

# FROM BEIJING TO PARIS

Research Report July 2021

An assessment of Uganda's commitments at Generation Equality Forum and the future of bodily autonomy and sexual and reproductive health and rights



**CEHURD**  
social justice in health



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We are confident that this report provides relevant information about the implementation status of Uganda's commitments at Generation Equality Forum (GEF) and the future of bodily autonomy and Sexual and Reproductive Health and Rights (SRHR).

## » LIST OF ACRONYMS

<b>ACFODE</b>	Action for Development
<b>AU</b>	African Union
<b>CA</b>	Constituent Assembly
<b>CAT</b>	Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CEFMU</b>	Child Early and Forced Marriages and Unions
<b>CEHURD</b>	Center for Health, Human Rights and Development
<b>CIFF</b>	Children International Fund Foundations
<b>COTLA</b>	Council of Traditional Leaders in Africa
<b>CRC</b>	Convention on the Rights of the Child
<b>CSE</b>	Comprehensive Sexuality Education
<b>CSOs</b>	Civil Society Organizations
<b>DPP</b>	Director of Public Prosecutions
<b>EOC</b>	Equal Opportunities Commission
<b>FGM</b>	Female Genital Mutilation
<b>FIDA</b>	Uganda Association of Women Lawyers
<b>FPAU</b>	Family Planning Association of Uganda
<b>GAP</b>	Global Acceleration Plan for Gender Equality
<b>GBV</b>	Gender-Based Violence
<b>GEF</b>	Generation Equality Forum
<b>GoU</b>	Government of Uganda
<b>HRM</b>	Harm Reduction Model
<b>IANWGE</b>	United Nations Inter-Agency Network on Women and Gender Equality

<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ICRMW</b>	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
<b>ILO</b>	International Labor Organization
<b>IPPF</b>	International Planned Parenthood Federation
<b>LESA</b>	Legal Empowerment and Social Accountability model
<b>LGBTIQ</b>	Lesbian, Gay, Bisexual, Transgender, Intersex and Queer
<b>MGLSD</b>	Ministry of Gender, Labor and Social Development
<b>NAWMP</b>	Network of African Women Ministers and Parliamentarians - Uganda Chapter
<b>NAWOU</b>	National Association of Women Organizations in Uganda
<b>NCW</b>	National Council of Women
<b>NDP</b>	National Development Plan
<b>NEMA</b>	National Environment Management Act
<b>NGOs</b>	Non-Government Organizations
<b>NRC</b>	National Resistance Council
<b>ODA</b>	Official Development Assistance
<b>OWC</b>	Operation Wealth Creation
<b>PCA</b>	Penal Code Act
<b>PIASCY</b>	Presidential Initiative on AIDS Strategy to Youth
<b>PRDP</b>	Peace, Recovery and Development Plan
<b>SACCOS</b>	Savings and Credit Cooperative Societies
<b>SASA</b>	Start Awareness, Support Action
<b>SDGs</b>	Sustainable Development Goals
<b>SGBV</b>	Sexual and Gender-Based Violence
<b>SMEs</b>	Small and Medium-sized Enterprises

<b>SOB</b>	Sexual Offenses Bill
<b>SRHR</b>	Sexual and Reproductive Health and Rights
<b>UCC</b>	Uganda Communications Commission
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UDHS</b>	Uganda Demographic and Health Survey
<b>UHC</b>	Universal Health Coverage
<b>UN</b>	United Nations
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children Emergency Fund
<b>UNICEF– EPI</b>	United Nations Children Emergency Fund Expanded Programme for Immunization
<b>UPE</b>	Universal Primary Education
<b>USAID</b>	United States Agency for International Development
<b>USE</b>	Universal Secondary Education
<b>UWEP</b>	Uganda Women’s Entrepreneurship Program
<b>UWONET</b>	Uganda Women’s Network
<b>UWOPA</b>	Uganda Women’s Parliamentary Association
<b>WHO</b>	World Health Organisation
<b>WMM</b>	Women with a Mission
<b>WPI</b>	Women’s Probono Initiative

## » EXECUTIVE SUMMARY

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### Background

Gender inequality is one of the most pressing global barriers to social and economic progress and the fulfilment of human rights. It is deeply embedded in the social, cultural, religious and other institutions, policies and legislation. Despite progress in some areas, nearly 40% of the world's girls and women live in countries failing completely on gender equality.

Uganda is signatory to a number of international and regional human rights instruments which provide for gender equality and bodily autonomy and sexual and reproductive rights. During the Generation Equality Framework (GEF) 2021, Government of Uganda committed to promote women's economic empowerment and eliminate all forms of Gender-Based Violence (GBV). This study assessed Uganda GEF 2021 commitments in the area of bodily autonomy and sexual and reproductive health and rights (SRHR), which is one of the six focus areas of the GEF 2021, and its outcome, the Global Action Plan (GAP) 2021-2026.

### Methodology

The study team applied a mixed design and an overall qualitative approach to this research. A chronological analysis was undertaken to understand the historical perspective and interpret the sequence of events and developments leading up to Uganda's participation in the GEF 2021 and how they have possibly shaped or otherwise influenced the country's commitments to the GAP goals and objectives and women's rights over time. The study was anchored on the human rights framework, specifically the human rights-based approach, and the OPERA Framework.

### Key Findings

it is evident that Uganda's commitments at the GEF which are hinged on economic empowerment and eliminating Gender-Based Violence are not sufficient to promote the advancement of bodily autonomy and SRHR as envisioned by the third critical area in the GAP as demonstrated below;

- While Government of Uganda took action in the safe areas, it did not do the same on the uncontested areas. The State's commitments at the GEF show that government focuses on "safe areas" and neglects issues of SRHR and bodily autonomy. As such, in order to address issues that hinder the realisation of bodily autonomy and SRHR, government needs to take action on the uncontested areas by enacting progressive laws and policies that recognize SRHR and bodily autonomy and commit resources and expertise to achieve the same.
- While Government of Uganda continues to make commitments at international fora and conferences such as GEF, it does not translate the same into national actions and efforts. For instance, Government of Uganda had committed to five priority areas at the Beijing Platform of Action. However, at the GEF, it committed to only one—eliminating all forms of GBV and promoting women's economic empowerment. Priorities such

as Reproductive Health Rights, Comprehensive Sexual Education, and access to safe abortion, among others, that are critical to advancing bodily autonomy were ignored.

- Additionally, while there is documented willingness of the Government of Uganda to put in place laws and policies that promote bodily autonomy and SRHR, implementation of the same remains a challenge. A case in point is Article 33 of the Constitution of Uganda that recognizes issues of bodily autonomy, which provision is yet to be implemented. This laxity makes the advancement of SRHR and bodily autonomy in Uganda from rhetoric to action nearly impossible.
- Government of Uganda continues to evade tackling critical issues and questions on bodily autonomy and SRHR. For instance, in 2016, the UDHS results showed that 25% of women aged 15-19 had begun childbearing; 19% had had a live birth, and 5% were pregnant with their first child and these indicators had been exacerbated by the outbreak of COVID-19 and its containment measures instituted by the State. Notably, the new country priorities committed at the GEF ignored critical areas such as reproductive health and rights and the girl-child education, which would have been important aspects in tackling teenage pregnancies. As such, Government needs to address critical areas identified from the studies by, for instance, tackling the underlying causes of teenage pregnancies by providing family planning commodities to all including adolescents.

### Key recommendations

Government should translate global commitments into tangible gains through localising the commitments into national laws and policies and implement them according to the country context.

The State also needs to put in place progressive legal and policy environment that enhances bodily autonomy and SRHR by:

- 1) Reviewing and revising existing laws and policies to recognize bodily autonomy and SRHR as rights.
- 2) Re-instating the shelved National Standards and Guidelines for SRHR to facilitate access to safe and legal abortion and post-abortion care.
- 3) Increasing domestic funding for SRHR services.

Civil society should advocate for the enactment of laws and policies that advance bodily autonomy and SRHR, and hold government and other actors accountable to ensure implementation of the commitments made at the GEF and other international forums that uplift bodily autonomy and SRHR.

Development Partners should increase funding to indigenous civil society organizations and networks that work on contested issues to be able to support their constituencies to defend their rights to bodily autonomy and SRHR.



# BACKGROUND TO THE STUDY

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## 1.1 Introduction

Globally, nearly half of all women are denied their bodily autonomy<sup>1</sup> – the right of every person to govern what happens to their body without external influence or coercion.<sup>2</sup> Bodily autonomy or integrity means that as long as a person is of the age of understanding, they have the right to take decisions regarding their own body.<sup>3</sup> In its 2021 State of World Population Report, the United Nations Population Fund (UNFPA) observes that only 55 percent of women have bodily autonomy as measured by their ability to make their own decisions on issues relating to health care, contraception and whether to have sex. The UN agency further notes that there are countries that still have ‘marry-your-rapist’ laws that allow perpetrators to escape punishment if they agree to marry their victims – a phenomenon that has in effect codified the violation of the right to autonomy of survivors of rape and other forms of sexual violence. The agency points out that some of the most persistent barriers to bodily autonomy involve stereotypes, assumptions and misconceptions about bodily autonomy and the rights of women and girls.

According to UN Women, the UN agency dedicated to gender equality and women empowerment, none of the 189 states that committed to take action in critical areas prioritized in the Beijing Declaration and Plan for Action – including health, violence, human rights, the girl child and others – could claim to have achieved gender equality 25 years later, in 2020.<sup>4</sup>

Uganda has one of the poorest sexual and reproductive health and rights (SRHR) indicators globally. With over half its population under the age of 18, the country has one of the youngest populations in the world<sup>5</sup> due to low use of contraception and a high total fertility rate (TFR). Modern contraceptive prevalence among married women is estimated at 35%, while the unmet need for family planning among married women is 28%.<sup>6</sup> This is a major contributor to the country’s high TFR, estimated at 5.4 children per woman in 2016.<sup>7</sup>

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1. UNFPA (2021). State of World Population 2021. Retrieved from [https://www.unfpa.org/sites/default/files/pub-pdf/SoWP2021\\_Report\\_-\\_EN\\_web.3.21\\_0.pdf](https://www.unfpa.org/sites/default/files/pub-pdf/SoWP2021_Report_-_EN_web.3.21_0.pdf)

2. Shalon Nienow (n.d). Seven steps to teaching children body autonomy. Rady Children’s Hospital, San Diego. Retrieved from <https://www.rchsd.org/2019/12/seven-steps-to-teaching-children-body-autonomy/>

3. UNFPA, *supra* note 1.

4. UN Women. About generation equality. Retrieved from <https://www.unwomen.org/en/get-involved/beijing-plus-25/about>.

5. UNICEF (2020). *Harnessing the Demographic Dividend in Uganda: An Assessment of the Impact of Multisectoral Approaches*. Kampala: Uganda

6. Uganda Bureau of Statistics (2016) Uganda Demographic and Health Survey. Kampala: Uganda.

7. *Ibid*.



Several girls/women in Uganda start child-bearing at an early age and this rises rapidly with age. By the age of 15, 3% have had children, and this percentage rises to 22% for 17 year-olds, and to 54% for those aged 19 years.<sup>8</sup> Ugandan laws protect the girl-child and the minimum legal age of marriage is 18 years. However, marriages are frequently arranged for minors, especially in rural areas. It is estimated that 32% of girls between 15 and 19 years of age are married, divorced or widowed. While Uganda has ratified and domesticated all major treaties protecting women's rights, the successful protection of these rights have been hampered by some cultural and traditional practices.<sup>9</sup>

Discriminatory attitudes and practices to women and girls such as female genital mutilation by some communities — mainly the Sabinyi in the East of the country — and other forms of abuse, including rape, acts of betrothal and trafficking into forced marriages, infrequently come to light.<sup>10</sup>

In 2013, an estimated 314,304 women in Uganda risked their lives and health by inducing an abortion —mostly unsafely — reflecting an increase of 7% on the 2003 estimate of 294,000.<sup>11</sup> Given that 2.3 million pregnancies are estimated to have occurred in 2013, these statistics imply that more than one in 10 pregnancies were aborted in that year.<sup>12</sup> On average, 14% of unintended pregnancies end in abortion – at a rate of 39 per 1,000 women aged 15-49 years.

Statistics show that violations of SRHR are not only high, but are on the increase. The Uganda Police Annual Crime Report of 2020 shows that domestic violence and defilements not only continue to be among the leading crimes in the country but are on the rise. The number of registered domestic violence cases shot up by 30% in just one year, from 13,639 in 2019 to 17,664 in 2020; while the number of defilement cases registered increased by 4%, from 13,613 to 14,134. Police also reported 1,519 cases of rape, 354 cases of indecent assault, 58 cases of incest, and 79 cases of “unnatural offences”.

At the 25<sup>th</sup> anniversary of the Beijing Declaration, UN Women convened Generation Equality Forum (GEF), a global convening under the theme, “Generation Equality: Realizing women's rights for an equal future”. The Forum, attended by representatives of governments, UN agencies, the private sector and the civil society, took place in Mexico City in March 2021 and in Paris between 30 June - 2 July 2021.

The main goal is to deliver tangible progress on gender equality in the pursuit of the Sustainable Development Goals (SDGs) – notably Goal 5 that seeks to

**“ Achieve gender equality and empower all women and girls ”**

8 *Ibid.*

9 <https://lib.ohchr.org/HRBodies/UPR/Documents/session12/UG/JS7-JointSubmission7-eng.pdf>

10 *Ibid.*

11 Prada E, Atuyambe LM, Blades NM, Bukonya JN, Orach CG, Bankole A (2016). 'Incidence of induced abortion in Uganda, 2013: New estimates since 2003.' *PLoS ONE* 11(11) <http://dx.doi.org/10.1371/journal.pone.0165812>.

12 *Ibid.*

### The main objectives of the GEF were:

- To accelerate progress toward gender equality worldwide by securing commitments to the expeditious introduction and implementation of laws and policies prohibiting all forms of gender-based violence (GBV);
- To secure commitments to the empowerment of women and girls to make and act on their own decisions about their sexual and reproductive lives, by extending comprehensive sexuality education to more young people and enabling adolescents and women to exercise their bodily autonomy and realize their sexual and reproductive rights.

### GEF prioritized six main thematic areas, dubbed ‘action coalitions’, namely:

1. Gender-based violence;
2. Economic justice and rights;
3. Bodily autonomy and sexual and reproductive health rights (SRHR);
4. Feminist action for climate justice;
5. Technology and innovation for gender equality; and
6. Feminist movement and leaderships.

Under each of these Action Coalitions, stakeholders and actors committed to deliver on agreed goals and objectives set out in the Global Acceleration Plan (GAP), the five-year global roadmap for gender equality as espoused by the Beijing Declaration and Platform of Action and the SDGs.

During GEF, stakeholders committed to invest a total of USD 40 billion over the GAP period, with governments and public sector institutions committing to invest USD 21 billion; business corporations USD 13 billion; philanthropists USD 4.5 billion; and UN entities, international and regional organizations USD 1.3 billion. Uganda was well represented, with Government committing USD 577 million, which was about half of all the commitments from Africa.<sup>13</sup>

Under the leadership of UNFPA and partners, the Action Coalition on Bodily Autonomy and SRHR, which is the focus of this research, has prioritized the following actions in the GAP 2021-2026:

- 1) Increase delivery of quality comprehensive sexuality education that promotes human rights and gender equality (aligned with international technical guidance) in and out of school, and links young people to accessible and acceptable sexual and reproductive health services.

<sup>13</sup> Mwanahamisi Singano (2021). ‘Reflections: Did the Generation Equality Forum Deliver for Africa? Nope!’ The African Women’s Development and Communication Network (FEMNET), 29 July 2021. <https://femnet.org/2021/07/reflections-did-the-generation-equality-forum-deliver-for-africa-nope/>

- 2) Improve the availability, accessibility, acceptability and quality of comprehensive sexual and reproductive health services, free from coercion, violence and discrimination.
- 3) Address gender norms in order to increase girls', adolescents' and women's sexual and reproductive health decision-making capacity and ability to exercise autonomy in their sexual and reproductive lives.
- 4) Increase accountability to, participation of, and support for autonomous feminist and women's organizations (including girl-led and indigenous organizations), women human rights defenders and peace-builders, and networks and movements working to promote and protect bodily autonomy and SRHR.



Uganda's participation in GEF presents an opportunity to confront the pending barriers to gender equality, particularly in relation to the bodily autonomy and SRHR of women and girls, many of which can be addressed by the above-prioritized actions of the Action Coalition on Bodily Autonomy and SRHR.

It is notable that whereas the country has made commendable progress in establishing the policy and legal environment for the protection of women's rights, including constitutional provisions for affirmative action for women,<sup>14</sup> the political will to advance gender equality and human rights has been restricted to non-contested SRHR issues like HIV and GBV. The country has shied away from the contested SRHR issues like abortion, access to contraceptives, comprehensive sexuality education, and marriage law, among others, that require bold action if women are to realize their SRHR. Progress on these contentious issues has been stifled in Uganda by conservative political, social, cultural and religious forces.

Given the tendency of governments – and especially African governments – to give lip service to important issues,<sup>15</sup> it is critical that actors and stakeholders hold one another accountable for the GEF commitments as well as the GAP 2021-2026 prioritized actions.<sup>16</sup> This research lays the ground and kick-starts the effort of civil society in Uganda to track the country's progress on the commitments made by the Government of Uganda (GOU) at GEF, particularly on bodily autonomy and SRHR.

This research has been conducted by Center for Health, Human Rights and Development (CEHURD) and, not only supports the prioritized interventions of the Action Coalition on Bodily Autonomy and SRHR, but will also feed directly into the advocacy work of several partnerships and coalitions that promote bodily autonomy and SRHR.

14 See, Uganda Constitution 1995, Article 33(5). This provision states: "... women shall have the right to affirmative action for the purpose of redressing imbalances created by history, tradition or custom."

15 The Abuja Declaration is a typical example of commitments that have not been fulfilled, with Uganda never having come close to the pledge to allocate 15% of the national budget to health. Another example is that of Government of Uganda's continued failure to allocate USD 5 million it pledged at the Family Planning 2020 summit in 2012 as annual budgetary allocations from domestic resources. In 2020/21, Uganda allocated UGX14.7 billion (about USD 4 million). See, 2020/21 Ministry of Health Policy Statement.

16 Mwanahamisi Singano, *supra* note 13.

## 1.2 The human rights framework



Uganda is a party to several international and regional treaties that guarantee the rights of women and gender equality. These include: the Universal Declaration of Human Rights (UDHR), 1948; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979; the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966; the International Covenant on Civil and Political Rights (ICCPR), 1976; the Beijing Declaration and Platform for Action (1995), the Convention on the Rights of Persons with Disabilities (CRPD), and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), 2003.<sup>17</sup>

These international treaties and instruments spell out the rights of women, including the rights to equality, dignity, autonomy, information, bodily integrity, private life and the highest attainable standard of health (right to health); the right to sexual and reproductive health; as well as the freedom from torture and cruel, inhumane and degrading treatment.<sup>18</sup> The freedom of every woman to autonomously decide what happens to her body and reproductive functions is at the very core of her fundamental right to equality and privacy, as well as decisions regarding intimate matters of physical and psychological integrity.<sup>19</sup>

The Beijing Declaration and Platform for Action spells out the most progressive agenda for the empowerment of women and girls<sup>20</sup> and calls upon governments, the international community and civil society, including non-governmental organizations (NGOs) and the private sector, to take strategic action in 12 critical areas of concern.

Some of the critical areas include unequal access to healthcare, violence against women, lack of protection of the rights of women, discrimination against the girl child, among others. In these areas, the Program for Action aims to undertake gender-sensitive initiatives that address sexual and reproductive health issues, take integrated measures to prevent and eliminate violence against women, promote and protect the human rights of women through the full implementation of all human rights instruments, and eliminate all forms of discrimination against the girl-child, including fighting negative cultural attitudes and practices, increasing awareness, and strengthening the role of the family in improving the status of the girl-child.

