



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Exceptional session

Summary record of the 575th meeting

Held at Headquarters, New York, on Friday, 9 August 2002, at 10 a.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 10.25 a.m.

Consideration of reports by States parties under article 18 of the Convention *(continued)*

*Third periodic report of Uganda
(CEDAW/C/UGA/3)*

1. *At the invitation of the Chairperson, Ms. Bakoko-Bakoru (Uganda) took her place at the Committee table.*

2. **Ms. Bakoko-Bakoru** (Minister for Gender, Labour and Social Development), introducing her country's third periodic report, said that Uganda had ratified the Convention in 1987 and had made substantial progress in implementing its provisions, although it was one of the world's poorest countries. The National Resistance Movement Government had made a firm commitment to ensuring observance of human rights and the attainment of social and economic development. The commitment had been translated into action through the Economic Recovery Programme in 1987, a Decentralization policy in 1992 and, most recently, a Poverty Eradication Action Plan (PEAP) to improve the livelihoods of all Ugandans, including women, in a sustainable manner. Gender was a guiding principle in that Action Plan.

3. Ugandan women had been heavily involved in peace-building and conflict resolution in Uganda and in neighbouring countries. The relative peace and security of the past fifteen years had brought economic growth and a decline in poverty, providing a foundation for all stakeholders (the Government, civil society and the private sector) to work towards the advancement of women. A major achievement had been the promulgation of a new Constitution in 1995. It was distinctly gender-sensitive, it emphasized human rights and freedoms, affirmed the equality of all individuals, prohibited discrimination on the basis of sex, age, ethnic or other social status, and obliged the State to institute affirmative action to redress structural and social inequality for disadvantaged groups.

4. The National Gender Policy and the National Action Plan on Women served as a foundation for the empowerment of women, and reform had been initiated to strengthen the country's legal and policy framework. Legal reform was focusing on bills regarding domestic relationships, sexual offences and many aspects of

labour. The domestic relationships bill in particular had remained stalled in the Cabinet for four years; it had full presidential backing, but was still awaiting the views and contributions of civil society organizations. Also delayed for procedural reasons was the passage of the employment bill, which would also provide for ratification of several International Labour Organization conventions. Consultants had drafted the bill without first citing the underlying principles or securing a "no objection" finding from the Minister of Finance, Planning and Economic Development. Those omissions would have to be rectified and the bill returned to the Cabinet.

5. Affirmative action had improved women's representation in senior decision-making positions. Women held posts as Vice-President, Deputy Chief Justice, Deputy Speaker of Parliament and Deputy Inspector-General of Police. Under affirmative-action provisions, one third of local government posts were earmarked for women. A perhaps unexpected source of empowerment at grassroots level was the training of traditional birth attendants under a United Nations Population Fund (UNFPA) programme, which had placed those women in a position of influence in their communities.

6. Gender mainstreaming and the advancement of women were overseen by mechanisms first established in 1988 under the then Ministry for Women in Development. Although the mechanisms had changed, the emphasis had not. Government programmes focused on the poor and the vulnerable: women, children, people with disabilities, workers and the elderly. Part of the mandate of the Ministry of Gender, Labour and Social Development was to monitor Government programmes from a gender perspective. Those programmes would be measured against international obligations, the country's Constitution, sectoral policies and individual ministries' targets for addressing gender gaps. A document which would be made available to the Committee set out a framework which could be used as a tool by Uganda and quite possibly other countries to improve targeting and results.

7. The Universal Primary Education Programme had doubled school enrolment, with girls experiencing much of its impact. At primary and secondary level, girls were often outperforming boys. A policy of awarding bonus points to girls entering tertiary education had doubled female enrolment. Another

priority for the Government was the Functional Adult Literacy Programme, which sought to improve literacy and numeracy, and thus offer opportunities for income generation and better livelihoods. Civil society organizations were implementing similar programmes, so the combined impact of government and non-governmental efforts was considerable, especially for women.

