

Third periodic report

Uganda

(Exceptional Session)

113. The Committee considered the third periodic report of Uganda (CEDAW/C/UGA/3) at its 575th and 576th meetings on 9 August 2002 (see CEDAW/C/SR.575 and 576).

(a) *Introduction by the State party*

114. In introducing the third report, the Minister for Gender, Labour and Social Development indicated that her country had made significant progress in the 17 years since its ratification of the Convention in 1985, and that great strides had been taken towards the implementation of the provisions of the Convention despite some obstacles.

115. Since the last presentation, in February 1995, several measures had been taken to strengthen the legal and policy framework for implementation. The Government had adopted the National Gender Policy and formulated a National Action Plan on Women, which provided guidance on strategies and interventions for the empowerment of women. Measures had been taken to strengthen the legal framework, and proposed laws on domestic relations, sexual offences and employment were currently under consideration.

116. Through the affirmative action policy, the number of women in decision-making positions had risen from 17 per cent in 1994 to 39 per cent in 2002. Women now held key posts, including those of the Vice-President, Deputy Chief Justice, Deputy Speaker of Parliament and Deputy Inspector-General of Police. The representative also noted that civil society organizations had supported the Government's affirmative action policy of strengthening women's political participation through capacity-building programmes, including training in leadership skills.

117. Among the most important advances was the adoption of a new Constitution considered globally as one of the most gender-sensitive. The new Constitution, inter alia, emphasized respect for human rights and freedoms, affirmed the equality of all persons and obliged the State to institute affirmative action measures in favour of disadvantaged groups for purposes of redressing structural and social inequality.

118. As part of the Government's commitment to social and economic development, a Poverty Eradication Action Plan containing mechanisms for eradicating absolute poverty by 2017, had been developed to ensure sustainable livelihoods for all Ugandans, including women. Gender mainstreaming was a guiding principle of the plan.

119. The Government had responded to the Committee's call for the eradication of gender-based abuse and violence. Violations against women and children were now dealt with under the Penal Code Act. Family protection units had been established at police posts, and sensitization and awareness-raising measures had been introduced.

120. Through a multisectoral approach to the HIV/AIDS pandemic, prevalence rates had fallen to an average of 6.1 per cent in 2002 from 22 per cent 10 years before. Special attention had been given to awareness-raising, voluntary testing and counselling, and the prevention of mother-to-child transmission.

121. In compliance with commitments in the Beijing Platform for Action, a national machinery now oversaw gender mainstreaming and advancement of women initiatives, thereby facilitating the promotion of the status of women

within the policy and institutional framework. The representative indicated that, although the national machinery had undergone structural and institutional changes, the goal of achieving women's advancement and gender equality had been retained.

122. The Government had formulated a Universal Primary Education Programme to provide free education for all children in primary school, which had enabled 6.9 million children, 3.37 million of whom were female, to enrol in school by 2001. The strategy emphasized the provision of adequate facilities to meet the needs of the girl child and children with disabilities.

123. Despite achievements made in the past few years to promote gender equality and the advancement of women, obstacles still existed. Challenges faced by the Government included, inter alia, poverty, lack of sex-disaggregated data, gender-specific information for informed policy and programme formulation, and the persistence of traditional attitudes and practices. Despite these challenges, the Government remained committed to meeting its international obligations, including the implementation of all of the provisions of the Convention.

(b) Concluding comments of the Committee

Introduction

124. The Committee commends the State party for its third periodic report, which was prepared in accordance with the Committee's guidelines for the preparation of periodic reports. It also commends the State party for the comprehensive written replies to the questions of the Committee's pre-session working group. The Committee commends the State party for its high-level delegation headed by the Minister for Gender, Labour and Social Development of Uganda and expresses appreciation for the oral presentation, which provided additional information on the implementation of the Convention and the current situation of women in Uganda.

Positive aspects

125. The Committee commends the State party for the promulgation in 1995 of a new Constitution, which incorporates a gender-sensitive approach to the definition of discrimination on the grounds of sex, in harmony with the Convention.

126. The Committee commends the State party for the measures taken to address the HIV/AIDS pandemic and notes with satisfaction the decrease in HIV/AIDS prevalence rates from 22 per cent in 1992 to an average of 6.1 per cent in 2002.

127. The Committee welcomes the adoption of the 1997 National Gender Policy and the formulation of the National Action Plan on Women in 1999, which provide guidelines for the development of strategies and interventions for the empowerment of women. It also welcomes the adoption of the affirmative action policy, resulting in an increase in women's representation in decision-making positions from 16.9 per cent in 1994 to 39 per cent in 2002. The Committee welcomes the fact that women occupy a number of key high-level positions.

128. The Committee commends the State party for formulating and implementing the Universal Primary Education Programme, which facilitated the enrolment of 3.3 million girls in school by 2001. It also welcomes the application of temporary special measures in accordance with article 4, paragraph 1, of the Convention to increase the population of women students in tertiary education and the Functional Adult Literary Programme, which has particularly benefited women.