The right to bodily autonomy is specifically recognized — implicitly or explicitly — in the International Conference on Population and Development (ICPD) Program of Action, CEDAW and CRPD. Held in Cairo in 1994, the ICPD adopted a revolutionary Program of Action which

17 United Nations Human Rights Treaty body database, available at [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=182&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=182&Lang=EN)

18 UN Working Group on the Issue of Discrimination against Women in Law and in Practice (2017). Women's autonomy, equality and reproductive health in international human rights: Between recognition, backlash and regressive trends. UN OHCHR. Retrieved from <https://www.ohchr.org/Documents/Issues/Women/WG/WomensAutonomyEqualityReproductiveHealth.pdf>

19 Articles 3 and 17 of the ICCPR.

20 UN Women, *supra* note 4.

recognized that reproductive health and rights, as well as women's empowerment and gender equality, are cornerstones of population and development programs.<sup>21</sup> Specifically, the Program of Action urged for access for all people to comprehensive reproductive health care, including voluntary family planning, safe pregnancy and childbirth services, and the prevention and treatment of sexually transmitted infections. It also recognized that reproductive health and women's empowerment are intertwined and that both are necessary for the advancement of society.<sup>22</sup>

It has further been noted that bodily autonomy is a critical component of the right to privacy,<sup>23</sup> and the right to bodily integrity and autonomy is an intrinsic part of the right to life.<sup>24</sup> Hence, not only is bodily autonomy (defined as the right of all people to make decisions concerning their bodies, including fertility and sexuality, free of coercion and violence<sup>25</sup>) a human right, it is also the foundation upon which other human rights are built.<sup>26</sup>

In 2016, the Committee on Economic, Social and Cultural Rights (CESCR) stated in General Comment 22 that “States parties are under immediate obligation to eliminate discrimination against individuals and groups and to guarantee their equal right to sexual and reproductive health. This requires States to repeal or reform laws and policies... and practices that undermine autonomy and right to equality and non-discrimination in the full enjoyment of the right to sexual and reproductive health, for example criminalization of abortion...”

### 1.3 Bodily autonomy and SRHR in the Agenda for Sustainable Development

The Sustainable Development Goals (SDGs)<sup>27</sup> constitute the global development blueprint and layout the universal aspirations to end poverty, protect the planet and ensure that all people enjoy peace and prosperity. These goals provide a global social contract in which UN member countries have committed to shared responsibilities<sup>28</sup> to achieve a set of 17 goals and 169 targets by 2030.<sup>29</sup>

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21 UNFPA (2014). International Conference on Population and Development Program of Action. 20<sup>th</sup> Anniversary Edition. Retrieved from <https://www.unfpa.org/publications/international-conference-population-and-development-programme-action>.

22 UNFPA (2019). Explainer: What is the ICPD and why does it matter? *News*, 29 March 2019. Retrieved from <https://www.unfpa.org/news/explainer-what-icpd-and-why-does-it-matter>.

23 American Constitution and case law – *Griswold v. Connecticut* (1965), *McFall v. Shimp* (1978), *Roe v. Wade* (1973).

24 Jonathan Herring and Jesse Wall (2017). “The nature and significance of the right to bodily integrity.” *The Cambridge Law Journal*, Volume 76, Issue 3, pp. 566 – 588.

25 Women's International League for Peace and Freedom (2021). Action Coalition 3: Bodily Autonomy and Sexual and Reproductive Health and Rights (SRHR). Policy Brief 03. Retrieved from <https://www.wilpf.org/wp-content/uploads/2021/02/Action-Coalitions-and-WPS-Policy-Brief-3.pdf>.

26 UNFPA (2021). Bodily autonomy: Busting 7 myths that undermine individual rights and freedoms. Retrieved from <https://www.unfpa.org/news/bodily-autonomy-busting-7-myths-undermine-individual-rights-and-freedoms>.

27 UN General Assembly, Transforming our world : The 2030 Agenda for Sustainable Development, 21 October 2015, A/RES/70/1, available at: <https://www.refworld.org/docid/57b6e3e44.html> [accessed 29 September 2019].

28 Ooms G, et. al (2013). “A global social contract to reduce maternal mortality: The human rights arguments and the case of Uganda.” *Reproductive Health Matters*, Volume 21, Issue 42.

29 UN General Assembly. Global indicator framework for the Sustainable Development Goals and targets of the 2030 Agenda for Sustainable Development, A/RES/71/313.

Several goals and targets address gender equality, bodily autonomy and SRHR, particularly SDG 3, SDG 5 and SDG 10 and the targets therein.



**SDG 3 – “Ensure healthy lives and promote well-being for all at all ages”**<sup>30</sup> – aims to, among others, ensure universal access to sexual and reproductive healthcare services, including for family planning, information and education, and the integration of reproductive health into national strategies and programs by 2030.<sup>31</sup>



**SDG 5 – “Achieve gender equality and empower all women and girls”** – aims to eliminate all forms of violence against all women and girls, including trafficking and sexual and other types of exploitation, to ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the ICPD Program of Action and the Beijing Platform for Action; and adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels, among others.<sup>32</sup>



**SDG 10 – “Reduce inequality within and among countries”** – aims to ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.<sup>33</sup>

## 1.4 The national legal and policy environment

At the national level, Uganda has made progress in creating a legal and policy environment that is supportive of gender equality and women’s SRHR. The Constitution, the country’s supreme law, provides that women and men are equal in dignity and equal before the law, and outlaws any laws, cultures, customs or traditions that harm women’s dignity or status. Article 21(2) states that “a person shall not be discriminated against on the ground of sex, race, color, ethnic origin, tribe, birth, creed or religion, or social or economic standing, political opinion or disability.” Article 32(2) prohibits laws, cultures, customs and traditions which are against the dignity, welfare or interest of women or undermine their status. Article 33 provides that “Women shall be accorded full and equal dignity of the person with men”, and spells out their right to affirmative action “for the purpose of redressing the imbalances created by history, tradition or custom.”

<sup>30</sup> *Supra* note 27.

<sup>31</sup> The Danish Institute for Human Rights. The human rights guide to the Sustainable Development Goals. Retrieved from <https://sdg.humanrights.dk/en/goals-and-targets>.

<sup>32</sup> <https://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality>.

<sup>33</sup> SDG target 10.3.

The Equal Opportunities Commission (EOC) Act of 2007 established an independent commission that monitors and ensures that policies, laws, plans, programs, activities, practices, traditions, cultures, usages and customs of organs of state, private businesses, NGOs, and social and cultural institutions are compliant with equal opportunities and affirmative action in favor of groups marginalized on the basis of, among others, sex, gender or any other reason created by history, tradition or custom.<sup>34</sup>

On its part, the Prohibition of Female Genital Mutilation Act of 2010 outlawed the inhumane and degrading traditional practice of female genital mutilation (FGM), which is mostly practiced by the Sabinu and Pokot ethnic groups in the Eastern part of Uganda. The Constitutional Court declared the practice unconstitutional in July 2010.<sup>35</sup>

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▶▶ In terms of policy, the Gender Policy (2007) aims, among others, to increase knowledge and understanding of human rights among women and men so that they can identify violations, demand, access, seek redress and enjoy their rights.

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The institutional framework consists of the Ministry of Gender, Labor and Social Development and the women councils at the community, local government and national levels. The mandate of the Ministry is to, among others, promote gender equality, equity, human rights, and empowerment of women and other vulnerable groups. The National Women's Council, established by the National Women's Council Act (Cap 318), is responsible for establishing channels through which economic and social services and amenities reach all women in Uganda.

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▶▶ In spite of the existence of these positive frameworks, there are still areas in which the country has stagnated. The enactment of legislation to regulate marriage – the Marriage and Divorce Bill – has been pending for more than two decades. The Bill proposes the minimum legal age for marriage for either gender of 18 years; grants women the right to choose their spouse and the right to divorce spouses for cruelty; and prohibits the practice of widow inheritance.

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In May 2021, Parliament eventually passed the Sexual Offences Bill 2019, which ostensibly aims to prevent sexual violence, enhance punishment against sexual offenders and provide additional protection for victims. The Bill has been criticized by human rights defenders for its sanctions against sexual acts between same-sex couples, who risk jail terms of up to 10 years. At the time of this research, President Museveni had declined to assent to the Bill, noting that the offenses that it seeks to criminalise are already provided for in the Penal Code Act.<sup>36</sup>

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34 Equal Opportunities Commission (EOC) Act (2007), Section 14(1).

35 Declaration of the Constitutional Court in the petition, *Law & Advocacy for Women in Uganda v. Attorney General*.

36 John Milton (2021). Uganda's president Yoweri Museveni has rejected a bill that would have doubled down on the country's already scathingly anti-LGBT+ laws. *PinkNews*, 17 August 2021. Retrieved from <https://www.pinknews.co.uk/2021/08/18/uganda-sexual-offences-bill-gay-sex/>.

Abortion rights particularly remain a grey area where reform is overdue; the country's abortion laws remain archaic, vague and poorly understood by women, service providers and law enforcers alike. Existing laws and policies on abortion are interpreted inconsistently by law enforcement and the judicial system, which makes it difficult for women and the medical community to understand when abortion is permitted.<sup>37</sup> Attempts by the Ministry of Health to provide a fairly liberal guidance to health service providers on what was allowable in the standards and guidelines issued in April 2015 were met with stiff opposition from religious leaders and other influential conservative voices, forcing the Ministry to withdraw them.

## 1.5 Objectives of the Study

The overall objective of this study was to assess Uganda's commitments at the GEF and their implications for the advancement of bodily autonomy and SRHR. Specifically, the study sought:

- 1) To describe the historical perspective to Uganda's participation in the GEF 2021;
- 2) To assess Uganda's progress towards implementation of the Beijing commitments;
- 3) To analyze the GEF process and commitments on bodily autonomy and SRHR as enunciated in the GAP;
- 4) To assess the extent to which Uganda's commitments at the GEF advance the issues of bodily autonomy and SRHR for women and girls in Uganda;
- 5) To make recommendations towards the realization of bodily autonomy and SRHR in Uganda and globally.

# 2

## RESEARCH METHODOLOGY

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### 2.1 Study design

The study team applied a mixed design and an overall qualitative approach to this research. A chronological analysis was undertaken to understand the historical perspective and interpret the sequence of events and developments leading up to Uganda's participation in the GEF 2021 and how they have possibly shaped or otherwise influenced the country's commitments to the GAP goals and objectives and women rights over time.

The research applied participatory methods of data collection and analysis using workshops, webinars and peer and expert reviews.

### 2.2 Scope of the study



This research focuses on Uganda's commitments at the GEF 2021 and how they advance bodily autonomy and SRHR, one of six focus areas or 'action coalitions' of the GAP 2021-2026. The sequence of major developments in gender equality and women rights, including SRHR, is presented and analyzed right from the pre-colonial, colonial and to the post-independence periods. The analysis covers the growth of the women rights movement in Uganda and how the country's participation in the historical Beijing Conference and the GEF has impacted the realization of bodily autonomy and SRHR as enunciated in the GAP 2021-2026.

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The study targeted the Government ministries responsible for gender and health, its agencies responsible for the protection and promotion of human rights, UN agencies and development partners in the realm of health, civil society organizations (CSOs) working on women's rights, the right to health and SRHR. Stakeholders and actors contributing to the implementation of the Beijing Declaration and Platform for Action and bodily autonomy were of particular interest.

This study assessed the country's implementation status of the Beijing commitments, including what had been done and what was yet to be done in domesticating the declaration and pursuing its objectives and aspirations before the 2021 GEF was held (June 2021), when the country made fresh commitments to gender equality and women empowerment.

## 2.3 Conceptual framework

 This study was designed and conducted within the overall normative framework of human rights, specifically the right to health, applying a blend of the human rights-based approach (HRBA) as expounded by General Comment 14 on the right to the highest-attainable standard of health (right to health)<sup>38</sup> and General Comment 22 on the right to sexual and reproductive health (SRHR)<sup>39</sup> as enshrined in Article 12 of the ICESCR and reiterated in other international human rights instruments<sup>40</sup>; and the OPERA Framework as developed by the Center for Economic and Social Rights (CESR).<sup>41</sup>

### 2.3.1 The Human Rights-Based Approach

HRBA is a framework for human development that is normatively anchored in international human rights law, and a concept through which human rights standards are operationalized, promoted and protected.<sup>42</sup> It requires the application of human rights standards and principles – namely, universality, indivisibility, equality and non-discrimination, participation, and accountability – in programming, and focuses on developing the capacities of rights-holders to claim their rights as well as those of duty-bearers to meet their obligations.<sup>43 44</sup>

The HRBA is one of the approaches for interventions for realizing Agenda 2030. It has been widely used in the conceptualization, implementation and evaluation of health and gender-related programs.

In this study, the HRBA framework has been the basis of legal standards and obligations as well as the inspiration of the analysis, interpretation and discussion of the methods, data and findings in the process of determining how the actions and commitments affect bodily autonomy and SRHR.

### 2.3.2 The OPERA Framework

The study also utilized the OPERA Framework to interpret key SRHR outcomes, including outcomes related to the Beijing commitments, and to link them to specific breaches of the obligation to fulfill the right to health, and more specifically bodily autonomy and SRHR.

38 <https://www.endfgm.eu/resources/health/un-committee-on-economic-social-and-cultural-rights-general-comment-no.-14-the-right-to-the-highest-attainable-standard-of-health-2000/>.

39 The Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 14: The right to the highest attainable standard of health (Art. 12), para. 2, 8, 11, 16, 21, 23, 34 and 36 (2000).

40 CEDAW (1979), Article 12; Convention on the Rights of the Child (1989), Articles 17, 23~25 and 27; and CRPD (2006).

41 Center for Economic and Social Rights (2012). 'The OPERA Framework: Assessing Compliance with the Obligations to Fulfill Economic, Social and Cultural Rights.' New York: Center for Economic and Social Rights.

42 <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>.

43 Ibid 4 The content attached to this footnote number has no connection to footnote number 4. Please revise

44 [https://www.who.int/hhr/news/hrba\\_to\\_health2.pdf](https://www.who.int/hhr/news/hrba_to_health2.pdf).

**OPERA** is a flexible and adaptable framework that facilitates the monitoring of economic, social and cultural rights using four broad categories of issues categorized under “**Outcomes**”, “**Policy Efforts**”, “**Resources**” and “**Assessment**” (abbreviated as OPERA).<sup>45</sup> Within each of these dimensions, the framework provides indicative questions and suggests methods to answer them. Importantly, the framework provides the user with an opportunity to determine which of the set questions demand greater attention and how they can best be answered, depending on the objectives, priorities, and practical constraints in a particular context.

The result is to prompt ‘decision-makers’ (duty-bearers) to be more responsive to, or at least less dismissive of, human rights arguments. At the same time, the evidence generated supports rights-holders to expose and articulate the injustices they face using robust, credible methods anchored in the human rights framework which helps them in demanding justice.

The OPERA Framework provides an overarching framework to integrate multiple tools and methods and enables advocates and activists to build up a well-evidenced argument about the State’s compliance with its obligation to fulfill the economic, cultural and social rights of its people. The evidence generated using the OPERA analysis can be very powerful for advocacy, especially where such advocacy is focused on securing remedies for violations that have already occurred, stopping ongoing violations, or preventing future violations.

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▶▶ This study used OPERA alongside the HRBA framework to assess Uganda’s commitments to implement the actions highlighted in the GAP 2021-2026. Hence, the findings generated and analyzed using the OPERA Framework will be useful in advocacy and holding GOU and other actors accountable for implementation of the GAP, and in providing quantitative, cross-disciplinary evidence linking between poor outcomes in SRHR and breaches of the obligation to fulfill specific GAP obligations.

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45 [https://www.cesr.org/sites/default/files/the.opera\\_.framework.pdf](https://www.cesr.org/sites/default/files/the.opera_.framework.pdf).

## The OPERA Framework as adapted in this study

	<b>ASSESSMENT AND MONITORING</b>
<b>OUTCOMES</b>	Identify relevant outcome indicators that show the extent to which Uganda's commitments and actions highlighted in GAP 2021-2026; disaggregate indicators by social groups to identify disparities in levels of enjoyment of gender rights as envisaged by GEF 2021; examine variations of indicators over time to assess progress, backsliding and changes in disparities.
<b>POLICIES</b>	Identify international commitments and national constitutional and legislative provisions that give effect to the provisions of the Beijing Declaration and Platform for Action and GAP 2021-2026; identify specific laws and policies on bodily autonomy and SRHR and compare their provisions to international standards.
	Identify the goods and services needed to give effect to the rights provided for under the GAP 2021-2026; measure the availability, accessibility, acceptability and quality of these goods and services in Uganda.
	Analyse relevant national policies and strategies; collect feedback on the extent to which those principles in the policies and strategies are applied in practice.
<b>RESOURCE CONSTRAINTS</b>	Calculate the percentage of the national budget allocated to social spending relevant to the specific rights under GAP 2021-2026, comparing this to relevant benchmarks; identify which population groups are benefitting from GOU spending; compare allocations to previous budgets to assess trends; track public expenditure generally.
	Calculate the GOU social budget as a percentage of GDP and compare to similar countries; identify and assess the adequacy and fairness of the state's main revenue sources (e.g. taxation, borrowing, external donations); evaluate GOU fiscal and monetary policies governing the raising of revenue.
	Collect feedback on public participation in the design, implementation and evaluation of fiscal and monetary policies; analyse indicators related to transparency of economic policy process.
<b>CONTEXT</b>	Identify the social, economic, political or cultural conditions that prevent people from enjoying the rights or seeking redress for violations of the rights under GAP 2021-2026 (e.g. through capacity gap assessment).
	Identify how the acts or omissions of third parties or structural dysfunctions impact on the State's ability to fulfil the right to bodily autonomy and SRHR generally.
	Draw together findings from previous steps, in light of the above elements.

This framework guided the research team in designing more detailed metrics for measuring the strategic interventions and areas of action. At each stage, it was used to organize a problem map, categorize indicators, structure reports, and design research outputs.

## 2.4 Data types, sources and analysis

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▶▶ The findings presented and discussed in this report are based on primary and secondary data. Primary data were collected using writing workshops, group discussions, webinars and conversations with individuals to gather facts and opinions about the country's journey to GEF 2021; progress on the implementation of the Beijing commitments; the state of the right to bodily integrity and SRHR; and the country's GAP 2021-2026 commitments and their implications going forward, for the right to bodily integrity and SRHR in Uganda.

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One information exchange webinar was held with the representatives of CSOs belonging to the Coalition on Generation Equality Forum<sup>46</sup> and other like-minded CSOs, UN Women, and the Ministry of Gender, Labour and Social Development.

One five-day writing workshop was held with representatives of 15 CSOs working on gender equality, SRHR and related rights. The workshop discussed Uganda's commitments and assessed the country's progress towards realizing the right to bodily autonomy and SRHR. The approaches used to gather and analyze data from participants during the workshop include group discussions, individual assignments and expert presentations, all of which provided insights into the issues of bodily autonomy and SRHR in Uganda and globally.

Secondary data were collected through a desk review of official reports, online resources, published articles, legal and policy documents, and grey materials following a reference list of sources and resources considered relevant to the subject and objects of the study. Data were drawn from databases of UN Women and the Ministry of Gender, Labor and Social Development.