8. The Government had focused on primary health care and road building to improve access for rural communities. School sanitation facilities had been improved: their poor quality had been one factor influencing the drop-out rate for girls. Provision of safe drinking water had aimed to reduce the distance which women and children walked to collect water, an issue which had a direct effect on their quality of life. The history of HIV/AIDS in Uganda was known all over the world, but prevalence rates had fallen to 6.1 per cent in 2002 from 22 per cent ten years earlier, thanks to a multisectoral approach covering awareness-raising, voluntary testing and counselling, and prevention of mother-to-child transmission.

9. Domestic violence against women and children was covered in the Penal Code, and other measures to suppress that phenomenon included establishing family protection units at police posts and implementing awareness-raising campaigns. International Women's Day had been assigned the theme "Break the Silence: Stop Violence against Women" and the Day of the African Child was centred on the theme of preventing sexual abuse of children, a particularly appropriate follow-up to the World Congress Against Commercial Sexual Exploitation of Children, held in Yokohama in December 2001.

10. Uganda's poverty constituted a challenge to implementing the Convention, as it limited the country's ability to meet the social and economic needs of the population. Uganda was nevertheless working to produce, document and disseminate sex-disaggregated data to help formulate policy and evaluate the results of action taken. That had been made part of the Social Development Sector Strategic Investment Plan (SDSSIP), which would be ready in October 2002. Uganda believed that that plan was the first of its kind, and that it could be of use to other countries. The aim was inclusiveness: to address the needs of the poor and vulnerable, and to extend the achievements of Ugandan women in politics, civil society and academic life to women in rural areas. Although tradition was a

substantial obstacle to overcome, and political instability still threatened some parts of the country, the Government remained committed to meeting its international obligations.

11. **Ms. Kwaku** congratulated the delegation on the Government's efforts to increase the number of women officials; she hoped that those office-holders were not mere figureheads and that the results of their activities would be reflected in the next report. The Government's policies aimed at combating HIV/AIDS were also commendable. However, more must be done to translate the gender-sensitive provisions of the new Constitution into domestic law. The adoption of important legislation such as the Domestic Relations Bill and the Sexual Offences Bill had been pending for many years; it was difficult not to conclude that the Government lacked the necessary political will to implement them.

12. It would be useful to know the number of women members of the Uganda Human Rights Commission, whether there was a quota for women members, how many cases of violations of women's rights had been brought before the Commission and how they had been dealt with, how the compensation mechanism operated and who was responsible for paying any compensation ordered.

13. The fact that the former Ministry of Women in Development had been subsumed into the Ministry of Gender, Labour and Social Development suggested less focus on women's issues. She asked what the Ministry's budget was, both in numbers and as a percentage of the national budget, and whether its resources were adequate for the implementation of its projects.

14. Lastly, in the light of the Government's failure to eliminate prostitution, she wondered whether it was considering new policies that would protect women forced into prostitution from health risks and other dangers.

15. **Ms. Shin** stressed that there was no excuse for the delay in repealing or amending discriminatory legislation as expeditiously as possible in order to bring it into line with the provisions of the Constitution. Furthermore, the President's claim that the Domestic Relations Bill had not been passed because national NGOs had not submitted comments thereon was unacceptable; it was the Government's responsibility to eliminate all forms of discrimination

and violence against women. Special legislation was also needed to protect and assist women in vulnerable situations. The Ministry of Gender, Labour and Social Development should take the initiative on those issues.

16. She welcomed the addition of violence against women as an element of the National Action Plan on Women. It would be helpful to know the timetable for implementation of the Plan and the funding it had been allocated. Although NGOs had sought to counter the general public acceptance of domestic violence, the Government did not attach sufficient importance to the issue; she hoped that more specific plans would be developed.

17. **Ms. Ferrer** noted that despite the gender-sensitive provisions of the new Constitution, women continued to suffer in many ways from customary law and traditional practices; the Government should focus on combating stereotypes. It was disturbing that even judges ignored substantive evidence in order to avoid convicting men of crimes such as rape and domestic violence, that wives who reported their husbands to the police for beating them were stigmatized for exposing “family matters” to the public and that female genital mutilation persisted in some areas. Systematic, community-based awareness campaigns were needed, particularly as many Ugandans could neither read nor write. She asked what action the Government planned to take to address those issues.