Principal areas of concern and recommendations

129. The Committee is concerned that, despite the adoption of its gender-sensitive Constitution in 1995, legislative provisions that discriminate against women continue to exist. It is also concerned that, although progress has been made towards the preparation of legislation to eliminate discrimination, much of this has not been enacted. It is particularly concerned at the slow progress in removing de jure discrimination and preventing and eliminating de facto discrimination against women.

130. The Committee recommends that the State party accelerate its law reform process to harmonize its domestic legislation with its constitutional principles relating to non-discrimination and equality between women and men. It recommends the speedy enactment of the draft Land Act, the Domestic Relations Bill and the Sexual Offences Bill. The Committee further recommends that the State party introduce public education and legal literacy campaigns relating to the Convention and the Constitution to raise awareness of the State party's international and national commitments on the elimination of discrimination against women.

131. The Committee is concerned that, although laws and customs which contravene the constitutional guarantees on equality are considered to be void, mechanisms to enforce the constitutional provisions on non-discrimination are not widely known and are inaccessible to women.

132. The Committee recommends the adoption of an accessible complaints procedure to enforce constitutional guarantees. It also calls for the introduction of legal literacy campaigns to make women aware of their rights under the Constitution and the means to enforce them. The Committee recommends the development, in cooperation with women's groups, of legal aid programmes to enable women to demand enforcement of their rights.

133. Noting the State party's efforts in this context, the Committee is concerned at the persistence of patriarchal patterns of behaviour in the State party and at the existence of stereotypes relating to the role of women in the home and society, and expectations of women's subordination to men.

134. The Committee calls upon the State party to strengthen existing efforts to address stereotypical attitudes about the roles and responsibilities of women and men that perpetuate direct and indirect discrimination against women. These should include educational measures, at all levels, beginning at an early age, the revision of school text books and curricula and awareness-raising and public education campaigns directed at women and men designed with the involvement of the media and civil society, including non-governmental organizations, to address traditional stereotypes regarding the role of women. The Committee also calls upon the State party to undertake an assessment of the impact of these measures in order to identify shortcomings, and improve these measures accordingly.

135. The Committee expresses concern about the high incidence of violence against women, such as domestic violence, rape, including marital rape, incest, sexual harassment in the workplace and other forms of sexual abuse of women. The Committee is also concerned at the lack of legal and other measures to address violence against women. The Committee is also concerned that, despite successes achieved in reducing female genital mutilation in some districts in 1996, this practice continues to exist.

136. The Committee urges the State party to place high priority on comprehensive measures to address violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls on the State party to enact legislation on domestic violence, including marital rape, as soon as possible in order to ensure that violence against women and girls constitutes a criminal offence, that women and girls who are victims of violence have access to

immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee also recommends gender-sensitive training for all public officials, in particular law enforcement personnel, the judiciary and health workers. The Committee recommends the establishment of counselling services for victims of violence; the implementation of public awareness campaigns, through the media and public education programmes, and the adoption of a zero tolerance policy on all forms of violence against women. The Committee also recommends that the State party enhance its efforts to address female genital mutilation in order to eradicate this harmful traditional practice.

137. While noting the increasing number of women in decision-making positions as a result, inter alia, of temporary special measures in accordance with article 4, paragraph 1, of the Convention, the Committee expresses concern that this number remains low. It is also concerned that the persistence of patriarchal attitudes that view men as natural leaders may preclude women from seeking positions of leadership.

138. The Committee urges the State party to intensify its efforts to encourage women to take up leadership positions through further temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that the State party offer or support programmes for current and future women leaders and undertake awareness-raising campaigns on the importance of women's participation in decision-making.

139. The Committee is concerned at the low number of women in the diplomatic service, particularly in postings outside Uganda, and the fact that few Ugandan women work in international organizations.

140. The Committee recommends that the State party take measures, including in accordance with article 4, paragraph 1, of the Convention, to encourage women to enter the diplomatic service. It also recommends the introduction of measures to encourage women to seek employment in international organizations.

141. While welcoming the constitutional provisions and the amended Uganda Immigration and Control Act, 1999 that provide for equal citizenship and nationality rights for women and men, the Committee expresses concern that the Passport Regulations contravene these provisions and discriminate against women. It is concerned that a married woman will not be issued a passport without her husband's written consent, and that the father as legal guardian must consent to the inclusion of a women's minor children in her passport.

142. The Committee urges the State Party to take urgent steps to reconcile its Passport Regulations with the provisions of the Constitution and article 9 of the Convention in order to eliminate all provisions that discriminate against women in the area of nationality and citizenship. It requests the State party to report on the implementation of these measures in its next periodic report.

143. The Committee expresses concern at the limited information provided by the State party on employment of women and notes the lack of statistical data disaggregated by sex. It expresses concern at the high rate of unemployment among women, disparities between the wages of men and women, even in the public sector, disparities in social security and the lack of legal protection for women against sexual harassment at the workplace. It also expresses concern that the draft national employment policy, which promotes equal employment opportunities for men and women, has still not been adopted. It is also concerned that legislation required by article 40 of the Constitution to provide the right to work under satisfactory and safe and healthy conditions, equal pay for equal work, paid leave and maternity protection have still to be enacted.