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▶▶ Data collected were tabulated and interpreted according to themes informed by the frameworks of HRBA and OPERA. Data were tabulated in the matrix aligned to the priority intervention areas critical to the commitments under GAP 2021-2026 and the strategy looking at the implementation status in Uganda. Strategic and programmatic interventions and action by these actors have been assessed in light of the Beijing Declaration and Platform for Action, and the Action Coalition on Bodily Autonomy and SRHR and the GAP 2021-2026 priority actions.

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46 The Coalition on Generation Equality Forum is constituted by six indigenous CSOs that work on gender equality and SRHR in Uganda.

## 2.5 Quality assurance

The research team was oriented on the research objectives, methodology, the target population and methods of data collection. One meeting was held to validate the research findings, and views were gathered from representatives of the Ministry of Gender, Labour and Social Development, UN Women, Ministry of Health, and the Civil Society Coalition on GEF. The draft report was edited and proofread by an independent resource person.

## 2.6 Limitations of the study

The study is purely qualitative and did not extend to quantitative aspects that could have given a clear picture of progress on financing and related commitments. In addition, the research was conducted at the time the country was under the second COVID-19 national lockdown due to the second wave of infections. As such, the researchers did not get the opportunity to physically interface with respondents, which could have enriched the data through more in-depth conversations and physical observations.

# >> 3

## THE ROAD TO UGANDA'S PARTICIPATION IN THE GEF

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In Uganda, discourses about gender relations are multiple, and current tensions over male authority and gender equality need to be understood in an historical perspective.<sup>47</sup> This section reviews the historical context of gender rights generally and bodily autonomy and SRHR in particular and the road towards gender equality. The historical perspective helps to understand the developments and issues that preceded Uganda's involvement in global and regional gender equality processes that culminated into the country's commitments at the GEF 2021.

### 3.1 Gender relations in pre-colonial Uganda

Prior to becoming a British protectorate in 1894, the territory that eventually became Uganda was made up of Ankole, Buganda, Bunyoro, Busoga and Toro kingdoms, and several chiefdoms and other politically less formal communities.<sup>48</sup> Gender norms varied substantially between different ethnic groups.<sup>49</sup> The kingdoms, which were relatively more politically organized, were strongly hierarchical and patriarchal in nature.<sup>50</sup>

Overall, the literature from the pre-colonial period confirms that gender equality and women rights are not western concepts, and human rights should not be understood as western values.<sup>51</sup> Many pre-colonial African societies articulated clear visions of human dignity, freedom from oppression, as well as rules governing the just distribution of goods.<sup>52</sup> For instance, the Luganda language of the Baganda has translations of the term “human rights” that reflect values that are inherent to their norms, culture and tradition; it can be translated as **eddembe ly'obwebange** (personal rights) or **eddembe ly'obuntu** (rights of humanity), and **eddembe** itself can mean freedom, liberty, peace or simply leisure.<sup>53</sup>

Although they may not be regarded as “human rights” in the modern sense, “rights” were accorded based on communal membership, family ties, and individual achievement – and this phenomenon continues to shape understandings of rights among the Baganda today.<sup>54</sup> For instance, the senior wives of the Kabaka were widely respected and had a special status and privileges above what even the chiefs were entitled to; they were considered superior to other people in Buganda and were technically the most powerful commoners that had become royals by virtue of marriage to the Kabaka.<sup>55</sup>

It has been noted that women participation during the pre-colonial days was hierarchical in nature, with women having roles to play that warranted special respect and privilege in society.

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54 Wyrod, *supra* note 47.

55 *Ibid.*

For instance, in Buganda, two of the three highest ranking individuals in Buganda were women – the Queen Mother and the Queen Sister.<sup>56</sup> The Queen Mother (the mother of the Kabaka or king) had political and cultural functions, owned courts and had power to collect certain taxes.<sup>57</sup> Although some authors base on these cases to argue that women in pre-colonial Buganda had relatively more freedom and less exploitative marital gender relations than in neighboring polities,<sup>58</sup> traditional Baganda gender norms in pre-colonial times were strongly patriarchal, with women primarily having a domestic role, and their agency being constrained by fathers and husbands.<sup>59</sup>

### 3.2 Women rights in the colonial period

Missionaries from the Anglican Church Missionary Society were the first to arrive in Buganda in 1877, during the reign of Kabaka Mutesa I, followed by the contending Roman Catholic White Fathers two years later.<sup>60</sup> Uganda was then proclaimed a British Protectorate in 1894.<sup>61</sup> The arrival of Europeans started a century-long transformation, forming a ‘gender Kuznets curve’.<sup>62</sup>

The coming of Protestant and Catholic missionaries was praised for their moderate support of women’s employment and education. A study<sup>63</sup> of Protestant brides born in Uganda between 1880 and 1945 to explore the role of mission education on African women’s socio-economic position within the household, found that although mission education raised the sampled brides’ literacy skills way above female national levels, they were largely excluded from participating in the colonial wage labor market. The study found that the missionary society presented an almost exclusive source of female wage labor in areas of religious service, schooling and medical care, with daughters of men who converted to Christianity and were close to the Christian

missionaries having higher chances of access to wage employment – due their fathers’ mission networks – than men engaged in “traditional sectors”.<sup>64</sup>

Regarding women’s SRHR, the study found that literacy per se did not affect women’s marriage behavior, and that women who worked for the missionaries married significantly later in life and married men closer to their own age – indicating a shift in the power balance between parents and daughters and between husband and wife.<sup>65</sup>

In spite of the contribution of the missionary movement to women emancipation, overall, gender inequalities in terms of literacy and educational attainment in Uganda persisted throughout the

56 Schiller, *supra* note\_50.

57 *Ibid.*

58 Shane Doyle (2013), *Before HIV: Sexuality, Fertility and Mortality in East Africa, 1900-1980*. Oxford: Oxford University Press, pp. 47–57.

59 De Haas & Frankema, *supra* note 49.

60 Felix Paul Meier zu Selhausen (2015). Women’s empowerment in Uganda: Colonial roots and contemporary efforts, 1894-2012 (PhD Thesis, Utrecht University).

61 *Ibid.*

62 Felix Paul Meier zu Selhausen and Jacob Weisdorf, ‘A colonial legacy of African gender inequality? Evidence from Christian Kampala, 1895-2011’, *Economic History Review*, vol. 69 (2016), p. 255.

63 Felix Meier zu Selhausen (2014). “Missionaries and female empowerment in colonial Uganda: New evidence from Protestant marriage registers, 1880-1945.” *Economic History of Developing Regions*, 29:1, 74-112, DOI: 10.1080/20780389.2014.927110.

64 *Ibid.*

65 *Ibid.*

colonial era.<sup>66</sup> Indeed, studies<sup>67</sup> have found that gender inequality and female disempowerment in Uganda are legacies of colonial times. The arrival of missionaries and colonial agents who dramatically changed the educational and occupational structures, initiating a century-long transformation of Kampala from an entirely rural economy to one of urban modernity, significantly increased gender inequality during colonial times.<sup>68</sup> For instance, both Protestant men and women underwent a 'literacy revolution' following the arrival of the missionaries, with literacy rates rising from 0% to nearly 100% within three generations, but the literacy revolution among women was delayed by approximately three decades, causing the gender gap in literacy to grow substantially.<sup>69</sup>

Over the period of colonial rule (1894-1962), the courts administered laws deriving their authority from Britain.<sup>70</sup> In 1902, an Order-in-Council was passed under which a system of legislation was established through the promulgation of personal decrees by the representatives of the British Crown, namely the Commissioner.<sup>71</sup> This system continued until 1920 when the Legislative Council (Legco) was established, which grew in membership, before finally giving way to the country's first independence law-making body, the National Assembly, under the Independence Constitution of 1962.<sup>72</sup>

Another source of law in Uganda, in addition to imported law, is customary law.<sup>73</sup> During the colonial period, until independence, customary law operated alongside the laws introduced by the British colonial rulers. Customary law took precedence in family matters, which often centered on issues related to women's status, such as property ownership and the rights of widows.<sup>74</sup> However, customary law, which handled matters related to women SRHR, was secondary to statutory law – and remains so to-date. In Uganda's current laws, section 15 of the Judicature Act (Cap. 13) gives the High Court powers "to observe or enforce the observance of, or to deprive any person of the benefit of, any existing custom, which is not repugnant to natural justice, equity and good conscience and not incompatible either directly or by necessary implication with any written law."

The challenge is that the cases that go to court under the statutes are but "a drop in the ocean" compared to the many others that are decided in the courts on the basis of the evidence of existing custom or solved "under the mango tree", outside the judicial system, by elders administering customary law.<sup>75</sup> There have been attempts to address this challenge by incorporating customary law into the statutes to give it strength in application. For instance, adultery and elopement were codified in the Penal Code, and rules of succession in the Succession Act.<sup>76</sup>

66 De Haas & Frankema, *supra* note 49.

67 Felix Paul Meier zu Selhausen, *supra* note 60.

68 *Ibid.*

69 *Ibid.*

70 Ssekandi, Francis M. (1983) "Autochthony: The Development of Law in Uganda." *NYLS Journal of International and Comparative Law*. Vol. 5: No. 1, Article 2. Retrieved from [https://digitalcommons.nyls.edu/journal\\_of\\_international\\_and\\_comparative\\_law/vol5/iss1/2](https://digitalcommons.nyls.edu/journal_of_international_and_comparative_law/vol5/iss1/2).

71 Makerere University (n.d). Parliament of Uganda. Retrieved from <https://www.mak.ac.ug/facts-and-figures/parliament-uganda>.

72 *Ibid.*

73 Ssekandi, *supra* note 70.

74 Tripp, Aili Mari (2000). *Women and politics in Uganda*. Madison: University of Wisconsin Press.

75 Ssekandi, *supra* note 70.

76 *Ibid.*

As far as criminal law is concerned, which is essentially statutory, Britain and the successor governments administered a code of penal laws alien to, and not aligned with, the will of the indigenous people – and unfortunately, the courts have always been happy to enforce them lock, stock and barrel.<sup>77</sup>

### 3.3 Women rights post-independence

The 1962 constitutional instruments, including the Uganda (Independence) Order in Council, 1962, and the Constitution of Uganda, as in force on 31st December, 1963, did not explicitly provide for women's rights or gender equality. Their focus was on maintaining law and order and providing a framework for inter-kingdom relations and the delicate politics of the time. The Constitution provided for the protection of fundamental rights and rights of the individual but with wide-ranging limitations “to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest”.<sup>78</sup> Any semblance of gender equality can only be inferred from the provision that “every person in Uganda is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, color, creed or sex.”<sup>79</sup>

With the formation of the Organization of African Unity (OAU) in 1963, Uganda and other member states formally recognized the Universal Declaration of Human Rights. In 1981, the OAU expanded its recognition of human rights by adopting the African Charter on Human and Peoples' Rights. While the African Charter does mandate that member states protect women's rights, African women rights activists argued that the emphasis on community rights gave legitimacy to cultural practices which discriminated against women.<sup>80</sup>

With the legal framework lacking, there was virtually no national machinery for gender equality in Uganda at the time of independence. Instead, women's issues were handled by the Ministry of Community Development, Culture and Sports (the exact title of the Ministry changed from time to time).<sup>81</sup> This situation pertained into the 1970s and early 1980s, until the time when the National Council of Women (NCW) was formed under the same Ministry. However, the NCW lacked independence and it was used by the government to limit the formation and registration of progressive women rights NGOs.<sup>82</sup>

Meanwhile, there was an impetus from the international women's movement and from the UN International Decade for Women (1975-1985) to 'mainstream' women and their interests, culminating into the Nairobi Forward Looking Strategies for the Advancement of Women.<sup>83 84</sup>

77 *Ibid.*

78 Uganda Government (1964). The Constitution of Uganda (as in force on the 31st December, 1963). Article 17.

79 Article 17.

80 Wyrod, *supra* note 47.

81 Joy C. Kwesiga (2018). “The National Machinery for Gender Equality in Uganda: Institutionalized Gesture Politics?” In *Mainstreaming Gender, Democratizing the State? Manchester University Press*. Retrieved from <https://www.manchesteropenhive.com/view/9781526137494/9781526137494.00021.xml>.

82 Elijah Mushemeza (1995). “Contribution of women in influencing legislation and policy formulation and implementation in Uganda (1995-2005).” *Africa Development*. Vol. 34, No. 3/4.

83 Emmanuelle Bouilly, Ophélie Rillon & Hannah Cross (2016). “African Women's Struggles in a Gender Perspective.” *Review of African Political Economy*, 43:149, 338-349, DOI: 10.1080/03056244.2016.1216671.

84 Tripp, A. M., I. M. Casimiro, J. Kwesiga and A. Mungwa. 2009. *African Women's Movements: Transforming Political Landscapes*. Cambridge: Cambridge University Press. [Google Scholar].

In this context, several women's organisations — ranging from professional and advocacy groups to savings and income-generating associations — emerged which took up women's issues as well as more general concerns. To this end, some have lobbied for women's rights and the reform of customary practices and laws, access to land rights, reproductive rights, and legislatures; while others have immersed themselves in day-to-day struggles that aim to improve the living conditions.<sup>85</sup>



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The coming into power of the National Resistance Movement (NRM) in 1986 saw the women's movement gain momentum because the new political leadership was positive about addressing concerns relating to oppression of and discrimination against women. The major concern on women was the long history of their systematic oppression and discrimination throughout the pre-colonial, colonial and post-independence eras arising from the unprogressive pre-colonial laws that affected the sectors of education, family and health.<sup>86</sup> These concerns arose from the fact that Uganda was already a signatory to some international legal instruments, including CEDAW (1979). The challenge had been on how to translate the State's obligations in the international agreements it has ratified into tangible actions by way of legislation, policy and institutional set up.

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85 Bouilly, *et al.*, *supra* note 83.

86 Mushemeza, *supra* note 82.

## International Legal Instruments before the 1995 Constitution

	Human Rights treaty	Year of Adoption	Ratification (Year)
CERD	International Convention on the Elimination of all Forms of Racial Discrimination	1965	1980
ICESCR	International Covenant on Economic, Social and Cultural Rights	1966	1987
ICCPR	International Covenant on Civil and Political Rights	1966	1995
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	1979	1985
CAT	Convention against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment	1984	1986
CRC	Convention on the Rights of the Child	1989	1990
ICRMW	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families	1990	1995

As a signatory to international and regional human rights instruments, Uganda has made binding commitments to adhere to the standards laid down in the universal human rights documents.<sup>87</sup> Uganda ratified CEDAW on 22 July 1985, without reservations and several other UN human rights conventions relevant to the rights of women, including ICESCR on 21 January 1987, and ICCPR on 21 June 1995.<sup>88</sup> International standards and treaties lay a foundation for women's active engagement in public policy decision-making processes. As elaborated under Article 21 of UDHR,<sup>89</sup> everyone has the right to take part in their country's government. In addition, Article 7 of CEDAW states that there should be no form of discrimination against women in terms of equal political participation; while the Beijing Declaration and Platform of Action and the Covenant on Civil and Political Rights (Articles 2 and 7) both support women's equal participation in politics and decision-making processes.<sup>90</sup>



Globally, there have been conversations and consensus on the promotion and protection of women's rights and gender equality enunciated through the UDHR, the ICPD, and others instruments. With the adoption of the Beijing Platform for Action in 1995, it remains the most comprehensive global policy framework and source of guidance towards realization of gender equality and the human rights of women and girls.

87 Article 123, 287(a)(b) of the Constitution of the Republic of Uganda 1995, Ratification of Treaties Act.

88 United Nations Human Rights Treaty body database [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=182&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=182&Lang=EN).

89 United Nations (1948); *Universal Declaration of Human Rights*; Geneva: United Nations Organization.

90 *Ibid.*

The NRM government came to power in 1986 with a 10-point programme that was not explicitly clear on the participation of women in decision making and economic development. However, under point 6 (Restoration and improvement of Social Services and the rehabilitation of the war-ravaged areas), the new government promised essential social services for all.<sup>91</sup> The involvement of women in decision making was strengthened in the Constituent Assembly Statute, providing for elections to the Constituent Assembly in which 52 (18%) of its 286 delegates were women. These delegates subsequently formed a caucus that gave women delegates a unified voice, becoming the most coherent caucus.<sup>92</sup>

### 3.4 Women rights in the 1995 Constitution

The 1995 Constitution protected a wide range of human rights including women's rights to equality and freedom from discrimination. Article 33(6) prohibits laws, customs or traditions which are against the dignity, welfare or interest of women. However, customary laws and practices that perpetuate gender inequality and discrimination are still prevalent in Uganda largely due to the lack of political will to tackle them in a holistic and comprehensive manner.

The 2010 Equal Opportunities Act, Article 32, provides for affirmative action in favour of "groups marginalized on the basis of gender, age, disability or any other reasons created by history." Of relevant to women's rights is Article 33(1), which provides that "women shall be accorded full and equal dignity of the person with men." The State is also enjoined to provide the facilities and opportunities necessary to enhance the welfare of women to enable them realize their full potential.



During the Constitutional Assembly, a Gender Information Centre was established by the National Association of Women Organizations in Uganda (NAWOU). The information centre soon became an important meeting place for the electorate, delegates and women NGOs.<sup>93</sup> The caucus, in co-operation with the women's movement, was instrumental in incorporating and framing women rights in Article 31 (rights of family), Article 32 (right to affirmative action) and Article 33 (right of women) into the Constitution. In contrast to the two previous constitutions — the 1962 Independence Constitution and the 1967 Constitution — the 1995 Constitution has provisions which specifically take women's rights into account.<sup>94</sup>

With the promulgation of the 1995 Constitution, Uganda started realizing women participation and involvement in decision-making process. The Constitution contains several provisions on the principle of non-discrimination and equal rights of women and men. Article 21 provides that all persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.

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91 The NRM Ten-Point Program, 1986.

92 Anne Marie Goetz (2002). "No Shortcuts to Power: Constraints on Women's Political Effectiveness in Uganda". *Journal of Modern African Studies*. 40 (4): 549-575.

93 NAWOU (1995). "Women's landmarks in the democratization process in Uganda." Kampala, Friedrich Ebert Stiftung Foundation.

94 *Ibid.*

The Constitution, under Article 33 titled “Rights of women”, provides that “The State shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement”; “Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities”; and “Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status, are prohibited by this Constitution”. This Article also provides for special measures to increase women’s representation in public life: “women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom

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▶▶ Besides the constitution, Uganda’s Vision 2040 statement prioritizes gender equality as a cross-cutting enabler for socio-economic transformation, highlighting the progress made in the legal and policy arena, in political representation, and in lowering gaps in education. The country’s national development plans (NDP II — 2015-2020, NDP III — 2020-2025) have prioritized the empowerment of women and gender equality as a means to inclusive growth and social development.<sup>95</sup> The current strategy document (NDP III) makes specific reference to sector-specific gender issues that relate to women’s empowerment and access to SRHR information and services.

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Other gender equality-supportive laws and policies in place include the Uganda Gender Policy (2007), the Equal Opportunities Commission (EOC) Act of 2007, the Parliamentary Elections Act (2005) and the Local Governments Act (1997), Uganda Public Service Standing Orders (2010), among others.

# >> 4

## GENERATION EQUALITY FORUM

Uganda’s participation in GEF 2021 was preceded by a series of developments, as highlighted in the following table.