18. The report stated that through decentralization, local communities would have the ability to govern themselves and mobilize their own resources but that gender mainstreaming had been accomplished within the governments of only 13 of the nation’s 45 districts. It would be dangerous to empower local governments before that process was completed.

19. Lastly, she wondered whether the National Long Term Perspective Studies (NLTPS) Uganda Vision: 2025 Project incorporated a gender perspective and whether there were specific plans to ensure that women benefited from its implementation.

20. **Ms. Schöpp-Schilling** requested examples of the impact of gender mainstreaming on the policies and programmes of ministries other than the Ministry of Gender, Labour and Social Development and asked whether every draft law and policy or programme proposal must be accompanied by a statement that a gender impact analysis had been carried out and an account of the results in order to remind Cabinet

members that women’s needs must be taken into account in all Government activities.

21. She wondered whether a schedule and time limits had been set for the harmonization of domestic legislation with the provisions of the new Constitution, whether the issue of women’s ownership of land was covered by the Domestic Relations Bill and whether the fact that more women than men were involved in micro-finance schemes was the result of a deliberate preference for women as borrowers. It would also be useful to have more examples of affirmative action in areas other than politics and education and to learn whether there had been much resistance to temporary special measures such as the quotas for women in political office and the extra marks and scholarships granted to girl students. She hoped it had been made clear that female students were not deemed to be less intelligent than their male counterparts and therefore in need of special consideration. She would like clarification concerning the authority responsible for establishing the place of international conventions in the hierarchy of Ugandan law or when that would be done. She noted that the words “equity” and “equality” were not synonymous and asked the delegation how it understood those terms.

22. **Ms. Tavares da Silva** noted that in its present state, the Land Act was of greatest benefit to the poor, the majority of whom were women; she wondered whether the proposed new legislation would place men and women on an equal footing in access to land. The Committee had learned from non-governmental sources that provisions for the equality of husband and wife had been removed from the draft law but would be restored before it was submitted for adoption; the issue was an important one since women accounted for 70 to 80 per cent of the agricultural labour force, yet only seven per cent of them owned land and they had difficulty in obtaining loans, mortgages or other forms of credit. An explanation would be appreciated.

23. The report conveyed a sense of hopelessness concerning the relationship between widespread poverty, trafficking and prostitution in Uganda. There were virtually no prosecutions or convictions of offenders and women trafficked out of Uganda were further victimized by the immigration laws. She asked how the Government planned to address that gross violation of women’s human rights.

24. **Ms. Bakoko-Bakoru** (Uganda) said that it was important to understand the process of lawmaking in Uganda. She had been a member of Parliament from 1996 to 2001 and had encountered much resistance to women's issues from male parliamentarians, who viewed their female colleagues as arrogant and gender equality as an issue in which only the President was interested. Over time, however, women parliamentarians had organized caucuses and awareness campaigns for civil society at the district level and had lobbied their male colleagues. In any patriarchy, even in the developed world, educational campaigns were needed before parliamentary debate could begin.

25. She hoped that the proven competence of the Ugandan Parliament's female Deputy Speaker would demonstrate that she had not been appointed for symbolic reasons and would pave the way for the future appointment of a female Speaker. The sheer number of female members of Parliament showed that women had become front-line decision makers in Uganda: the new Constitution had gone some way towards encouraging that trend, since it was exceptionally gender-sensitive. A woman presided over the Uganda Human Rights Commission, which, in exercise of its powers as a court, had ruled in favour of women on several occasions. The progress made in Uganda since the submission of its last periodic report was largely due to the gender sensitivity of its leadership: the cabinet had become very gender sensitized and President Museveni was a champion of women's rights. Affirmative action implemented during Parliamentary elections had enabled more women to participate in governance, and had also contributed to raising the general public's awareness of women's abilities and competence. However, it was suggested that women might be able to play an even more active role in the political arena if they left their affirmative seats in order to occupy ordinary district seats.

