than ever. We can do better for Women in Uganda!

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