### Analysis of developments in gender equality, women’s rights, reproductive rights

Indicator/ Area	Outcome	Legal and policy efforts	Resources	Assessments
Education	44.6% of girls enrolled in primary school, of which 50% dropped out before attaining the age of 12.	Gender framework of 1986. In 1991, a policy awarding girls entering university an additional 1.5 points on top of their individual examination score started.		Women’s university enrolment increased.
Women in participation and governance	<p>In 1986, 39 out of the 276 seats in the National Resistance Council were reserved for women.</p> <p>1994 Constituency Assembly elections: 284 member constituent assembly seats; women secured 51 seats.</p> <p>The Constitutional Commission of 1988 had 3 women representatives to advise on issues of women and gender equality.</p> <p>In the Executive of 1996, Uganda had the first female Vice President, and women constituted 17% of the Cabinet.</p>	<p>Gender framework of 1986.</p> <p>National Women’s Council Acts, 1993.</p> <p>In 1996, the Constituent Assembly Caucus was formed as Uganda Women’s Parliamentary Association (UWOPA)</p>		<p>The Constitution promoted gender equality; it prohibited laws, traditions, and customs that undermined the dignity and well-being of women. The national resistance councils through which political power was decentralized had women representatives. Following a recommendation of the Constitutional Commission, there was increase in the number of seats reserved for women in local councils, from one in nine to one in three.</p>

Health	Between 1991 and 1995, the infant mortality rate decreased from 122 to 97, under 5 mortality rate from 203 to 147.	The health policy white paper and three-year plan frame of 1993-1996.  The Revised Recovery Program 1982-1984 gives top priority in health strategy to preventive health measures and primary health care, including family planning. The focus includes “family health, education and child spacing”.	Increased Government allocation to the health sector. Government expenditure on health has increased from 2.5% in 1987/88 to 9% in 1997/98 of the national budget. <sup>96</sup>	
Women organizations	In 1985, the National Council of Women was created to investigate and monitor gender issues.	Gender Framework 1986	Women NGO's had limited contribution as a national machinery for women rights due to under-funding.	Shortly after independence, most women NGOs were church affiliated with few political proclivities. Women groups became some of the most vigilant opponents of Amin's regime and were solely responsible for the consciousness of gender issues. NAWOU and Action for Development (ACFODE) were particularly active
Women in economic development	In 1986, agriculture accounted for 76% of GDP and 97% of export earnings. Women accounted for over 70% of the agricultural labour force and over 80% of food production.	National Gender Framework 1986		The major constraint facing gender machinery was funding and the Ministry responsible for Gender was wholly funded by foreign aid.
Family planning	The first family planning clinic opened in Kampala in 1963. Between 1991-1995, the fertility rate reduced from 7.3 to 6.9; contraceptive prevalence rate increased from-	Development of population policy statement as part of a development program prepared for a 1981 UN Conference on Least Developed Countries.	In 1981, FPAU sold \$88,864 worth of contraceptives; 28% of their total yearly budget was covered by user fees. -	In 1957, the Ministry of Health had not started providing family planning. Its ability to offer services was limited partly because of lack of resources and partly-

96 MoH (1998). Costing the Minimum Health Care Package in Uganda. Kampala: Uganda.

Family planning	5%-15%. In 1995, MMR was 506. <sup>97</sup>		FPAU currently received total support from the IPPF and their yearly funding level has averaged around \$300,000.	because of lack of prioritization.
Social-cultural norms	Since 87% of Ugandans were living in rural areas, customary laws had significant impact on women	National Women's Council Act 1993.		Violence against women sanctioned by traditional culture such as spousal abuse, domestic violence, marital rape and FGM.

97 UBOS (1995). *Uganda Demographic and Health Survey*. Calverton, Maryland, USA: Statistics Department/Uganda and Macro International.

# >> 5

## UGANDA'S PROGRESS ON IMPLEMENTATION OF THE BEIJING COMMITMENTS

This section provides an assessment of Uganda's progress towards implementation of the Beijing commitments. The Beijing Declaration and Platform for Action of 1995 became a platform for the actualization of women's rights including aspects of bodily autonomy and SRHR within the continent.

### 5.1 The Beijing Declaration and Platform for Action of 1995

The Beijing Declaration and Platform for Action of 1995 is a comprehensive framework for achieving women's empowerment and gender equality. This framework articulates 12 critical areas of concern that signatory states such as Uganda should prioritize to achieve women's empowerment and gender equality.



Source: <https://www.unwomen.org/en/news/in-focus/csw59/feature-stories>

Government of Uganda categorized these 12 critical areas of concern into 5 areas, as follows:

**Government of Uganda five key priority areas**

No	Government Priority Areas
1	Poverty, income generation and economic empowerment
2	Reproductive health and rights
3	Legal framework and decision making
4	The girl child and education
5	Violence against females and peace building

While the mandate to coordinate and oversee the implementation of gender equality and women's advancement including aspects of bodily autonomy and SRHR lies with Ministry of Gender, Labor and Social Development, actions from related ministries such as Ministry of Health, Ministry of Agriculture, Ministry of Education and Sports are key to ensure that these issues are streamlined.

Over the years, the State has made efforts towards the implementation of the Beijing Platform for Action through legislation, policy reform and programming. The table below assesses Uganda's efforts towards implementing each of the 12 critical areas of the Beijing Platform of Action and provides a status on each of these.

## Assessing Uganda's efforts towards implementing the 12 critical areas of concern

CRITICAL AREAS	UGANDA'S EFFORTS	OUTCOMES	ASSESSMENT
Women and poverty	<p><b>The 1995 Constitution of Uganda</b> Article 20 and 21 of the Constitution mandate the state to respect, protect, and promote human rights (including women's rights) and prohibits all forms of discrimination. Article 33 uplifts the status of women, recognizes gender equality, obliges government to provide facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement. Article 26 recognizes the right to everyone (including women) to own property.</p> <p><b>The Poverty Eradication Action Plan (PEAP) (2004/5-2007/8)</b><sup>98</sup> The PEAP provides an over-arching framework to guide public action to eradicate poverty. In order to achieve middle-income status, Uganda needs to industrialize by enhancing its competitiveness.</p>	<ul style="list-style-type: none"> <li>• 50% of women-headed households experience multidimensional poverty compared to 46% of their male counterparts.<sup>99</sup></li> <li>• Households headed by unmarried women represent the lowest level of multidimensional poverty (31%), while it is highest for those with widowed heads (56%).<sup>100</sup></li> <li>• Women still face barriers to access and utilization of land for economic purposes.<sup>101</sup></li> <li>• Women own only 27% of registered land, yet majority of them are engaged in agricultural production.<sup>102</sup></li> <li>• Over 10 million women were recorded to be in the working age (14-64 years), with about 75% of them working compared to 82% of their male counterparts.<sup>103</sup></li> <li>• Up to 85.6% of women in Uganda are in informal employment outside agriculture, majority of whom live on hand to mouth and work in small businesses.<sup>104</sup></li> <li>• Majority of women in agriculture practice subsistence farming with limited economic gains.<sup>105</sup></li> <li>• Agriculture remains the backbone of Uganda's economy. In 2012/13, the sector accounted for 25.3% of the country's GDP, from 24.7% in 2010/11.<sup>106</sup></li> </ul>	

98 <http://library.health.go.ug/download/file/1643>

99 UNICEF (2018). Going Beyond Monetary Poverty: Uganda's Multidimensional Poverty Profile. Kampala: Uganda. Retrieved from <https://www.unicef.org/esa/media/6146/file/UNICEF-Uganda-Multi-dimensional-child-poverty-2020.pdf>.

100 Ibid 2

101 UNFPA (2017). Worlds apart in Uganda: Inequalities in women's health, education and economic empowerment. Kampala: Uganda. Retrieved from [https://uganda.unfpa.org/sites/default/files/pub-pdf/Issue%20Brief%20-%20special%20edition.%20inequalities.final\\_.pdf](https://uganda.unfpa.org/sites/default/files/pub-pdf/Issue%20Brief%20-%20special%20edition.%20inequalities.final_.pdf).

102 Government of Uganda (2015). Second National Development Plan (NDP II) 2015/16 – 2019/20. Kampala: Uganda. Retrieved from <http://npa.go.ug/wp-content/uploads/NDPII-Final.pdf>.

103 UBOS (2018). Uganda National Household Survey (UNHS) 2016/17 Report. Kampala: Uganda. Retrieved from [https://www.ubos.org/wp-content/uploads/publications/03\\_20182016\\_UNHS\\_FINAL\\_REPORT.pdf](https://www.ubos.org/wp-content/uploads/publications/03_20182016_UNHS_FINAL_REPORT.pdf).

104 Akina Mama Wafrika (AMWA) (2020). From the Margins to the Centre: Discourses on the Impact of the COVID-19 Pandemic on Women in Uganda. Kampala: Friedrich-Ebert-Stiftung Uganda and Akina Mama wa Afrika <http://library.fes.de/pdf-files/bueros/uganda/17364.pdf>.

105 Karen Ann McKenna (2014). The Role of Ugandan Women in Rural Agriculture and Food Security (Master of Arts degree thesis, Faculty of the Josef Korbel School of International Studies, University of Denver). Retrieved from <https://digitalcommons.du.edu/cgi/viewcontent.cgi?article=1419&context=etd>

106 Ibid 7.

		<ul style="list-style-type: none"> <li>• Agriculture employs 76% of whom are women v. 62% men, yet their productivity remains low.<sup>107</sup></li> <li>• Women especially in rural areas still do not have rights over land due to customary land practices that bar them from land ownership.<sup>108</sup></li> <li>• Only 5% women v. to 65% of men have access to labor saving technologies due limited access to financial services and collateral to back up loans.<sup>109</sup></li> <li>• In FY 2014/15, Operation Wealth Creation spent UGX 104.897 billion on procurement and distribution of inputs in the districts, with men dominating access to these inputs.<sup>110</sup></li> <li>• Women are mostly involved in the informal sector limiting participation and access to insurance and banking.<sup>111</sup></li> <li>• The informal sector is unregulated, unsupported, unaudited, and untaxed by Government.</li> <li>• Operators in the informal sector are continuously harassed by operatives of local authorities.</li> <li>• Young women have more difficulty accessing paid work; their unemployment rate stands at 17.5% compared to 14.7% of their male counterparts.<sup>112</sup></li> <li>• A 2015 report by the International Justice Mission indicates that 40% of widows experience instances of attempted property grabbing in their lifetime and more than 30% of them are victims of property grabbing.<sup>113</sup></li> </ul>	
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107 <https://blogs.worldbank.org/voices/leveling-field-women-farmers-uganda>.

108 Ibid 7

109 UN Women (2018). Factors Driving the Gender Gap in Agricultural Productivity: Uganda. Retrieved from <https://wedocs.unep.org/bitstream/handle/20.500.11822/28405/UgandaGenderGap.pdf?sequence=1&isAllowed=y>

110 Ministry of Finance, Planning & Economic Development (MoFPED). "Are Agriculture Sector Policies and Interventions in Uganda Gender Sensitive and Responsive?" *Budget Monitoring and Accountability Unit (BMAU) Briefing Paper*, March 2016. Retrieved from <https://bit.ly/3BscjLO>

111 Mugoda, S., Esaku, S., Nakimu, R. K., & Bbaale, E. (2020). "The portrait of Uganda's informal sector: What main obstacles do the sector face?" *Cogent Economics & Finance*, 8(1), 1843255. Retrieved from <https://www.tandfonline.com/doi/pdf/10.1080/23322039.2020.1843255>.

112 [https://www.ilo.org/wcmsp5/groups/public/--ed\\_emp/documents/publication/wcms\\_429078.pdf](https://www.ilo.org/wcmsp5/groups/public/--ed_emp/documents/publication/wcms_429078.pdf).

113 <https://www.ijm.org/financials/2015-annual-report>.

<p><b>Education and training of women</b></p>	<p><b>The Constitution</b> Article 30 of the Constitution recognizes the right to education and government (through parliament) passed the Education Pre-primary, Primary and post primary Act No. 13 of 2008 to promote education of all children including the girl child.</p> <p>Government initiatives undertaken to increase access to education are Universal Primary Education for primary school, Universal Secondary Education for secondary school and Government sponsorships to increase admission at public tertiary institutions.</p>	<ul style="list-style-type: none"> <li>• The post-UPE period witnessed a narrowing gap between the number of girls and boys enrolled in primary schools.<sup>114</sup></li> <li>• Net enrolment ratio stands at 93.01%, meaning that there are still children of school-going age not enrolled in school, majority of whom are girls.</li> <li>• The comprehensive evaluation of basic education (MoES 50, 2005) asserted that UPE dropout rates increased from 4.7% in 2002 to 6.1% in 2005; the primary completion rate for girls was at 27.7%.<sup>115</sup></li> <li>• By 2003, there was an increase in number of children with disabilities in primary school and the Government has continued with affirmative action to address special needs of children with disabilities.<sup>116</sup></li> <li>• The dropout rate is slightly higher for girls than boys.</li> <li>• According to the Uganda National Household survey 2016/17, the secondary school net enrolment ratio in Uganda for the year 2016/17 stood at 28%.<sup>117</sup></li> <li>• The enrolment rate of girls was higher than the boy child at 29% and 27% respectively but the completion rate was drastically low.<sup>118</sup></li> <li>• Quality of education is higher and concentrated in Urban areas, creating inequities.<sup>119</sup></li> <li>• Girls are disproportionately affected because of negative cultural attitudes and connotations towards advanced girl child education.<sup>120</sup></li> <li>• University and tertiary education are still male dominated particularly in science and technology.<sup>121</sup></li> <li>• The situation improved following the introduction of the affirmative action policy in favour of women in the early 1990s.</li> </ul>
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114 UNFPA, supra note 106.

115 <https://uganda.unfpa.org/sites/default/files/pub-pdf/Issue%20Brief%205%20-%20special%20edition.%20inequalitiesfinal.pdf>

116 [https://uganda.unfpa.org/sites/default/files/pub-pdf/Issue%20Brief%205%20-%20special%20edition.%20inequalities.final\\_.pdf](https://uganda.unfpa.org/sites/default/files/pub-pdf/Issue%20Brief%205%20-%20special%20edition.%20inequalities.final_.pdf).

117 GoJ, supra note 107.

118 UBOS, supra note 108.

119 [https://www.ubos.org/wp-content/uploads/publications/03\\_20182016\\_UNHS\\_FINAL\\_REPORT.pdf](https://www.ubos.org/wp-content/uploads/publications/03_20182016_UNHS_FINAL_REPORT.pdf)

120 AMWA, supra note 109.

121 McKenna, supra note 110.

		<p>Makerere University adopted a new motto that does not exclude the girl child from “in all things let us be men” to “<b>we build for the future</b>” and graciously adopted affirmative action policies from academic year 1989/90.<sup>122</sup></p> <ul style="list-style-type: none"> <li>• According to a Makerere University Report 2009, the affirmative action policies have raised student's enrolment from 25% to 50% of the entire student population.<sup>123</sup></li> </ul>	
<p>Women and health</p>	<p><b>The 1995 Constitution of Uganda</b> Article 33 uplifts the status of women, recognizes gender equality, obliges government to provide facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement to enable them to enjoy their maternal functions in society.</p>	<ul style="list-style-type: none"> <li>• Abolition of user fees to improve access to health services.<sup>124</sup></li> <li>• Creation of a gender desk at the Ministry of Health.<sup>125</sup></li> <li>• Limited access to safe abortion services due to restrictive laws and retrogressive environment.<sup>126</sup></li> <li>• Improved access to family planning, but still a wide section of women with unmet family planning needs (28%).</li> </ul>	
	<p><b>National Health Policy, Health Sector, Strategic Plan, The Reproductive Maternal, New-born and Child health (RMNCH) sharpened plan. Uganda's Commitment to Family Planning 2020</b></p> <p>Uganda committed to:</p> <ul style="list-style-type: none"> <li>• Ensuring universal access to family planning.</li> <li>• Reduction of unmet need for family planning from 40% to 10% in 2022.</li> <li>• Increase the annual government allocation for family planning supplies from US \$3.3m to US \$5m for the next 5 years,</li> </ul>	<ul style="list-style-type: none"> <li>• Women who are poor, below 27% of the income scale, and particularly those who are in rural areas, are far less likely to have access to contraceptives and to skilled attendance during pregnancy and childbirth.<sup>127</sup></li> <li>• Retrogressive SRHR environment and outcomes for sexual minorities.</li> <li>• Failure to meet the Abuja Declaration of 15 percent of the total budget to finance health.</li> <li>• Persistent unmet need for family planning leading to increased unwanted pregnancies and unsafe abortions.</li> <li>• Failure to provide free maternal health care services.</li> <li>• 65 percent of women deliver in health facilities.<sup>128</sup></li> </ul>	

122 Ibid 7

123 UN Women, supra note 114.

124 MoFPED, supra note 115.

125 <https://www.finance.go.ug/sites/default/files/Publications/BMAU%20Briefing%20Paper%202-16%20-Are%20Agriculture%20Sector%20Policies%20and%20Interventions%20in%20Uganda%20Gender%20Sensitive%20and%20Responsive.pdf>.

126 Mugoda, et al., supra note 116.

126 Mugoda, et al., supra note 116.

127 UNFPA; Issue brief 5 special edition: 2017

128 Pregnancy and child birth in low and middle income countries

		<ul style="list-style-type: none"> <li>• 97 percent of women attend at least one ANC visit.<sup>129</sup></li> <li>• Persistent deterioration of quality in health facilities due to inadequate funding, overcrowding and drug stock outs.</li> <li>• HIV prevalence rate in Uganda is high amongst women aged 15-24 at 5.3% in adolescent girls and young women compared to 2.3% men in the same age group.<sup>130</sup></li> <li>• The prevalence of HIV among adults aged 15 to 64 in Uganda is 6.2%: 7.6% among females and 4.7% among males.<sup>131</sup></li> <li>• The HIV Prevention and Control Act of 2015 under Section 43, criminalizes the intention transmission of HIV and Aids and it is women who are caught up under such provisions.</li> </ul>
	<p><b>Penal Code Act, cap 120 (as amended)</b> Section 224 restricts that provision of abortion services to a woman whose life is at risk</p>	<ul style="list-style-type: none"> <li>• Uganda’s maternal mortality stands at 336 deaths per 100,000 live births, translating into 16-18 women dying per day with 4-6 of these deaths attributed to unsafe abortion.<sup>132</sup></li> <li>• Parliament has not yet enacted an express law on abortion and Section 224 of the Penal Code is not wide enough to include bodily autonomy.</li> </ul>
<p><b>Violence against women</b></p>	<p><b>1995 Constitution</b> Uganda’s 1995 Constitution and broader normative and policy frameworks reflect global standards, are strongly supportive of Gender Equality (GE) and, within recent policy documents, address gender-based violence (GBV) explicitly.</p>	<ul style="list-style-type: none"> <li>• Despite the strong normative framework on gender equality, including regulations, guidelines, protocols and even district level laws and ordinances, actual implementation of the policies has been challenging.</li> </ul>

129 Factors affecting  
 130 Ministry of Finance MDG report 2013  
 131 Ministry of Finance MDG report 278.pdf" [https://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/documents/publication/wcms\\_429078.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_429078.pdf)  
 132 <https://www.ijm.org/financials/2015-annual-report>  
 8694490-140716711.1588694490" [https://www.reproductiverights.org/sites/default/files/documents/Uganda-Abortion-Law-Experiences.pdf?\\_ga=2.96513439.1081410614.1588694490-140716711.1588694490](https://www.reproductiverights.org/sites/default/files/documents/Uganda-Abortion-Law-Experiences.pdf?_ga=2.96513439.1081410614.1588694490-140716711.1588694490)>

	<p><b>The National Action Plan on Elimination of Gender Based Violence in Uganda (2016-2020)</b> Frames the issue of GBV as an urgent development priority and factor to address in achieving Uganda's development goals for 2020.</p> <p><b>The Domestic Violence Act 2010, The Domestic Violence Regulations 2011</b> The Act and regulations provide for the protection and relief of victims of domestic violence, for the punishment of perpetrators of domestic violence, and provide for the procedure.</p> <p><b>The Penal code Act, Cap 120 (as amended)</b> Section 123 and 129 of the Act criminalizes rape and defilement with maximum sentences ranging from life imprisonment to death.</p>	<ul style="list-style-type: none"> <li>• According to the Uganda Demographic and Health Survey (UDHS) 2016, 20% women aged 15-49 in the country had experienced some form of sexual violence.<sup>133</sup></li> <li>• Domestic Violence Act and Regulations of 2011 restrict protection to married couples leaving out their unmarried counterparts and children.</li> <li>• UNHCR: 81% of 1.4 million refugees are women and children who are at a risk of gender-based violence including sexual exploitation and abuse, rape, forced and child marriage and intimate partner violence.</li> <li>• The 2016 Crime Report indicated a 31% increase of defilement cases from 2015. Additionally, an increase of rape cases from 1419 to 1572 within the same period was reported.</li> <li>• Police reports from 2011 to 2017 indicate a significant reduction of 54% of deaths resulting from domestic violence.</li> <li>• Reports from the Director of Public Prosecutions indicates that out of 1594 and 7618 of rape and defilement cases respectively reported in 2015 and 2016, only 57% of the cases were prosecuted and perpetrators punished.</li> <li>• Laws such as the Penal Code (Amendment) Act of 2007, Domestic Violence Act, sexual offenses bill and Marriage Bill do not address contentious areas of violence against women where marital rape is not criminalized and cohabiting partners aren't protected.</li> <li>• The 2004 amendment to the Land Act of 1998 requires spousal consent to a sale of land but does not recognise co-ownership of land.</li> <li>• The police and Ministry of Health (leading public institutions in GBV response) spend an estimated UGX 37.7 billion annually dealing with Gender-Based Violence.</li> <li>• Poor funding of violence against women remains a huge challenge. For example, in financial year 2016/17, the Ministry of Gender, Labor and Social Development allocated a total of UGX 1.6 billion to violence against women's programs.</li> <li>• GBV issues are largely foreign funded by the Irish Aid and United Nations Population Fund, which is not sustainable thus creating dependency on external funding.</li> </ul>	
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133 UBOS, *supra* note 100.