26. The approval of legislative proposals in favour of women in Parliament depended on the mood prevailing in that body and the degree to which it was prepared to concentrate on the texts. To illustrate the point, she referred to the Ugandan Land Act, which would ensure women's access to land and property, a right now still extremely limited. To rectify the situation, Ugandan women's groups and female politicians had drafted an amendment to promote co-ownership and lobbied

Parliament for its support. However, when the amendment was presented to Parliament, many of its members were more concerned with securing re-election to the 7th Parliament than with women's rights, and therefore it was not approved. Nevertheless, assurances had been given that the co-ownership amendment would be incorporated into the Act in the near future and despite those particular difficulties it was emphasized that the Government was obliged to consult civil society, the public and other stakeholders during the discussion of any legislative proposals.

27. Following the renaming of the Ministry of Women in Development as the Ministry of Gender, Labour and Social Development, some Ugandan women had felt sidelined. However, the new name did not represent a change of priorities for the department but merely reflected internal restructuring. That restructuring would shortly be the subject of a Government review, and it was hoped that in future the Directorate of Gender would play a more important role within the Ministry. The Ministry of Gender, Labour and Social Development had produced a policy statement for 2002 containing credible justifications for its request for funds. As a result, Parliament had allocated to the Ministry an additional 500 million Uganda shillings, which would supplement the Ministry's usual two-per-cent share of the national budget.

28. The Department of Poverty Eradication, Economic and Civic Rights was responsible for microfinance initiatives for women. Discussions were taking place regarding the future of those initiatives, since microfinance had been recognized as an industry rather than a political handout and it might therefore be more appropriate for it to be managed by the private sector to avoid misappropriation of funds. As yet, there were no microfinance programmes in rural areas, and that gap had to be rectified.

29. Commenting on the Government's strategies to combat prostitution, she pointed out that the reduction of HIV/AIDS levels among women from 30 to 5 per cent demonstrated that vulnerable women, especially prostitutes, were paying more attention to protection. Although at present there were no laws in Uganda to address the problem of prostitution, its existence was recognized and programmes to increase awareness of the need for protected sex were being implemented. There were concerns about the number of young girls on the streets of Kampala at night, and if HIV/AIDS

infection rates were to be lowered it was crucial to inform those girls of the risks of prostitution in an open and honest fashion.

30. In response to a question which remarked on the absence of laws promoting gender equality, it was acknowledged that in certain areas Ugandan legislation was discriminatory, but it was also important to realize that much of that legislation, including the Penal Code, dated from colonial times. The Ministry of Gender was exploring the possibility of developing a legislative review mechanism to identify those laws which should be modernized or repealed. There was a particular need to repeal Ugandan laws on domestic violence. The Government had been working with non-governmental organizations on awareness campaigns, and intended to pursue that line of action. Moreover, it had formulated a plan of action regarding violence against women as a follow-up to the Yokohama Summit.

31. Although Ugandan traditional society did decree that it was unacceptable for women to denounce their violent husbands, attitudes towards women were changing, as evidenced by the number of women who instituted divorce proceedings and escaped castigation. Some men had expressed concern that the empowerment of women was undermining their role, but with the help of educational programmes civil society as a whole was beginning to appreciate the importance of gender equality and men were becoming accustomed to the phenomenon of affirmative action in favour of women.

32. Steps were being taken to raise awareness of the dangers of female genital mutilation which was still practised in Uganda. In some areas actual cutting had been replaced with a ritual ceremony and many girls had refused to subject themselves to circumcision. It was unfortunate that funding for a project to reduce levels of female genital mutilation had been withdrawn for political reasons.

33. Institutional and administrative decentralization was essential if gender-mainstreaming policies were to be effective at the grassroots level. The Ministry of Gender was aware of the challenges it faced and had begun to collaborate with non-governmental organizations to raise awareness of gender issues among local Government personnel at the sub-county and parish levels. It was important to work closely with civil society to deepen understanding of gender equality issues and to entrench the concept in plans at

the lowest possible level. In terms of access to services, she noted with satisfaction that rural women were prepared to be pro-active and demand services from sub-county bodies if they thought that they were being under-served. It was vital to encourage such attitudes and to make all women aware of their needs and potential. Although the Ugandan Government was conscious that it was lagging behind other States in terms of education about women's rights, it was committed to improving the situation and expressed a desire to follow the example of the Scandinavian countries.