144. The Committee encourages the State party to provide in its next periodic report information, including, as far as possible, data

disaggregated by sex, on women's participation in the labour market and employment conditions, including wages in, inter alia, the private and informal sectors. It urges the State party to enact legislation to protect the rights of persons in employment which complies with the provisions of article 11 of the Convention. The Committee also urges the State party to adopt the draft national employment policy. It further urges the State party to introduce temporary special measures in accordance with article 4, paragraph 1, of the Convention to create employment opportunities for women. The Committee recommends that the State party introduce specific legislation, with accessible procedures and compensation for victims, and penalties for perpetrators, to address sexual harassment in the workplace.

145. The Committee is concerned that exploitation of women and girls in prostitution is increasing. The Committee is also concerned that the prevalence of HIV/AIDS and other sexually transmitted diseases among prostitutes is increasing.

146. **The Committee recommends the development of programmes of action relating to prostitution and the introduction of legislation to ensure the prosecution of, and stronger penalties for, exploitation of female prostitutes. The Committee invites the State party to expand its programmes for women's economic empowerment. The Committee urges the State party to pay full attention to the provisions of health services for prostitutes, so as to curb the rise in HIV/AIDS.**

147. The Committee is concerned about the high rate of teenage pregnancy and its consequences for girls' enjoyment of the rights in the Convention, particularly in the spheres of education and health. It is also concerned at the high rate of maternal mortality among teenage girls, particularly in the rural areas, frequently as a result of clandestine abortion.

148. **The Committee recommends that the State party design and implement national health, including reproductive health, programmes to prevent early pregnancies and induced abortions in rural and urban areas. The Committee also urges the State party to reinforce programmes of sexual and reproductive health education for both girls and boys. It also calls on the State party to provide safe and affordable contraceptives.**

149. Despite the State party's development strategy, the Poverty Eradication Action Plan, for improving the livelihoods of all Ugandans, including women, the Committee is concerned that poverty is widespread among women, inter alia, as a consequence of gender-insensitive privatization and the implementation of structural adjustment policies.

150. **The Committee urges the State Party to continue to intensify the implementation of gender-sensitive poverty reduction programmes in rural and urban areas. The Committee also recommends that the State party continue to develop targeted policies and support services for women aimed at alleviating and reducing poverty.**

151. The Committee expresses concern at the situation of rural women, who constitute the majority of the female population in the country. The Committee also expresses concern that customs and traditional practices, prevalent in rural areas, prevent women from inheriting or acquiring ownership of land and other property.

152. **The Committee urges the State party to pay increased attention to the needs of rural women so as to ensure that they benefit from policies and programmes adopted in all spheres, as well as participate in decision-making, have full access to education and health services and credit facilities. The Committee also urges the State party to eliminate all forms of discrimination with respect to the ownership, co-sharing and inheritance of land. It also urges the introduction of measures to address**

negative customs and traditional practices, especially in rural areas, which affect full enjoyment of the right to property by women.

153. While noting that Article 33 (6) of the Constitution “prohibits laws, customs or traditions which are against the dignity, welfare or interest of women”, the Committee notes with concern the continued existence of legislation, customary laws and practices on inheritance, land ownership, widow inheritance, polygamy, forced marriage, bride price, guardianship of children and the definition of adultery that discriminate against women and conflict with the Constitution and the Convention.

154. The Committee urges the State party, in line with Article 33 (6) of the 1995 Constitution, to amend these laws and prohibit such practices. The Committee requests the State party to work with the relevant ministries and non-governmental organizations, including lawyers’ associations and women’s groups, to create an enabling environment for legal reform and effective law enforcement and legal literacy.

155. While noting the positive involvement of women in peace-building initiatives, the Committee notes with concern that some areas of northern and western Uganda continue to experience insecurity as a result of civil strife. The Committee is particularly concerned that many women and girls in the conflict areas have been victims of violence, including abduction and sexual slavery.

156. The Committee urges the State party to include women in national reconciliation and peace-building initiatives. The Committee recommends that the State party include women from all ethnic groups affected by armed conflict in peace negotiations. It also recommends that the State party include in peace negotiations measures of accountability, redress and rehabilitation for women and girls who have been victims of violence, including enslavement, in those conflicts.

157. While recognizing the progress that has been made in the implementation of the Convention in the State party, the Committee is concerned that, without comprehensive, systematic strategies and support mechanisms, the programme for implementation may not be sustainable in the long term.

158. The Committee recommends that the State party introduce a comprehensive programme of gender mainstreaming in all government ministries and a comprehensive awareness campaign, including for civil servants with regard to the Convention.

159. The Committee urges the State party to sign and ratify the Optional Protocol to the Convention and to deposit as soon as possible its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention on the meeting time of the Committee.

160. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention.

161. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special session (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.

162. The Committee requests the wide dissemination in Uganda of the present concluding comments in order to make the people of Uganda, and

in particular government administrators and politicians, aware of the steps that have been taken with regard to de jure and de facto equality for women and the future steps that are required in that regard. It also requests the State party to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention and its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2002: gender, equality, development and peace for the twenty-first century".