	<p><b>Ministry of Gender, Labor and Social Development ministerial policy statement</b></p>	<ul style="list-style-type: none"> <li>• According to the MGLSD Ministerial Policy Statement of 2016/17, the Directorate of Women and Financial Affairs had 10 staff and the Child and Protection Unit of the Uganda Police Force had only 645 police officers to cover 112 districts, thus making it hard to respond to cases of violence against women.<sup>134</sup></li> <li>• The whole country has 13 shelters where victims of violence can be accommodated. Four of these are donor-funded.</li> </ul>	
<p><b>Women and armed conflict</b></p>	<ol style="list-style-type: none"> <li><b>1. The peace talks in Northern Uganda.</b></li> <li><b>2. Uganda’s National Policy on</b></li> <li><b>3. Internally Displaced Person, adopted in 2004.</b></li> <li><b>4. Peace, Recovery and Development Plan (PRDP) of Northern Uganda</b></li> </ol>	<ul style="list-style-type: none"> <li>• In November 2008, a peace agreement was signed between the Lord’s Resistance Army (LRA) and Government of Uganda.<sup>135</sup> However, during the peace talks of 2006 to 2008, women were inadequately represented yet they suffered first-hand the disproportionate effects of the war.</li> <li>• Uganda has favorable refugees hosting policies and currently hosts over 1.4m refugees, majority of whom are women.<sup>136</sup></li> <li>• There has been a slow economic recovery especially amongst women as few were able to return to their previous economic activities due to displacement and reports of land grabbing.</li> <li>• UNHCR; 81% of the 1.4 million refugees are women and children who are at a risk of gender-based violence including sexual exploitation and abuse, rape, forced and child marriage and intimate partner violence.<sup>137</sup></li> <li>• Limited access of women to formal financial systems and credit despite the growing number of commercial banks in Northern Uganda bringing financial services to women.</li> </ul>	

134 Uganda: Violence Against Women undebated despite laws and policies. Retrieved from <https://www.un.org/africarenewal/news/uganda-violence-against-women-unabated-despite-laws-and-policies>.

135 Agreement on Cessation of Hostilities between the Government of the Republic of Uganda and the Lord’s Resistance Army/Movement (LRA/M). Retrieved from <https://bit.ly/3sZeCmi>.

136 Ministry Of Gender, Labor And Social Development, National Action Plan III on Women, Peace and Security 2021-2025. Retrieved [https://www.ldpg.or.ug/wp-content/uploads/2021/04/Third-National-Action-Plan-on-UNSCR-1325\\_Women-Peace-and-Security-1.pdf](https://www.ldpg.or.ug/wp-content/uploads/2021/04/Third-National-Action-Plan-on-UNSCR-1325_Women-Peace-and-Security-1.pdf).

137 World Bank (2020). *Preventing and Responding to Gender-Based Violence and Keeping Children Safe in Uganda’s Refugee Hosting Districts*. Washington DC: World Bank. Retrieved from <https://www.worldbank.org/en/country/uganda/publication/preventing-and-responding-to-gender-based-violence-and-keeping-children-safe-in-ugandas-refugee-hosting-districts>

<p><b>Women and the economy</b></p>	<p><b>Employment Act of 2006<sup>138</sup></b> The Act consolidates the laws on formal employment in Uganda; informal employment is not catered for by the Act.</p>	<ul style="list-style-type: none"> <li>• Uganda has made significant improvement in integrating women in the economy although majority of their involvement is in the informal sector.</li> <li>• The Employment Act outlines paid maternity leave enabling women to retain their jobs even after childbirth.</li> <li>• Majority of women are still confined to doing domestic work that has no compensation yet it takes majority of their time.</li> <li>• Reliance on the Local Council Court system to resolve commercial disputes disadvantages women because of traditional attitudes and the application of customary law.</li> </ul>	
	<p><b>The Poverty Eradication Action Plan 1997</b> The Plan was adopted in 1997 to alleviate Ugandans from poverty and increase household incomes.</p>	<ul style="list-style-type: none"> <li>• The Poverty Eradication Action Plan of 1997 aimed at empowering all Ugandans. However, the plan focused more on service delivery and later at addressing the country's inadequate stock of physical infrastructure.</li> </ul>	
	<p><b>The Agricultural credit facility of 2009</b> The scheme started operations in October 2009. It aimed at facilitating the provision of medium and long-term financing to projects engaged in agriculture and Agro processing, focusing mainly on commercialization and value addition.</p>	<ul style="list-style-type: none"> <li>• The agricultural sector employs more women than men even if they have less commercial gain.</li> <li>• Not adequately uplifted women from agriculture to other sectors of the economy.</li> <li>• Customary land tenure systems and several other customary land practices bar women from land ownership.</li> <li>• Women still have limited access to extension services due to unfair land practices in Uganda.</li> <li>• Limited access to labor saving technologies for food production for women; only 5% of women compared to 65% of men have access to labor saving technologies.</li> </ul>	
	<p><b>Operation Wealth Creation</b> Launched in July 2013 as an intervention to facilitate national socio-economic transformation, with a focus on raising household incomes and wealth creation by transforming subsistence farmers into commercial farmers.</p>	<ul style="list-style-type: none"> <li>• In FY 2014/15 under Operation Wealth Creation, UGX 104.897 billion was spent on procurement and distribution in the districts but men were the dominant recipients.</li> <li>• Documented increase in women involvement in the economy has been widely in informal sector, thus limiting participation and access to formal economic structures like insurance and banking.</li> </ul>	

138 Employment Act of Uganda, 2006.

		<ul style="list-style-type: none"> <li>The informal sector constitutes economic activities that are located “outside” of business activities not regulated, controlled, supported, audited, and taxed by the Government. Therefore, women continuously face targeted harassment and disenfranchisement through crackdowns by city councils and other regulatory authorities of these businesses.</li> <li>Though majority of women are engaged in agricultural production, only 17% of them own land.<sup>139</sup> Young women face difficulties in accessing paid work than young men.</li> </ul>	
	<p><b>The Succession Act Cap 162 Section 27</b> recognises a widow’s right to share in the estate of her deceased husband. It further allows girls and women to be customary heirs.</p>	<ul style="list-style-type: none"> <li>Due to customary and traditional practices, women are stripped of their rights to own property and are sometimes considered to be property.</li> </ul>	
<p><b>Women in power and decision making</b></p>	<p><b>The 1995 Constitution of the Republic of Uganda</b></p> <p>Articles 38(1) and (2) recognize a person’s right to participate in the affairs of government individually or through elected representatives, and to influence policies of government through civic organisations.</p>	<ul style="list-style-type: none"> <li>Government has improved women’s participation in politics and governance for instance, one third women representation in local government committees, women empowered with rights, funding to develop</li> <li>Women accounted for 35% of parliamentarians (2016) and 44% of local council members (2013)</li> </ul>	
<p><b>Institutional mechanisms</b></p>	<p><b>The 1995 Constitution of the Republic of Uganda</b></p> <p>Article 20 and 21 of the Constitution mandate the State to respect, protect, and promote human rights (including women’s rights) and prohibits all forms of discrimination. Article 33 uplifts the status of women, recognizes gender equality, obliges government to provide facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement to enable them to enjoy their maternal functions in society. The Local Government Act Cap 243 unlocks opportunities for women and guarantees a third women representation on every committee</p>	<p>In the financial year 2019/20, the GOU presented a budget totalling 40.5 trillion UGX of which;</p> <ul style="list-style-type: none"> <li>Ministry of Education and Sports was allocated 10.3%.</li> <li>Ministry of Gender, Labor and Social development was allocated 0.7%.</li> <li>Ministry of Health was allocated 8.0%.</li> <li>Ministry of Agriculture was allocated 3.2%.</li> <li>The United Nations Entity for Gender Equality for Women was added to the list of public international organizations in the first schedule to the Value Added Tax (VAT) Act entitling them to tax exemption for import and local purchases.</li> </ul>	

139 Realizing land related SDGs in Uganda: An analysis and recommendations;

		<ul style="list-style-type: none"> <li>The government recognizes the roles and responsibilities of CSOs in ensuring social and economic development of the country despite incidences of repressive laws and policies targeting their operations and sustainability, including women focused CSOs not limited to Uganda Association of Women Lawyers (FIDA), Uganda Women's Network (UWONET).</li> </ul>	
<b>Human rights of women</b>	<p><b>Article 21, The 1995 Constitution of the Republic of Uganda</b> Article 24 recognizes the right to dignity and to be free from cruel, inhumane and degrading treatment.</p>	<ul style="list-style-type: none"> <li>The Constitution recognizes women's rights to dignity, obliges the state to provide facilities and opportunities that enhance the welfare of women to enable them to achieve their full potential, advancement and protects them from discrimination and accords them equal rights as men.</li> <li>It does not recognize same sex marriage including LGBTIQ relations, silent on abortion, and Comprehensive Sexuality Education.</li> </ul>	
	<p><b>Prevention of Trafficking in persons Act, 2009<sup>140</sup></b> Sections 3 to 5 of the Act prohibit trafficking in persons.</p>	<ul style="list-style-type: none"> <li>Minimum standards of eliminating trafficking standards are not met but there is an effort to do so.<sup>141</sup></li> </ul>	
<b>Women and the media</b>	<p><b>The 1995 Constitution of the Republic of Uganda</b> Article 27 recognizes the right to privacy and prohibits interference with privacy.</p>	<ul style="list-style-type: none"> <li>The Constitution protects women's rights including the right to dignity and privacy. The media sometimes portrays a negative picture of women through sensational media reporting, and this greatly affects their status, role and contribution in society hence contributing to gender inequality.</li> </ul>	
	<p><b>The Uganda Communications Commissions Act [UCC], 2013<sup>142</sup></b></p> <ul style="list-style-type: none"> <li>Section 4 establishes UCC</li> <li>Section 5(1)(b) defines the roles of UCC to include monitoring, inspecting, licensing, supervising, controlling and regulating communication services</li> <li>Section 28(2)(b) prohibits broadcasters from broadcasting content that prohibits privacy of a person</li> </ul>	<ul style="list-style-type: none"> <li>Through the UCC Act, the Government has attempted to regulate the media operations. However, this has only targeted dissenting views from the opposition while ignoring media operations negatively affecting women's rights and achievement of gender equality (TV and Radio talk shows that discuss and promote negative cultural connotations against women).</li> <li>Some of the acts that have brought ridicule amongst women are attributed to negative media coverage; for example attacking the use of contraception and abortion.</li> </ul>	

140 Prevention of Trafficking in Persons Act, 2009. Retrieved from <[https://www.law.berkeley.edu/wp-content/uploads/2015/10/Uganda\\_Prevention-of-Trafficking-in-Persons-Act\\_2009.pdf](https://www.law.berkeley.edu/wp-content/uploads/2015/10/Uganda_Prevention-of-Trafficking-in-Persons-Act_2009.pdf)>.

141 <https://www.state.gov/reports/2020-trafficking-in-persons-report/uganda/>.

142 Uganda Communications Commission Act. Available at <<https://www.ug-cert.ug/files/downloads/UCC%20Act%202013.pdf>>.

<p><b>Women and the environment</b></p>	<p><b>The 1995 Constitution of the Republic of Uganda</b>          Article 26 provides for the right to own property (this includes land). Article 37 provides for the right to a clean and healthy environment.</p>	<ul style="list-style-type: none"> <li>• Women largely rely on the environment to generate their income.</li> <li>• They have limited power to control and prevent environment degradation because of limited access to land relegating them to unsustainable land use from large scale commercial activities mainly powered by the owners of the factors of productions (men and corporations)</li> <li>• Land policy of 2013, while it recognizes women's rights as human rights, structural causes of gender inequalities in land access and ownership continue to affect the realization of the same.</li> </ul>	
	<p><b>National Environment Management Act<sup>143</sup></b>          The Act provides for the management of the environment for sustainable development;</p> <ul style="list-style-type: none"> <li>• <b>Section 12(4) (4)</b> - At least one third of the members of the Board shall be women.</li> </ul>	<ul style="list-style-type: none"> <li>• Women largely rely on the environment to generate their income especially in rural areas and this negatively contributes to environmental degradation.</li> </ul>	
<p><b>The Girl Child</b></p>	<p><b>The 1995 Constitution of the Republic of Uganda</b></p> <ul style="list-style-type: none"> <li>• Article 20 guarantees the human rights of everyone including children.</li> <li>• Article 21 prohibits discrimination of all kinds against anyone including children.</li> <li>• Article 24 prohibits cruel inhuman and degrading treatment against anyone including children.</li> </ul>	<ul style="list-style-type: none"> <li>• Improved enrolment in primary, secondary and tertiary education.</li> <li>• Reduced incidences of FGM.</li> <li>• Limited access to menstrual hygiene commodities.</li> <li>• Adolescent pregnancy at 25% and accounts for 14% of all the births in the country.</li> <li>• Half of the adolescent pregnancies are un-intended with 13% ending up in abortion.</li> </ul>	
	<p><b>The Equal Opportunities Commission Act, 2007<sup>144</sup></b></p> <ul style="list-style-type: none"> <li>• Act established to effect Government's constitutional mandate to eliminate all forms of discrimination and inequalities against any individual or group of persons.</li> </ul>	<ul style="list-style-type: none"> <li>• Several policies made to promote access to information and opportunities for the girl child but stayed such as the National Sexuality Education.</li> </ul>	

143 The NEMA Act, 2019. Retrieved from <https://nema.go.ug/sites/all/themes/nema/docs/National%20Environment%20Act,%20No.%205%20of%202019.pdf>.

144 Equal Opportunities Commission Act, 2007. Retrieved from <http://www.eoc.go.ug/sites/equalopportunities/files/publications/equal-opportunities-commission-act-2007.pdf>.

	<ul style="list-style-type: none"> <li>• Section 23- Commission has power to receive complaints on discrimination and failure to grant equal opportunities</li> </ul>		
	<p><b>The Prohibition of Female Genital Mutilation (FGM) Act 2010</b></p> <p><b>Section 2-</b> prohibits female genital mutilation, anyone found guilty for the act is liable to an imprisonment term not exceeding ten years.</p>	<ul style="list-style-type: none"> <li>• Strides have been made to address FGM through advocacy and community sensitization. However, approximately .03% of the girls still undergo the practice, with some girls being cut as low as 9 years.<sup>145</sup></li> </ul>	
	<p><b>National Sexuality Education framework 2018<sup>146</sup></b></p> <p>Framework was developed as a response to the urgent need for a National Policy Framework to guide the teaching of Sexuality Education and Development and dissemination of related materials in schools.</p>	<ul style="list-style-type: none"> <li>• Of the 2.5 million women aged 15 to 19 in 2008, 26% (648,000) have a need for contraceptive methods and only 39% of them are using modern contraceptives.</li> <li>• Framework was silent on the use of contraception for adolescents and it was later stayed due to religious and cultural concerns in society.</li> </ul>	
	<p><b>The Adolescent's Health Policy Guidelines and Service Standards, May 2012<sup>147</sup></b></p> <ul style="list-style-type: none"> <li>• Ministry of Health is dedicated to ensuring that Adolescents and young people receive the information and services they need to be healthy by all stakeholders at all levels.</li> <li>• 52.7% of the population is under 15 years of age. 23.3% is an adolescent and 37.4% is a young person.</li> </ul>	<ul style="list-style-type: none"> <li>• 6 in 10 adolescent women in Uganda do not want to become pregnant but continuously face a challenge of unmet need of contraception.<sup>148</sup></li> <li>• Inequalities between boys and girls prevalent in cultural norms and attitudes.</li> <li>• Only 50% of adolescent girls attend ANC and only a third attend ANC.</li> </ul>	

145 UNICEF (2020). Female Genital Mutilation (FGM) in Uganda. Policy Brief. Retrieved from [https://www.unicef.org/uganda/media/7996/file/FGM%20Evidence%20from%20Uganda\\_Policy%20Brief\\_29th%20Sept%202020.pdf](https://www.unicef.org/uganda/media/7996/file/FGM%20Evidence%20from%20Uganda_Policy%20Brief_29th%20Sept%202020.pdf).

146 National Sexuality Education Framework. Retrieved from <https://www.rhu.or.ug/wp-content/uploads/2018/08/NATIONAL-SEXUALITY-EDUCATION-FRAMEWORK.pdf>.

147 Ministry of Health, Adolescent Health Policy Guidelines, Kampala: Uganda. Retrieved from <http://library.health.go.ug/download/file/fid/952>

148 Gilda Sedgh, Lori S. Ashford and Rubin Hussain, Unmet Need for Contraception in Developing Countries: Examining Women's Reasons for Not Using a Method. Guttmacher Institute. Retrieved from <https://www.guttmacher.org/report/unmet-need-for-contraception-in-developing-countries>.

	<p><b>The Children Act Cap 59 (as amended)<sup>149</sup></b></p> <ul style="list-style-type: none"> <li>• Section 2 defines a child as a person below 18 years.</li> <li>• Section 3- welfare of the child shall be of paramount consideration whenever the state, a court, a tribunal, a local authority or any person determines any question in respect to the upbringing of a child, the administration of a child's property, or the application of any income arising from that administration.</li> </ul>	<ul style="list-style-type: none"> <li>• Statistical documents like UDHS 2016 recognize teenage pregnancies. However, policy documents like National Sexuality Framework are silent on adolescent's right to access contraceptives</li> </ul>	
<p><b>Key:</b> <span style="background-color: green; color: white; padding: 2px 5px;">Green</span> → Progress      <span style="background-color: yellow; color: black; padding: 2px 5px;">Yellow</span> → Stagnation</p> <p><span style="background-color: red; color: white; padding: 2px 5px;">Red</span> → Retrogression</p>			

The table above illustrates that Uganda has registered progress in some areas and documented either stagnation or retrogression in others due to various factors and challenges — both covert and overt. Different policy efforts, laws, resources allocated and the political willingness to address and achieve progress in the country's 5 critical areas have been undertaken resulting into changes and transformation with the different areas.