34. Poverty was a subject of great concern in Uganda, but it would be almost impossible to address the problem effectively without peace in the Great Lakes region: as long as the borders between Uganda and its neighbours remained closed, trade restrictions would continue. In recent months, however, there had been positive developments in the form of overtures towards peace in Sudan and the Congo, a willingness on the part of South Africa to buy Ugandan produce and action taken by the United States and the countries of the European Union to remove trade barriers.

35. Respect for human rights was already enshrined in the Constitution, and more importantly, in the consciousness of the people, and whenever those rights were violated, complaints would be lodged. Access to justice, especially for the poor, was a major concern, and a number of organizations extended legal services to women or offered financial help with legal fees. The country was still striving to ensure that justice was seen as a right, not as a privilege to be granted according to a person's means.

36. **Ms. Açar** said that she was concerned about the statement by the President that he did not wish the Domestic Relations Bill to lead to family breakdown, which would seem to support the notion that women's human rights were somehow contrary to the institution of the family. The Committee believed, in contrast, that respect for those rights was the best guarantee of that institution. She would be interested to know if the support of religious and community leaders for the Bill had been gained in the consultation process.

37. **Ms. Corti** said that many of the policies being discussed were pioneering measures, but continued progress was needed. She would like to know more about the Equal Opportunity Commission as provided for in the Constitution, which would seem to lighten

the burden of the Ministry by filling the necessary role of watchdog body. She also asked if there had been an evaluation of the poverty eradication strategy.

38. Since prostitution and sex tourism seemed to be spreading, Government measures in those areas did not appear to be working. Finally, the term “cutting” had been used when referring to female genital mutilation, which was the preferred term as it made it clear that the practice was a crime.

39. **Ms. Raday** said that family law in Uganda still contained a number of provisions which were inherently discriminatory, for example, polygamy, which was legal, and the laws on adultery and the travel restrictions imposed on women. Female genital mutilation was not legally permitted, but it was practised. It was not clear to her that the removal of such provisions had even been proposed in the Domestic Relations Bill, and she would like to know how the Government planned to address them.

40. **Ms. Goonesekere** said that the 1995 reform of the Constitution had been a major achievement, but some kind of legal process was still needed to challenge the validity of laws. She asked if the passport laws and customary laws could be challenged in the Supreme Court. She would like to know how legal education and the training of judges was addressing the constitutional provisions allowing the courts to apply international law.

41. **Ms. Hazelle** said that she was concerned at the lack of measures to provide alternative means of support for women engaged in prostitution, and asked if any measures to combat exploitation were planned. She was also concerned at reports that, under the Immigration Act, women who had been trafficked abroad were required to reimburse the costs of their repatriation, thus penalizing the victim.

42. She requested data on the kinds of offences covered under chapter 106 of the Penal Code and the penalties imposed. The International Women’s Day commemoration had been mentioned, and she would like to hear more about those activities and the groups targeted. Further information on the composition of family protection units within police stations, the training of their members and data on the types of cases reported and actions taken would be welcome.

43. She ended by suggesting that technical assistance from the Commonwealth Secretariat might be helpful in refining the gender mainstreaming approach.

44. **Ms. Bakoko-Bakoru** (Uganda) said that family protection units handled cases of desertion, child custody, violence against women and related matters. The International Women’s Day commemoration had actually lasted over a month and had included conferences, media coverage and public dialogue. Every district in the country had participated. No documented information was available on women trafficked for prostitution purposes, although data had been compiled on those abducted by rebel groups.

45. Work on the Domestic Relations Bill was proceeding slowly because the issues were still not very well understood even among members of Parliament. Consultation and consensus would be needed to achieve a bill that could ultimately be accepted. Legal education included courses on human rights, and judges had gone out to the districts to provide human rights training for law enforcement officers, especially in cases of sexual violence.

46. In resolving conflicts between laws and the Constitution, again, the issue was access and understanding that the law could be challenged. Even educated women tended to accept their subordinate position. The passport laws could indeed be challenged, but that would only happen if women were educated about their rights.

47. The Equal Opportunity Commission was a very important body, and a bill was pending before Parliament on that subject. It had financial implications, however, that must be examined carefully.

The meeting rose at 1.05 p.m.