It is notable that state efforts have seen a rearrangement in their priorities in the following areas:

- **Legal framework and decision making had the greatest strides in progress.** This is owed to a deliberate and targeted inclusion of women in decision making and power sharing spheres and platforms enshrined in the 1995 Constitution, and the Local Government Act of 1997 that stipulate allocation of one-third of representation in all public offices, committees, and boards. Additionally, diversifying electoral representation to include women representatives has been wholly embraced in the country with women representation steadily increasing in the parliament. At the local government levels, women's representation at the local council levels and various committees has also been documented.
- **The girl-child and education:** This critical area has also been improved and progress has been documented, with a large percentage of girls accessing primary, secondary and tertiary institutions through the Affirmative Action clause of the 1995 Constitution, -UPE, and USE. Moreover, there has been a transformative attitude change in the

149 The Children's Act. Retrieved from <https://ulii.org/akn/ug/act/statute/1996/6/eng%402016-06-02>.

Ugandan society on the importance of girl-child education that has seen both the institutions and families alike promote access to education opportunities for the girl-child. Despite challenges of quality of education and school retention in public education for the girl-child, enrolment of girls has steadily improved across the country with subsequent transfer of knowledge and skills to enable them to become productive citizens.

- **Violence against women and peace building:** Through the peace talks of the mid-2000s, peace was ushered in the region of Northern Uganda, bringing an end to the over two-decade conflict that had been characterized by heinous crimes and violence against women. The peace process led to a period of reconciliation, reconstruction and sustainable peace-building in the region. The Northern Uganda Peace Recovery and Development Plan laid the foundation for various economic and social transformation opportunities especially for women in the former conflict ravaged. However, despite this achievement, Gender-Based Violence has persisted across the country both in the rural and urban areas. This could be attributed to the persistent and overt cultural norms and gender disparities engrained in traditional society with a steady. The outbreak of the COVID-19 pandemic and the State's measures to contain the same have also exacerbated incidences of GBV, including sexual violence, that disproportionately affects children, adolescent girls and women with many cases going unreported. Therefore, despite the different institutions, policies, and mechanisms in place to address these challenges, implementation has been slow and in some cases lacking.
- **Poverty, income generation and economic development:** While this critical area has been articulated in various government documents like the Vision 2040, National Development Plans, the Poverty Eradication Action Plans and socio-economic programming including operation wealth creation that highlight the need to economically empower women and increase their participation in economic activities, achievement of this goal is still far from reality. This attainment of this goal has been due to several factors such as limited access to land for production and financial services like loans. Furthermore, there is noticeable concentration of wealth in the hands of a few people, particularly the male elite, who have historically had access and control of the economy.
- **Reproductive health and rights:** This is the area with the least progress with particular sections of the Ugandan population — for example, adolescent girls, sexual minorities, the disabled and the vulnerable poor — being sidelined from access to SRH services, yet they suffer most of the health reproductive and health outcomes. While numerous policies have been developed to promote and guide access to Reproductive Health Services, they are particularly silent on vulnerable groups. Improvement of services or rights for selected groups of people and ignoring the most vulnerable will not guarantee achievement of transformational gender equality. Of recent, there have been efforts to seclude and marginalize several vulnerable groups through the development of policies that hinder the advancement of human rights, dignity, gender equality and bodily autonomy and SRHR.

The 2015 National Report on Implementation of the Beijing Declaration and Platform for Action<sup>150</sup> shows progress in the implementation of the 12 critical areas of concern of the Declaration since 2009. It highlights the progress made in the 12 critical areas that were adopted in the Beijing Platform for action since 2009. In the Report, Government of Uganda reported substantial progress in women's literacy, increased number of women in decision making in the political, administrative and managerial sector mainly due to political will and commitment arising from the conducive legal and policy frameworks that have been put in place.

The government further reported the increased involvement of women in land ownership, where it observed that 39% of women owned registered land either alone or jointly with spouses, an increase from 20% in 2009 and 7% in 1995. It also highlighted the enactment of laws such as the Domestic Violence Act 2010 and its regulations of 2011, the Prohibition of Female Genital Mutilation Act of 2010, the Prevention of Trafficking in Persons Act of 2009, the Employment Act, 2006 and the regulations on sexual harassment (2012) as key factor that had helped to promote gender equality.

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Whereas these achievements were undoubtedly significant in advancing gender equality, the country report merely lends credence to the argument that contested issues on bodily autonomy such as access to safe and legal abortion, family planning for adolescents, comprehensive sexuality education, etc. were deliberately left out. For instance, the government recognizes maternal mortality as a key setback in attaining significant progress towards gender equality but deliberately omits unsafe abortion as one of the key causes of maternal mortality.

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Interestingly in this report, the government recognizes Uganda's ratification of the Maputo Protocol with reservations on Article 14(1)(a). The said Article provides for the rights of women to procure abortions in specific circumstances. To recognize this reservation in the report only proves the unwillingness of the State to discuss contested issues even when they significantly contribute to Uganda's health indicators such as maternal mortality.

## Visible (Uncontested) and Invisible (Contested) as explained in the SRHR Movement Building Conversation held on 1<sup>st</sup> to 2<sup>nd</sup> July 2019 at Entebbe<sup>151</sup>

SRHR Category	Visible Issues (Un contested)	Invisible Issues (Contested)
<b>Sexual Health</b>	<ul style="list-style-type: none"> <li>▪ STI prevention</li> <li>▪ Teenage Pregnancy</li> <li>▪ Gender Roles</li> <li>▪ Provision of health commodities and consumables (e.g. condoms)</li> <li>▪ SGBV</li> </ul>	<ul style="list-style-type: none"> <li>• Contraceptive access to adolescents and young people</li> <li>• Comprehensive abortion services</li> <li>• Mental health arising from sexuality</li> <li>• Sexuality for elderly persons</li> </ul>
<b>Sexual Rights</b>	<ul style="list-style-type: none"> <li>▪ HIV/AIDS</li> <li>▪ Puberty</li> <li>▪ Adolescent SRHR</li> </ul>	<ul style="list-style-type: none"> <li>• Sex work</li> <li>• Same Sex relations &amp; LGBTIQA Rights</li> <li>• Sex re-assignment surgery</li> <li>• Consent</li> <li>• Abortion</li> <li>• Sexuality Education</li> <li>• Sexual pleasure, eroticism and BDSM</li> <li>• Disability and Sexuality</li> <li>• Sexual rights for elderly persons</li> </ul>
<b>Reproductive Health</b>	<ul style="list-style-type: none"> <li>▪ Maternal and Child Health</li> <li>▪ FGM</li> <li>▪ Reproductive health diseases (e.g prostrate and cervical cancer)</li> <li>▪ HIV/AIDS</li> <li>▪ Puberty</li> <li>▪ Menstrual Health Hygiene</li> <li>▪ Management</li> </ul>	<ul style="list-style-type: none"> <li>• Menopause</li> <li>• Infertility (male and female)</li> <li>• Reproductive Health Hygiene</li> <li>• Safe abortion services (PAC, CAC and SAC)</li> </ul>
<b>Reproductive Rights</b>	<ul style="list-style-type: none"> <li>▪ Family Planning / Birth Control</li> <li>▪ HIV/AIDS</li> <li>▪ VCT</li> </ul>	<ul style="list-style-type: none"> <li>• Right to marry and found a partner</li> <li>• Marital Rape</li> <li>• Virginity</li> <li>• Reproductive Rights of PWDs and Senior Citizens</li> </ul>

**Source:** <https://www.cehurd.org/download/6312/>

## 5.2 Generation Equality Forum

The Generation Equality Forum is part of a series of world conferences on women organised by the United Nations since 1975 to assess the progress achieved, as well as draw strategies to address challenges. The first conference was held in Mexico and was aimed at reviewing progress towards women empowerment and participation. The Beijing Conference was the fourth meeting of these series.

The Generation Equality Forum, Mexico was the 25<sup>th</sup> year of review and appraisal of the Beijing Platform for Action looking at their progress and outcomes and commitments to the Declaration. This was to take place during the 64<sup>th</sup> session of the Commission on the Status of Women that had initially been planned for March 2020. However, due to the Covid-19 pandemic, the meeting was postponed to March 2021.

### The objectives of this meeting were two-fold:

1. To foster discourse, debate and collaboration for a strong, coordinated, multi-stakeholder movement for gender equality and the empowerment of women and girls in all diversity;
2. To launch a set of five year, multi-stakeholder led action coalitions for the acceleration of progress on gender equality across the world as we head into the decade of action on sustainable development.

During the meeting, twenty-two thematic dialogues took place focusing on the structural inequalities and crises that underbelly the implementation gaps of the Beijing Platform for Action. The topics discussed ranged from feminism in the context of the climate emergency to the need for digital technology inclusion, support of feminist movements and grassroots organizations, gender-based violence, etc. The meeting concluded on 31 March 2021, after 3 days of dynamic discussions, activities and cultural celebration, with the unveiling of the draft blueprints of the Action Coalitions: A Global Acceleration Plan for Gender Equality (GAP) and of new catalytic commitments for gender equality.<sup>152</sup>

## 5.3 Global and National Conversations on bodily autonomy and SRHR

The global conversations on SRHR before Paris 2021 appear to be mixed. The formation of UN Women and the promulgation of General Comment No. 22 of 2016 proved to be a step in the right direction of realizing gender equality especially through bodily autonomy. However, the rise to power of the conservative Republican Party in the United States (US) in 2016 dealt a severe blow for the gains that had already been achieved during preceding times.

The Global Gag Rule (also known as the Mexico City Policy) was a United States' policy revamped during the Donald Trump administration. The policy sought to cut US domestic funding for advocacy and service provision on abortion to foreign non-governmental organizations. As a

result of this policy, foreign non-governmental organizations lost an estimated \$153 million as of September 2018. The policy ultimately affected service provision on abortion in a country where the largest chunk of healthcare financing depends on donor funding. This had devastating effects on the realization of SRHR and bodily autonomy from 2017. To this date, the harmful effects of the policy are still apparent.



On the sidelines of the 2020 World Health Assembly held in Geneva, Switzerland, the ministers and high representatives of 35 Governments — in what is known as the Geneva Consensus Declaration On Promoting Women's Health and Strengthening the Family — affirmed that “there is no international right to abortion, nor any international obligation on the part of States to finance or facilitate abortion, consistent with the long-standing international consensus that each nation has the sovereign right to implement programs and activities consistent with their laws and policies.” The Declaration was co-sponsored by five countries, namely: the United States, Brazil, Egypt, Hungary and Uganda. The import of this declaration was that it undermined all progress made in advocating for bodily autonomy, including the right to abortion.

General Comment No. 22 of 2016 on the right to sexual and reproductive health rights recognises that women's rights to sexual and reproductive health is indispensable to their autonomy and their right to make meaningful decisions about their lives and health. Gender equality requires that women's health needs, different from men, are taken into account and appropriate services are provided for women in accordance with their life cycles.

At the national level, Uganda has compelling evidence and political will to advance bodily autonomy and SRHR. This is seen in the various legislations and policies that the country has developed. However, while the development of policies and legislation is a laudable development, these efforts have been affected by global conversations on SRHR and implementation challenges. In the following section, we analyse Uganda's laws and policies and make an assessment on how these promote bodily autonomy and SRHR.

The Constitution of Uganda, 1995, under Article 2(2), nullifies any law or custom that is not consistent with its provisions. Article 22(2) prohibits the deprivation of the life of any person including an unborn child. It also prohibits the termination the life of an unborn child, except as may be authorized by law. It is therefore without doubt that the Constitution anticipated that there would be circumstances that would allow for the termination of a pregnancy and prescribed that such instances should be laid out by the law. The Parliament of Uganda has been vested with the mandate to make laws in the country. Article 22(2) imposes an obligation on the Parliament to make a law which would prescribe instances under which the termination of a pregnancy would be permissible.

The Constitution mandates Parliament to advance bodily autonomy and SRHR by, among others, enacting a law on termination of pregnancies.<sup>153</sup> However, 26 years since the Beijing conference took place, Uganda is yet to implement this constitutional requirement that seeks to fulfill SRHR-related commitments. Government of Uganda has continuously given lip service to SRHR rights.

153 Article 22 (2) of the Constitution of Republic of Uganda (as amended).

For instance, when a petition challenging the unconstitutionality of the practice of FGM was filed before the Constitutional Court, the Attorney General did not oppose the application.<sup>154</sup> However, this has not been the case for matters on abortion and comprehensive sexuality education frameworks.<sup>155</sup>

CSOs, through public interest litigation, have pre-empted to remind the government of its responsibilities. In this vein, in 2014, CEHURD petitioned the Constitutional Court challenging parliament's failure to enact a law on abortion.<sup>156</sup> At the time of writing this report, Court was yet to decide on the matter. In April 2017, CEHURD filed another case before the same court challenging Governments failure to enact a policy on comprehensive sexuality education.

At policy level, the National School Health Policy has been on the shelves for the past 21 years. The policy aims at promoting health learning for young people in and out of school. The Policy is however not progressive on matters of bodily autonomy and SRHR since it rejects the notion of adolescent consent to SRHR services as well as issues of sexual orientation.

The National Sexuality Education Framework was developed as a response to the urgent need for a National Policy Framework to guide the teaching of Sexuality Education and Development and dissemination of related materials in schools. The formulation of these was another national attempt.

In April 2015, the Ministry of Health together with partners drafted and passed the standards and guidelines for reducing maternal morbidity and mortality from unsafe abortion in Uganda.<sup>157</sup> The aim of this document was to address unsafe abortion through primary prevention which included reducing the number of teenage pregnancies through health education and sensitization as well as increasing access to safe, effective and appropriate FP services.



Sexuality education is a controversial topic in the country and is interpreted differently by different stakeholders. The public discourse and specific perceptions have not been researched and the risk is that the key information providers continue to provide it selectively or none at all. This is consequently likely to sustain the risk of negative reproductive health outcomes for children and adolescents which undermine the principles of human rights as they apply to sexuality education. Suffice to say that the COVID-19 pandemic has aggravated an already bad situation as we have witnessed the high numbers of children impregnated during the lockdown of schools.

The national policy guidelines and service standards for SRHR proposed to provide explicit direction and focus as well as streamlining, training and provision of reproductive services.

154 *Law & Advocacy for Women in Uganda v. Attorney General* (Constitutional Petition-2007/8) [2010] UGSC 4 (28 July 2010).

155 *CEHURD and Ors v. Attorney General* (Constitutional Petition No. 10 of 2014) on abortion; and *CEHURD and Ors v. Attorney General* (HCCS This citation is incomplete

156 Petition 10. Please write out the full details of the citation. That is, XX v. YY, case number, date

157 Standards and Guidelines for the Reduction of Maternal Mortality and Morbidity Due to Unsafe Abortion in Uganda, 2015.

The only effect this document has on SRHR is the name. However, the document rules out the contested issues or the general body of SRHR like abortion rights, FP for adolescents, reproductive health, etc.

Retrospective legislation continues to be a national hindrance for the realization of full SRHR and bodily autonomy. In May 2021, the Parliament of the Republic of Uganda passed the Sexual Offences Bill which aimed at further criminalizing same sex relations thereby violating the notion of bodily autonomy.

## 5.4 Civil Society Engagements in the GEF

Due to the different pieces of work that several CSOs had done on bodily autonomy and SRHR, some took the initiative and decided to get involved in the GEF. One such organization was CEHURD, which leveraged on its own convening power to interest like-minded organizations into joining a national based GEF CSO coalition. The coalition consists of five partners from youth-led, women-led, grassroot-based and women with disabilities constituencies whose mandate is to eliminate all forms of gender in-equality and promote a progressive environment for women and girls and their sexual and reproductive health and rights. It is through this coalition that CEHURD was able to organize a series of pre-events as contribution to the forum.

### **Contribution to the National Road Map for the Generation Equality Forum:**

The GEF CSO coalition coordinated by CEHURD collaborated with UN women and the government of Uganda to develop the government commitment document that will be presented at the forum in Paris. This document highlights the achievements, challenges and the commitments of government in uplifting the status of women in all their diversities after the Paris forum. This was in addition to the development of a civil society position paper and commitments assessing the government's performance since the Beijing Declaration and proposed recommendations that the government needs to consider in its quest to improve the lives and status of women and girls.

### **Webinar:**

As part of galvanizing national effort and support for the forum, CEHURD hosted a webinar on 29th June 2021 on "Bodily Autonomy and SRHR". This webinar featured CSOs, Ministry of Gender, Labor and Social Development, the Deputy Country Representative of UN Women and the Head of Cooperation at the French Embassy in Uganda as key panelists.

### **Media engagements:**

In an effort to amplify national voices and build national momentum for the Forum, CEHURD in collaboration with partners convened a TV talk-show on 29th June 2021 that featured key stakeholders including the Ministry of Gender, Labor and Social Development and civil society organizations. This show provided an opportunity to mobilize the country to participate in the GEF and amplify the CSO position paper and commitment. This was in addition to a TV story that was documented and disseminated on national TV amplifying the voices of various stakeholders on the GEF and what it means for the women and girls of Uganda.

### **Social Media Campaigns:**

CEHURD and partners ran a campaign from 25th June to 2nd July 2021 popularizing and amplifying our different interventions for the Generation Equality Forum.

## 5.5 Government Commitments in Paris 2021

From 30 June to 2 July 2021, the major commitment-making moment leading to the adoption of the GAP happened in Paris, France. At the Forum, Uganda committed to the following:

### a) Promote women's economic empowerment by:

- i) Committing 32 billion per year towards the Uganda Women's Entrepreneurship Program to benefit at least 1 million women in small-scale businesses.
- ii) Design and implement a national women's economic empowerment program.
- iii) Work with 200 select private companies to enroll, participate and comply with gender equality seal certification.
- iv) Commit over 1.67 trillion for agro-industrialization in 2021/22 and make sure 40% of the beneficiaries are women farmers.
- v) Financial inclusion through cooperatives, SACCOs, revolving fund where 30 million will be provided per parish for the 1,594 parishes in the country.
- vi) Allocate over 94 billion for community mobilization and mindset change to take up government programmes especially wealth creation and productivity.
- vii) The Uganda Land Fund to put aside 40% of its budget towards supporting women.

### b) Elimination of gender-based violence

- i) Commit to full implementation of GBV laws and policies by adopting GBV indicators in the government by 2026.
- ii) Ensure that victims and survivors rights are fully protected through formal and alternative justice systems and perpetrators are held accountable for their actions and crimes by supporting the institutionalized specialized justice system and structure.
- iii) Enhance the capacity of key sectors/Ministries/Agencies (Justice, Education, Health and Social Sectors) on GBV case management including reporting, tracking, referral and response of GBV cases.
- iv) Support the establishment of 8 regional GBV shelters and reception centers.
- v) Support the implementation of the GBV policy and action plan 2016 including strengthening partnerships with development partners, CSOs, religious and traditional/cultural institutions and the private sector on prevention and response to GBV.
- vi) Implement the male involvement strategy on the prevention and response to GBV as well as social norm change using SASA and COTLA.
- vii) Commit to ratify and implement the ILO Convention 190 on eliminating GBV and harassment in the world of work by 2026.

Government of Uganda is commended for such bold commitments towards advancing gender equality. However, a quick scan into these commitments clearly indicates the political move the government takes to advance rights. Indeed, issues on bodily autonomy and Sexual

Reproductive Health and Rights were not a priority for them. This is not surprising because such contested areas are not given attention yet they contribute to development. Fortunately, Uganda's statistics provide a clear picture on how these issues affect the country.

The Uganda Demographic and Health Survey (UDHS) of 2016 for example highlights the areas that the government would have otherwise looked into as it made its commitments in Paris.

### Key proposed SRHR areas of concern as by UDHS - 2016

KEY AREA	STATISTICS
Adult and Maternal Mortality	Adult mortality is higher among men (5.95 deaths per 1,000 population) than among women (3.78 deaths per 1,000 population).
Maternal mortality	The maternal mortality ratio is 336 deaths per 100,000 live births; that is, for every 1,000 births in Uganda, just over 3 women die during pregnancy, childbirth, or within 42 days of the end of a pregnancy.
Knowledge on HIV/AIDS prevention	Women age 15-19 are less likely (77%) to know about both methods of HIV prevention than older women (83-87%); the pattern is similar among men age 15-19 (78%) in comparison with older men (83-86%).
Awareness of HIV testing services	The majority of women (97%) and men (96%) age 15-49 know where to obtain an HIV test, but women are more likely (85%) than men (73%) to have ever been tested for HIV. Similarly, a higher proportion of women (55%) than men (47%) were tested for HIV and received the results in the 12 months before the survey
Demand for family planning	Sixty-seven percent of currently married women have a demand for family planning; 27% want to limit births and 40% want to space births. Thirty-nine percent of currently married women are already using contraception. However, 28% have an unmet need for family planning.

Source: UDHS 2016

## 5.6 Development Organizations Commitments

Leaders involved in the 2021 Generation Equality Forum have called for bold new global commitments to catapult progress on gender equality. The Action Coalitions of the Forum are new and innovative partnerships – including governments, feminist and youth movements and organizations, the private sector and international organizations – who will today preview the actions they view as critical to creating gender-equal societies as the world rebuilds post COVID-19. They will also call for others to join them as commitment makers in their milestone

effort to accelerate investment and implementation for women and girl's rights. Their urgent call reflects concern that gender equality – set back by the COVID-19 pandemic – requires increased investment and focus if women and girls are not to fall behind.

### The commitments included:

- 1) USD 40 billion+ in new investments benefitting women and girls, with government commitments over the three days expected to total USD 17 billion. At the Opening Ceremony, a USD 2.1 billion commitment from the Bill & Melinda Gates Foundation to advance women's leadership, reproductive health, and economic empowerment was announced, alongside a USD 420 million investment from the Ford Foundation to tackle threats to women's rights caused by COVID-19. The World Bank committed to a major investment for programmes in 12 African States to tackle gender inequalities.

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- 2) The implementation of major policy reforms and programmes to advance gender equality. The President of Kenya announced a national strategy and resources to prevent and respond to gender-based violence. The Prime Minister of Canada presented the country's commitment to invest in a care system to benefit women and girls, and the President of Georgia presented her commitment to lead legislative change on the legal definition of rape. The Vice President of the United States made policy and resource commitments on gender-based violence, women's economic security, and sexual and reproductive health and rights.

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- 3) The launch of new coordination mechanisms to advance key issues for gender equality such as a new Global Alliance on Care and an Alliance to Fund Sustainable Feminist Movements.

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- 4) Additional philanthropy commitments are expected from the Co-Impact Fund, CIFF, Foundation Chanel, Global Green Grants, and the Women's Funding Network, and the Open Societies Foundation. Major private sector contributors will include P&G, Unilever, PayPal and Estée Lauder. A significant number of civil society and youth-led commitments will be made. For example, Girls For Climate will commit to establish over 100 local climate hubs in Uganda.

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- 5) UNFPA will increase the quality of, and access to, voluntary contraception services for 25 million additional adolescent girls and women through UNFPA Supplies Partnership as a global health initiative that strengthens health systems, policies and programmes to deliver family planning information and services with choices of quality assured contraceptives focusing on the most underserved and marginalized populations and applying innovative solutions for better efficiency.

## 5.7 The Global Acceleration Plan

### The gap and zero down on SRHR

The Global Acceleration Plan for Gender Equality (GAP) was presented in Mexico and adopted in Paris during the final conference of the Generation Equality Forum. The Plan recognizes that 26 years after the Beijing Declaration, too little has been achieved. In this decade for Action on gender equality, it is time to move from rhetoric to action.

In this plan, six critical issues that underpin gender equality were agreed to. These are:

- 1) Gender-based violence
- 2) Economic justice and rights
- 3) Bodily autonomy and sexual and reproductive health and rights
- 4) Feminist action for climate justice
- 5) Technology and innovation for Gender Equality
- 6) Feminist movements and leadership.

For purposes of this chapter, we will focus on commitment No. 3, which is bodily autonomy and sexual and reproductive health and Rights. The vision by 2026 is that all girls, adolescents, women, transgender and gender non-binary people in all diversity are empowered to exercise their SRHR and make autonomous decisions about their bodies free from coercion, violence, and discrimination.

Bodily autonomy and SRHR mattered for the Generation Equality Forum for a number of reasons. Within the GAP, these are considered basic human rights and their importance is enshrined within Sustainable Development Goal targets 3.7, 5.6, 10.3 and the ICPD and Beijing Agendas yet they are crucial for the achievement of the realization of other rights and achievement of human development goals.

At the country level, these basic rights are enshrined in various instruments that Uganda is a party to but also government efforts and commitments towards the same. These include:

1. The Constitution of the Republic of Uganda promotes the advancement of bodily autonomy when it mandates parliament to make a law regulating termination of pregnancy;<sup>158</sup>
2. The Penal Code Act Cap 120 allows for the termination of a pregnancy.

It is important to note however, that the same Act criminalizes abortion. Section 224 of the Act provides that “A person is not criminally responsible for performing in good faith and with reasonable care and skill a surgical operation upon any person for his or her benefit, or upon

158 Article 22.

an unborn child for the preservation of the mother's life, if the performance of the operation is reasonable, having regard to the patient's state at the time, and to all the circumstances of the case". At the same time, Uganda is a state party to various UN instruments that embrace this right.

An analysis of the AAAQ framework and its applicability to Bodily autonomy and SRHR was utilized in the GPA. In particular, the GAP states as follows:

- **Availability:** Policies and interventions address both the underlying determinants of health (water, sanitation, food, etc.) as well as the availability of hospitals, clinics and other health-related buildings, trained medical and professional personnel receiving domestically competitive salaries, and essential drugs.
- **Accessibility:** Policies and interventions address accessibility in four overlapping dimensions: physical, economic (affordable), non-discrimination, and access to information:
  - » Physical access envisions a situation where health facilities, goods, information and services related to sexual and reproductive health care are available within safe physical and geographical reach for all.
  - » Economic access envisions affordability by all of sexual and reproductive health services whether publicly or privately.
  - » Non-discrimination requires that health facilities, goods and services are accessible to all, especially groups of individuals who may face particular challenges and multiple forms of discrimination, such as people with disabilities, adolescents, indigenous people and LGBTQ+ people.
  - » Information access includes the right to seek, receive and disseminate information and ideas concerning sexual and reproductive health issues generally. It also includes individuals receiving specific information on their particular health status.
- **Acceptability:** Policies and interventions must be acceptable in terms of respect for medical ethics and of the culture of individuals, minorities, peoples and communities. They must be sensitive to gender and life-cycle requirements and be designed to respect confidentiality and improve the health status of those concerned.
- **Quality:** Aspects of quality include skilled medical personnel, scientifically approved and unexpired drugs and hospital equipment, safe and potable water and adequate sanitation. Quality also includes respectful care for people using health services.

Progress made in addressing gaps in protecting bodily autonomy and SRHR is recognized in the GPA. The GPA also highlights a number of issues that necessitate change including Comprehensive Sexuality Education, which if delivered in formal or non-formal settings promotes human rights, transforms harmful gender-norms and empowers children, adolescents and youth in all of their diversity to take responsible and informed decisions about their bodies, sexuality and reproduction. Further, it contributes to the elimination of gender-based violence

and harmful practices, including Child Early and Forced Marriages and Unions (CEFMU), Female Genital Mutilation (FGM), among others.

For a country like Uganda which did not commit to this critical area, there are lessons to learn. There may be slow progress in undertaking all the actions as highlighted in the GAP but it is important that the government heeds to the same. Actions agreed to that will advance bodily autonomy and SRHR are:

- 1) Expand comprehensive sexuality education.
- 2) Increase the availability, accessibility, acceptability and quality of contraception and comprehensive abortion services.
- 3) Increase SRHR decision-making & bodily autonomy.
- 4) Strengthen girls, women's and feminist organizations and networks to promote and defend their right to bodily autonomy and SRHR

This section analyzes both the process and the final commitments made by Uganda. We commend the government of Uganda for having participated in the recently concluded GEF in Paris. Their commitment gives a brief insight into the progress of SRHR in the country moving forward. Following the non-binding status of the Beijing Declaration, it is commendable that the government takes a bold move to commit towards achieving bodily autonomy and SRHR.

# >> 6

## THE PLACE OF BODILY AUTONOMY AND SRHR IN THE GLOBAL ACCELERATED PLAN

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This section analyzes the process and commitments on bodily autonomy and SRHR as enunciated in the Global Accelerated Plan. It tracks progress of the formation of UN Women, an assessment of Uganda’s report of the Beijing Declaration’s progress, outline of the global conversations on SRHR and bodily autonomy before the Mexico event, national conversations on SRHR and bodily autonomy, and issues/concepts of self-care and what it means for SRHR. These sub-topics will lead us into conclusions as to whether Uganda prioritized well in the Generation Equality Forum or whether it was a missed opportunity that impact on gender equality.

### 6.1 The Global Accelerated Plan

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▶▶ The GAP was a product of the GEF 2021. This plan tackled a broad spectrum on women’s issues of SRHR, and bodily autonomy. While the plan has all these areas, this paper specifically focuses on assessing the inspection between bodily autonomy and SRHR and the two commitments the Ugandan government made towards achieving gender equality and women empowerment by 2026. The paper also explores the factors that inspired the new commitment compared to its initial 5 in the Beijing Declaration Plan for Action in 1995.

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In 1995, the fourth UN World Conference on Women was held in Beijing, China and it resulted in the Beijing Declaration and Platform for Action with several country commitments on empowerment of women. At the summit, participating governments agreed that women’s rights are human rights; that the eradication of poverty requires women’s involvement in economic and social development; that there must be equal opportunities for women and men in sustainable development; and that peace is attainable and inextricably linked to the advancement of women’s rights.<sup>159</sup> The Ugandan government has since used this Declaration to set the agenda for gender equality and advancement of women to deliver inclusive equitable and sustainable development. It has also used the same Declaration as a reference in developing gender-responsive policies.<sup>160</sup>

The Beijing Declaration and Platform for Action is the most comprehensive framework for achieving women’s empowerment and gender equality. Participating governments agreed to

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159 United Nations, Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women, 27 October 1995.

160 MoGLSD, *supra* note 155.

bear the major responsibility for implementing the Declaration, but the UN system would also have a key role to play in realizing the goals of the Beijing Conference.<sup>161</sup> In 2021, the Global Acceleration Plan was adopted in Mexico and presented in Paris to further implement the Beijing Declaration.

## 6.2 Formation of UN WOMEN

As part of the implementation of the Beijing Declaration, one Member State was to have the major responsibility for implementing the Declaration. However, the UN would have a key role in realizing the goals of the Conference. Over many decades, the United Nations has made significant progress in advancing gender equality, including through landmark agreements and documents advancing the rights of women.

In 2010, the UN sought to form a body that would be solely responsible for advancing women's rights across its member states. The UN General Assembly adopted resolution 63/311 on 2 October 2010 constituting the blueprint for UN Women. The entity sought to strengthen the United Nation's institutional arrangements for gender equality and women empowerment. UN Women was to focus exclusively on gender equality and women's empowerment into a composite entity.

The mandate of UN Women is to coordinate and promote the UN system's work in advancing gender equality, and in all deliberations and agreements linked to the SDGs 2030 Agenda. The entity works to position gender equality as fundamental to the Sustainable Development Goals, and a more inclusive world.

## 6.3 Beijing at 25

Reviews have been held by Member States every five years since 1995 when the Beijing Declaration was proclaimed to assess their progress, identify gaps and challenges, and provide recommendations to accelerate the achievement of substantive gender equality.

In bid to commemorate the Declaration's 25<sup>th</sup> anniversary, the Economic and Social Council passed resolution 2018/8, where it urged Member States to undertake comprehensive national-level reviews of their progress made and challenges encountered in the implementation of the Declaration.

To facilitate a thorough national-level review by states, UN Women developed a "Guidance Note for Comprehensive National-Level Reviews" (Guidance Note for Member States) and shared it with all Member States. Based on these national reviews, the United Nations issued a report that it presented at the twenty-third special session of the General Assembly. The report was coordinated by UN Women under the United Nations Inter-Agency Network on Women and Gender Equality (IANWGE), comprising gender focal points and gender specialists from across the UN system. This report sought to capture the UN system's support for implementation of the Platform for Action between 2014 and 2019.

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161 UN Inter-Agency Network on Women and Gender (IANWGE) (2020). *25 Years After Beijing: A Review of the UN System's Support for the Implementation of the Platform for Action from 2014-2019*. New York: UN.

# >> 7

## UGANDA'S COMMITMENTS AT GEF: How these Reflect the Future of Bodily Autonomy and SRHR

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### 7.1 Perceptions on Government of Uganda priorities



Uganda undertook a national process to gather views, opinions and generate positions for its commitments at the GEF. The UN Women Country Office provided technical support to the government and mobilised other stakeholders to input into the national process which resulted into the government commitments on Gender equality and women empowerment. In addition to this, national CSOs also mobilised themselves into a coalition on GEF and developed a CSO position paper which was submitted to UN Women to inform the country's status on bodily autonomy at the GEF.

This study examines Uganda's commitments to assess whether they are well positioned facilitate the transition from rhetoric to action when dealing with issues of bodily autonomy and SRHR.

To achieve this objective, there is need to fast-track Uganda's efforts and gaps in the implementation of the 1995 Beijing Declaration. As earlier noted, out of the 12 critical areas of the Beijing Declaration and Platform for Action, Uganda committed to only five. These are:

- 1) Poverty, income generation and economic empowerment;
- 2) Reproductive Health and Rights;
- 3) Legal framework and decision making;
- 4) The girl child and education; and
- 5) Violence against females and peace building respectively.

During the writing workshop, the 15 participating CSOs ranked the government priorities in terms of the will and the implementation progress. The participants used the ordinal scale of 1 – 5, where 1 is the highest priority and 5 the lowest. The participants used this method to ascertain where the government had the will and invested more resources to realise the priority areas.

**Ranking governments 5 priority areas in performance**

GOVERNMENT OF UGANDA 5 PRIORITY AREAS	TEAM RANKING				
	1	2	3	4	5
1 Poverty, income generation and economic empowerment	III	IIII	IIII	IIII	0
2 Reproductive Health and Rights	0	0	IIII	IIII	IIIIII
3 Legal framework and decision making	IIIIII	IIII	IIII	0	0
4 The girl child and education	IIII	IIIIII	IIII	0	0
5 Violence against females and peace building respectively	II	IIII	IIIIII	III	0

From the table above, it is evident that while the State made priorities, the efforts allocated to the realization of each of these over the years shows the country’s preference;

- 1) Legal framework and decision making: Government of Uganda has devoted more efforts on policy formulation and legislation compared to the other four areas. Policies such as the Prohibition of Female Genital Mutilation Act of 2010, the Domestic Violence Act of 2010, among others, have been developed to advance aspects of bodily autonomy and SRHR. However, implementation of these laws still remains a challenge.
- 2) Girl child and education: This priority was ranked second due to government of Uganda’s progress in developing both strategies and policies that promote girl-child education and retention in schools. Some of the policies in place include the Gender in Education Sector Policy of 2016, Universal Primary Education, and Universal Secondary Education, among others. However, policies such as the Education Act do not address the unequal relations in the education sector.
- 3) Violence against females and peace building: Uganda has had a checkered history of armed conflicts and violent uprisings, which have resulted into wanton human rights violations. In a bid to rebuild the country and steer it back to the path of development, the State has put emphasis on the revival of the socio-economic sector and infrastructure and empowerment of communities affected by armed conflict, thus being ranked third in order of priority.
- 4) Poverty, income generation and economic empowerment: The GoU established economic empowerment initiatives such as Operational Wealth Creation, Skilling Uganda, formation of SACCOs, among others, to support the people out of poverty. However, a huge population is stilling living in abject and other forms of poverty and many graduates unemployed.
- 5) Reproductive Health and Rights: This area was ranked last as there has been retrogression in the SRHR legal and process environment thus effecting access to SRHR information and services. We continue to have opposition based on religious and cultural ideologies

## 7.2 Uganda's Specific Commitments at the GEF

In 1995, Uganda committed to five key priorities. However, the country made two specific commitments at the Paris summit. These are:

### a) Promote women's economic empowerment by:

- i) Committing UGX 32 billion per year towards the Uganda Women's Entrepreneurship Program to benefit at least 1 million women in small scale businesses.
- ii) Design and implement a national women's economic empowerment program.
- iii) Work with 200 select private companies to enroll, participate and comply with gender equality seal certification.
- iv) Commit over 1.67 trillion for agro-industrialization in 2021/22 and make sure 40% of the beneficiaries are women farmers.
- v) Financial inclusion through cooperatives, SACCOs, revolving fund where 30 million will be provided per parish for the 1,594 parishes in the country.
- vi) Allocate over 94 billion for community mobilization and mindset change to take up government programmes especially wealth creation and productivity.
- vii) The Uganda Land Fund to put aside 40% of its budget towards supporting women.

### b) Elimination of gender-based violence

- i) Commit to full implementation of GBV laws and policies by adopting GBV indicators in the government by 2026.
- ii) Ensure that victims and survivors rights are fully protected through formal and alternative justice systems and perpetrators are held accountable for their actions and crimes by supporting the institutionalized specialized justice system and structure.
- iii) Enhance the capacity of key sectors/Ministries/Agencies (Justice, Education, Health and Social Sectors) on GBV case management including reporting, tracking, referral and response of GBV cases.
- iv) Support the establishment of 8 regional GBV shelters and reception centers.
- v) Support the implementation of the GBV policy and action plan 2016 including strengthening partnerships with development partners, CSOs, religious and traditional/cultural institutions and the private sector on prevention and response to GBV.
- vi) Implement the male involvement strategy on the prevention and response to GBV as well as social norm change using SASA and COTLA.
- vii) Commit to ratify and implement the ILO Convention 190 on eliminating GBV and harassment in the world of work by 2026.

### 7.3 The Intersection between the Commitments made and Bodily autonomy and SRHR:

At the face of it, Uganda's two commitments cannot solely advance the actual issues of bodily autonomy and SRHR that people face. However, they make a peep towards some of the safe issues that do not call for controversy and criticism. It is political decision, which poses a hindrance towards the future of bodily autonomy and SRHR in the country.

Government makes reference to international instruments like the Agenda 2030 (Sustainable Development Goals), Commission on the status of women (CSW), 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 (Maputo Protocol) that promote and uphold bodily autonomy and Sexual Reproductive Health and Rights (SRHR). Government also makes reference to the National Development Plan III.

#### Rationale of the Uganda's Commitment towards achieving gender equality:

##### Commitment 1; Promote women's economic empowerment

The government specifically notes as part of its rationale for this commitment, that women's economic empowerment includes women's "ability to control their own time, lives and bodies". This connotation speaks to issues of bodily autonomy and SRHR.

The deeper relation of the wording of this commitment of economic empowerment to the issues of bodily autonomy and SRHR are:

- Government of Uganda committed 32 billion shillings towards the Uganda Women's Entrepreneurship Programme (UWEP). This programme has helped a number of women acquire skills and reduced their illiteracy levels.<sup>162</sup> This empowerment enables women to make informed decisions on SRHR services. The UWEP only recognizes provision of technical skills, hence making these educational levels not equivalent to those attained at secondary level. This affects the girls and women obtaining these skills to make informed decisions towards SRHR services as the survey suggests.

Further, Economic empowerment varies with education levels. In fact, the Uganda Demographic and Health Survey 2016 reports that uptake of family planning services increases with each level of education and skills obtained. For instance, contraception use for women who attained more than secondary education stood at 51.1% as compared to 26.0% for their counterparts with no education at all.<sup>163</sup>

Educating of girls not only empowers them to access the right SRHR information but also enables them to make informed decisions about their bodies. It is also important to note that education is an avenue to keeping the girl-child in school, thus reducing the rates of teenage pregnancies and early marriages.

162 Ministry of Gender, Labor and Social Development, Uganda Women Entrepreneurship Programme (UWEP), Programme Document.

163 UBOS, *supra* note 100.

- Government committed 40% of the Uganda Land Fund towards supporting women in agriculture and to enable them acquire titled land within their right. In this vein, Uganda enacted the Land Act (2010) and the Land Policy (2013) which provide for women and children's land rights. For instance, the former provides for spousal and children's consent before disposal, mortgaging or transferring of land where the family derives sustenance. The implementation of this Act and Land Policy and the improvement in the Land Registration System has increased women's ownership of land to 39% in 2011 from 20% in 2009.

It is not in dispute that women in Uganda are breadwinners in their homes. Caroline Benda, a senior social development officer in Uganda's Ministry of Gender, Labour and Social Development, states that, "... today most of the women who work outside the home have become breadwinners in the home."<sup>164</sup> Therefore, by government advancing women's land rights, gives them ability to make decisions not only on land, but their bodies. A woman who owns land in her own names can easily make decisions including when to give birth, with whom, and how often.




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It is also important to note that, the government's rationale for this commitment extends to women's ability to freely express their voice, agency and meaningful participation in economic decision making at all levels; from household, public-private spaces and international institutions.

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## Commitment 2: Elimination of all forms of Gender Based Violence

- In committing to eliminate GBV, government makes reference to the need that CSW 65 agreed conclusions which aiming others recognize the importance of men and boys in the promotion of women's full and effective participation in decision making.

Indeed, as part of its strategies to realize the above, government commits to the implementation of the Male Involvement Strategy on prevention and response to GBV as well as social norm change using Start, Awareness, Support Action (SASA) and the Council of Traditional and Cultural leaders of Africa (COTLA). The government is commended for making the initiative to breaking the existing patriarchal norms that continue to hinder women's rights. Indeed, issues of bodily autonomy and SRHR are an all-rounder and not just affecting women. To have bold commitments of male involvement in eliminating GBV, is a step in the right direction.<sup>165</sup> According to the Uganda Annual Crime Police Report of 2021, a total of 17,664 cases of domestic violence were reported to Police compared to 13,693 reported in 2019, giving a 29% increase, hence the need to involve men in the fight against GBV.

- In addition, the government prides in having made laws and policies that address the issue of violence against women. However, the existing laws have a retrogressive effect towards key issues on bodily autonomy and SRHR
  - » Certain laws show a direct affront on bodily autonomy like the case of Female Genital Mutilation (FGM). The practice of FGM commonly happens to girls below the age of 16. Therefore, it is hard for them to consent to the practice.<sup>166</sup> Even when they consent, it is not informed consent.<sup>167</sup>
  - » Criminalisation of people living with HIV/AIDS: The Sexual Offences Bill makes provision for HIV as an aggravating factor for sexual offences like defilement. This can be depicted both as a positive and a negative commitment. On a positive note, decriminalization helps to reduce the rampage on rape and defilement cases with intent to pass on HIV to young girls and women thereby significantly reducing sexual violence statistics. On the negative side, however, it can be seen as discriminatory and a reason for an increase in GBV for people living with HIV.
  - » Criminalisation of abortion: Abortion is criminal as per Sections 141-143 of the Penal Code Act.<sup>168</sup> The act of criminalization has led to an increment in safe abortion in Uganda hence resulting into GBV. For instance, wives have constantly become victims of violence after procuring abortions. In fact, studies have pointed to a direct correlation between domestic violence and termination of pregnancies in Uganda.<sup>169</sup>

168 Cap. 120 (as amended) Laws of Uganda.

169 Kaye Mirembe *et al* (2006), "Domestic Violence as risk factor for unwanted pregnancy and induced abortion in Mulago Hospital, Kampala, Uganda" *Tropical Medicine & International Health*, Volume 11, Issue 1, at p. 98.

- » Criminalization of sex work: Sex work is criminalized under the Penal Code Act,<sup>170</sup> as well as the recently enacted Sexual Offences Bill. This exposes sex workers to violence since even the law condemns their work. Therefore, they are not in position to seek for redress from the available justice systems in case they experience sexual and gender-based violence because the law does not protect them.
- » The government's failure to recognize marital rape as a form of GBV has further fuelled GBV against women. Since 2003, the Domestic Relations Bill has been in and out of parliament owing to disagreements on a number of provisions including marital rape.



A progressive legal and policy environment directly contributes to the advancement of bodily autonomy and SRHR for adolescents and women as they promote access to both services and information. Additionally, these policies also create an avenue for women and adolescents to voice their needs and aspirations towards achieving positive SRHR outcomes.

## 7.4 Gaps in the Commitments

For the next five years, eliminating GBV and empowering women seem to be the only agenda items for the Ugandan government. It is not clear if beyond these, bodily autonomy and SRHR issues which ultimately impact economic development will receive the desired attention. The Ugandan constitution spells out equality and non-discrimination<sup>171</sup> as key aspects of human rights. It also empowers the State to protect women and their rights given their natural maternal function role they play in society.<sup>172</sup> Unfortunately, while in Paris, the State forgot that the constitution is the mother law of the land and that its provisions have to be implemented wholesomely.

In this section, we highlight the gaps and missed opportunities for Uganda at the just concluded Paris Summit that would otherwise advance women's bodily autonomy and SRHR.

- Uganda refers to several national and international instruments that it upholds in implementing women's rights. However, its commitments to these instruments only speak to the visible and uncontested SRHR issues like gender-based violence and economic empowerment. The contested issues like LGBTIQ, Abortion, and CSE are negated, hence missing the opportunity as being fully committed to the advancement of bodily autonomy.
- The commitments do not demonstrate how government intends to eliminate socio-cultural issues that undermine bodily autonomy and SRHR such as behavioral and cultural practices like FGM, child marriages, among others.

170 Section 139.

171 Article 21.

172 Article 33.

- The commitments do not explicitly recognize new innovations and interventions that uplift bodily autonomy and SRHR for women like Self Care, Harm Reduction Model, and Legal Empowerment and Social Accountability Model (LESA). These have potential to improve access to Reproductive health services and empower women and girls to be in charge of their health and body. For example, the HRM is an evidence-based public health and human rights framework that prioritizes strategies to reduce harm and preserve health in situations where policies and practices prohibit and stigmatize common human activities and drive them underground.<sup>173</sup>
- Government does not commit to re-instate and finalize laws, policies and guidelines that promote bodily autonomy and SRHR. Some of these include; the Standards and Guidelines to reduce maternal morbidity and mortality due to unsafe abortion, the Termination of Pregnancy Act, the Sexual Offences Act 2021 currently at assent level by the President (this needs to be recalled because it is a retrogressive law criminalizes sex work and LGBTIQ issues). Government also needs to lift the reservations placed on Article 14(2)(c) of the Maputo Protocol on abortion.
- Due to the Lack of a multi-sectoral approach in eliminating gender inequalities, the government fails to demonstrate how it will collaborate with other government bodies to achieve this goal. There is need to have a collaborative framework that facilitates actors like the Ministry of Health, Ministry of Educational and Sports, Ministry of Finance, Planning and Economic Development, Ministry of Agriculture, Parliament, and non-state actors to contribute to the achievement of gender equality.
- The Government looks at women as though they are a homogeneous group, without recognition of their different diversities and the challenges they face. Categories of women —such as the women with disabilities, women in refugee settings, and women having sex with women (WSW) — have varied interests and each of these are impacted differently by different experiences.

The Uganda Demographic and Health Survey (UDHS) of 2016 highlights that 22 per cent of women and men aged 15-49 experience GBV, with women twice as likely to experience sexual violence compared to men. These statistics are worsened by the fact that while the State has enacted laws like the Domestic Violence Act of 2010 and The 2016 National Policy on Elimination of Gender Based Violence (GBV) in Uganda that criminalise GBV, implementation and enforcement is still a challenge thus hindering access to justice for SGBV survivors. SGBV is one of the key factors that expose women and girls to HIV infection, unwanted pregnancies, unsafe abortion, sexually transmitted infections and dropout of school.

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173 Moses Mulumba *et al* (2017). "Access to Safe Abortion in Uganda: Leveraging Opportunities through the Harm Reduction Model." *International Journal of Gynecology and Obstetrics*. Available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3021304](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3021304).

## Highlights on gaps on the Commitments

Outcomes	Policy Efforts	Resources	Assessment
In Uganda, 55% of women aged 15-49 are prone to female genital mutilation and 0.3% are circumcised (UDHS 2016)	<ul style="list-style-type: none"> <li>Female Genital Mutilation Act</li> <li>Law and Advocacy for Women in Uganda v Attorney General</li> <li>Kapchorwa District Ordinance enacted in 2009 made FGM optional before the prohibition of FGM Act outlawed the same in 2010.</li> </ul>	<ul style="list-style-type: none"> <li>Low funding to police to investigate FGM cases</li> <li>No evidence found on a specialized budget code to implement the FGM Act</li> </ul>	<ul style="list-style-type: none"> <li>Perpetrators of FGM are usually released on presidential pardon. In 2015, after two suspects were convicted for practicing FGM, they were pardoned.<sup>174</sup></li> </ul>
26% of maternal deaths are as a result of unsafe abortion	<ul style="list-style-type: none"> <li>Penal Code Act</li> <li>Maputo Protocol with Uganda's reservation on Article 14(2)(a)</li> </ul>	<ul style="list-style-type: none"> <li>No budget code for maternal health</li> </ul>	<ul style="list-style-type: none"> <li>Lift reservations on the Maputo Protocol</li> <li>Amend the PCA to allow for safe abortion</li> <li>Re-instate the re-called Standards and Guidelines for Reduction of Maternal Morbidity and Mortality from Unsafe Abortion in Uganda</li> </ul>
The teenage pregnancy rate in Uganda stands at 25% <sup>175</sup>	<ul style="list-style-type: none"> <li>National Sexuality Education Framework</li> <li>USE</li> <li>Uganda set the marriage age at 18 in 2015 and launched the 'African Union campaign to end child marriages'</li> <li>National strategy to end child marriage and teenage pregnancy. 2014/2015-2019/2020</li> </ul>		<ul style="list-style-type: none"> <li>Contributing factors to increase in the teenage pregnancy levels in the country include; early marriages, sexual abuse, neglect by parents poverty, physical inaccessibility media influence, peer pressure, drug use, etc.</li> </ul>

174 CEHURD (2015). Protecting the Right to Health in the Campaign Against Female Genital Mutilation: A Rapid Assessment of Stakeholder Interventions in Kapchorwa district, Eastern Uganda. Kampala: Uganda.

175 Nabugoomu, J., Seruwagi, G.K. & Hanning, R. (2020). "What can be done to reduce the prevalence of teen pregnancy in rural Eastern Uganda? Multi-stakeholder perceptions." *Reprod Health*. 17(1):134. <https://doi.org/10.1186/s12978-020-00984-x>

<p>10% of girls are married off before the age of 15 and 40% of girls re-married off before their 18<sup>th</sup> birth day (UNICEF 2011)</p>	<ul style="list-style-type: none"> <li>● 1995 Constitution of Uganda Article 31(1) On marriage age.</li> <li>● 21 (Article 16(2)) that the minimum age for marriage for both male and female should be 18 years under CEDAW</li> <li>● Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1964 Article 2</li> </ul>	<ul style="list-style-type: none"> <li>● Policies and bylaws remain not known to the local communities and this escalates the problem.</li> <li>● Traditional practices.</li> <li>● Socio-cultural and religious values; there is strong social pressure on families to conform.</li> </ul>
<p>10% of girls are married off before the age of 15 and 40% of girls are re-married off before their 18<sup>th</sup> birthday (UNICEF 2011)</p>	<ul style="list-style-type: none"> <li>● UN Convention on the Rights of the Child</li> <li>● Constitution of the Republic of Uganda</li> <li>● Children's Act</li> <li>● Marriage Act</li> </ul>	<ul style="list-style-type: none"> <li>● Regressive cultural practices that continue to promote child marriages.</li> <li>● Government should continue to address the country's poverty levels and promote education of young girls</li> </ul> <p>» Low funding to the JLOS sector to prosecute cases on child marriages</p> <p>» Country poverty rates stand at 21.4%</p> <p>»</p>
<p>Health pandemics. According to the Minister responsible for Gender, 3,280 GBV cases were reported to police between 30<sup>th</sup> March and 28<sup>th</sup> April, 2020<sup>176</sup>.</p>	<ul style="list-style-type: none"> <li>● Restrictive Lockdown measures</li> <li>● MOH directives on SOPs</li> </ul>	<ul style="list-style-type: none"> <li>● The restrictive lockdown measures spiked the increase in Gender Based Violence cases since victims were locked in homes with their abusers.</li> </ul> <p>» Government should allocate money towards GBV shelters and mental health services for the victims.</p>

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176 [http://www.xinhuanet.com/english/2020-04/28/c\\_139015384.htm](http://www.xinhuanet.com/english/2020-04/28/c_139015384.htm).

From this assessment, it is clear that the Uganda government tends to play a ping-pong game when dealing with issues of bodily autonomy and SRHR. This has not started today, but rather been practiced even when committing to the Beijing Declaration. However, it is not clear as to what exactly informs the government's selection of its commitments: one could say culture; another could say they're just playing it safe. Whatever the selection, this surely does not address issues of SRHR and bodily autonomy exhaustively. This then gives a blanket picture as to what the future of SRHR will be in this country moving forward; hence need for a collective contribution towards the promotion of bodily autonomy and SRHR inclusive of government, international, CSO and private sector efforts.

# >> 8

## CONCLUSIONS AND RECOMMENDATIONS TOWARDS REALIZING BODILY AUTONOMY AND SRHR

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### 8.1 Conclusions

According to the findings of this study, it is evident that Uganda's commitments at the GEF which are hinged on economic empowerment and eliminating Gender-Based Violence, are not sufficient to promote the advancement of bodily autonomy and SRHR as envisioned by the third critical area in the GAP as demonstrated below;

While government has made efforts towards the advancement of bodily autonomy and SRHR, it has failed to sustain the same. A case in point is on the ban of teaching Comprehensive Sexuality Education (CSE) in Uganda. While Ugandans, particularly SRHR organisations, saw CSE as an opportunity to advance bodily autonomy and SRHR, government banned its teaching and dissemination in 2017 and it later passed the Sexuality Education Framework that does not articulate and enhance issues of bodily autonomy and SRHR. Additionally, the framework passed in 2018 is yet to be operationalized due to divergent views that are hinged on morality and religious views.

While government took action in the safe areas, it did not do the same on the uncontested areas. The government's commitments at the GEF are an indication that it focuses on "safe areas" but not on SRHR and bodily autonomy. For instance, while the provision of comprehensive abortion care services in Uganda is legally restricted, provision of post care abortion is lawful. As such, in order to address issues that hinder the realisation of bodily autonomy and SRHR, government needs to take action on the uncontested areas by enacting progressive laws and policies that recognize SRHR and bodily autonomy and commit resources and expertise to achieve the same.

While the government of Uganda continues to make different commitments at international fora and conferences such as GEF, it does not translate the same into national actions, which affects access to bodily autonomy. For instance, whereas government had committed to five priority areas at the Beijing Platform of Action, at the GEF it zeroed down to only one: eliminating all forms of GBV and promoting women's economic empowerment, thus leaving out reproductive health rights,

comprehensive sexual education, and access to safe abortion amongst others that are critical to advancing bodily autonomy.

Additionally, while there is documented willingness of the Government of Uganda to establish laws and policies that promote bodily autonomy and SRHR, implementation of the same remains a challenge. A case in point is Article 33 of the Constitution of Uganda that recognizes issues of bodily autonomy, which has not been implemented to-date. This laxity makes the advancement of SRHR and bodily autonomy in Uganda from rhetoric to action nearly impossible.

Government of Uganda continues to evade tackling critical issues and questions on bodily autonomy and SRHR. For instance, in 2016, the UDHS results showed that 25% of women aged 15-19 have begun childbearing; 19% had had a live birth, and 5% were pregnant with their first child. These indicators have been exacerbated by the outbreak of COVID-19 and its containment measures instituted by the State. Notably, the new country priorities committed at the GEF ignored critical areas such as reproductive health and rights and girl-child education, which would have been important aspects in tackling teenage pregnancies. As such, government needs to act on critical areas identified from studies so as to address teenage pregnancies by providing family planning commodities to all including adolescents.

The preparatory processes undertaken by the Ministry of Gender, Labor and Social Development and UN women were not consultative in nature. There were omissions of key government line ministries like that Health, Education and Sports, and civil society actors yet issues of gender equality are multi-sectoral in nature.

## 8.2 Recommendations

### Recommendation to Government of Uganda

Government should adapt and scale up holistic approaches that address social, cultural and economic challenges that affect the realization of women and girls' bodily autonomy and SRHR needs. It should adopt the contested issues to ensure that the country is progressing from rhetoric to action. These should be able to transform gender/social norms as way of addressing unequal power relations that continue to promote gender inequality and human rights violations.

Government should translate global commitments into tangible gains through localising the commitments into national laws and policies and implement them according to the country context.

The State also needs to establish progressive legal and policy environment that enhance bodily autonomy and SRHR by:

- 1) Reviewing and revise existing laws and policies that don't acknowledge bodily autonomy and SRHR and these include the National Adolescent Health Policy, the SRHR policy, the Sexuality Education Framework and the sexual offences Act of parliament
- 2) Re-instating recalled policies, strategies and Guidelines that would potentially enhance bodily autonomy and SRHR related information and services including barriers within health systems, and those related to age, disability, marital status, gender or other identity, sexual orientation, or third-party consent requirements. These must recognize, respect, protect and fulfil the rights and capacities of all people, including those with disabilities, to make decisions about their bodies and to consent (or not) to sex, SRHR services and marriages or unions.
- 3) Adopting and implementing national laws, policies and guidelines to expand access to Sexual and Reproductive Health Services, including by expanding telemedicine, comprehensive family planning services, and through implementation of WHO self-care guidelines.
- 4) Removing regulatory and policy barriers that impede access to abortion to the full extent of the law provide post-abortion care and enact reforms to legalize and decriminalize abortion.
- 5) Increasing and improving domestic resources and external financing to ensure access to SRHR services through both health sector and community-based delivery mechanisms to increase choices of women and girls on SRHR commodities. Additionally, removal of financial barriers with a focus on male and female-controlled contraception and abortion is also recommended to this effect.
- 6) Government of Uganda should use the available evidence on bodily autonomy and SRHR needs and should invest more efforts and resources in their realization. Uganda needs to refer to existing evidence to address issues on bodily autonomy and SRHR.

### Recommendations to Civil Society Organizations

- 1) CSOs should make collective action through advocacy and evidence generation that make a strong case for the enactment and implementation of laws and policies that ensure the advancement of bodily autonomy and SRHR.
- 2) There is need for CSOs to continue holding government accountable to ensure that the commitments made at the GEF and other international fora that uplift bodily autonomy and SRHR are realized.

## Recommendations to development partners

- 1) Development partners should directly fund Civil Society Organizations and networks that work on contested issues to be able to support their constituencies to defend their rights to bodily autonomy and SRHR.





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