



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

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

**Forty-seventh session**

**Summary record of the 954th meeting**

Held at the Palais des Nations, Geneva, on Wednesday, 13 October 2010, at 10 a.m.

*Chairperson:* Ms. Pimentel (Vice-Chairperson)

**Contents**

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

*Combined fourth to seventh periodic reports of Uganda*

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*In the absence of Ms. Gabr, Ms. Pimentel (Vice-Chairperson) took the chair.*

*The meeting was called to order at 10.05 a.m.*

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

*Combined fourth to seventh periodic reports of Uganda (CEDAW/C/UGA/7; CEDAW/C/UGA/Q/7 and Add.1)*

1. *At the invitation of the Chairperson, the members of the delegation of Uganda took places at the Committee table.*

2. **Ms. Isanga Nakadama** (Uganda), introducing the combined fourth to seventh periodic reports of Uganda, said that Uganda was still primarily a rural economy, with women accounting for over 80 per cent of the agricultural labour force.

3. Under article 21 of the Constitution, men and women were equal before the law in all spheres of political, economic, social and cultural life. Article 32 provided for affirmative action in favour of marginalized groups including women, article 33 specifically provided for the rights of women and article 180 for women's participation in local government.

4. The Equal Opportunities Commission had been established with the aim of eliminating discrimination against women and was currently recruiting staff and preparing a strategic plan. Legislative reform had also been carried out, and in that regard she described the amended Land Act (2004), Mortgage Act No. 8 (2009), the Domestic Violence Act (2010), the Prevention of Trafficking in Persons Act (2009), Female Genital Mutilation Act No. 5 (2010), the Penal Code (Amendment) Act (2009), which contained clauses on aggravated defilement, including transmission of HIV/AIDS and defilement of children under 6 years of age, and the marriage and divorce bill, which was before Parliament. She cited recent court cases to illustrate the proactive role being played by the judiciary in eliminating de facto discrimination against women in existing legislation, and described the efforts under way to reform legislation on succession and inheritance. Now that legislation on passport regulations had been brought into line with the Constitution's provisions on citizenship, all Ugandans had the right to a passport and travel documents.

5. Progress had been made in mainstreaming gender in various areas at the national and local government levels, including the budget, education, agriculture and road construction. She gave examples of affirmative action in favour of women in the areas of education, political representation and participation in local governance, which had had positive results, and described efforts being made to eliminate gender stereotyping in schools, universities, local government and communities. Women were particularly well represented on parliamentary committees, and Ugandan women were also represented at the international level.

6. Under the Education Act primary education was compulsory for children aged 6 and above, and failure to enrol a child at school was an offence. As a result of the Universal Primary Education Policy, the enrolment rate for girls had reached almost 50 per cent. To address the issue of girls dropping out of school as a result of pregnancy, the punishment for defilement had been increased to life imprisonment.

7. In the area of employment, equal pay for equal work, without discrimination, was guaranteed by the Constitution, and provisions on maternity leave and protection from sexual harassment were contained in the Employment Act (2006). A general study would shortly be carried out in order to establish a minimum wage, including for domestic workers and other unskilled workers in the informal sector. A number of Government programmes were in place to improve social and economic conditions in the informal

sector, including the agricultural sector, in line with the constitutional requirement to enhance the welfare of women so that they could reach their full potential.

8. Maternal and child health was recognized as a priority in the 2010–2015 national health policy, and a set of measures to reduce maternal and neonatal mortality and morbidity had been drawn up, which included health education on prevention of HIV/AIDS and breast and cervical cancer. The Village Health Team Strategy had been introduced in rural areas, giving households and communities greater responsibility in the area of health care. Adolescents who needed an abortion were treated with dignity in health-care centres. In order to combat HIV/AIDS, a strategy targeting the most vulnerable populations had been developed, eliminating mother-to-child transmission had been made a top priority, universal HIV/AIDS counselling and testing had been introduced and the coverage of antiretroviral treatment increased. The Government had no specific initiatives designed to protect prostitutes, given the illegal nature of prostitution. However, they had been identified in the National HIV/AIDS Strategic Plan as one of the most vulnerable groups, and consequently received free treatment for sexually transmitted infections.

9. In order to eradicate poverty and further women's economic empowerment, the National Development Plan proposed strategies to redress gender gaps in access to and control of credit and land, as well as initiatives in the area of microfinance in order to improve women's access to business development services. The needs of rural women were addressed through agricultural advisory services and literacy programmes, and their access to justice had been enhanced by the establishment of local council courts at village level. The valuable contribution made to society by older persons, especially women, had been acknowledged by the establishment of the national policy for older persons. The needs of persons with disabilities were addressed by the national policy on disability and the corresponding legislation. The Government was implementing policies to promote the welfare and improve the living conditions of refugee and migrant women, and was in the process of returning and reintegrating internally displaced persons in northern Uganda.

10. Challenges remained with regard to the full attainment of gender equality and women's empowerment and rights. The pace of reform was slow. Nonetheless, Uganda would continue to work with the various stakeholders in order to optimize implementation of the Convention.

*Articles 1 to 6*

11. **Mr. Flinterman**, recalling that the State party's obligations under article 2 of the Convention applied to all women, said that he had been concerned to read reports of multiple discrimination. He asked what was being done to prevent discrimination and abuse against women with disabilities in northern Uganda, who were sometimes denied access to water and food. He would appreciate information on gender-sensitive provisions in the national policy for older persons, and on how implementation of the policy was being monitored.

12. Expressing concern at reports of sexual abuse and harassment of refugee women and girls, he asked when the 2006 legislation on refugees would become fully operational and how such cases would be investigated and prosecuted in the meantime. He had been disturbed to learn of the legislation criminalizing homosexuality, which was currently before Parliament, and said that the State party had an immediate obligation to repeal such discriminatory legislation and to protect women who suffered discrimination on grounds of their sexual orientation. What steps were being taken to that end, and what role was played by the Equal Opportunities Commission in that regard?

13. **Ms. Patten** asked how Security Council resolution 1325 (2000) on Women and peace and security was being implemented in northern Uganda, how women's equal participation in decision-making in conflict resolution and reconstruction programmes was

being ensured, and how gender considerations were incorporated into analysis, planning and implementation of post-conflict reconstruction. Had a gender-oriented budget analysis of humanitarian assistance and post-conflict reconstruction been carried out, to ensure that women benefited directly from the resources made available? Had macroeconomic policies addressing the specific needs of women been drawn up for the post-conflict reconstruction phase?

14. Vulnerable groups of women had been disproportionately affected by the conflict in northern Uganda. In that regard, she would appreciate information on any practical steps the Government was taking to meet the needs of women with disabilities and older women in refugee camps, in order to ensure their right to security and physical integrity, access to justice and protection from sexual and gender-based violence.

15. **Ms. Jaising** said that, despite the important constitutional reforms to eliminate discrimination against women, discriminatory laws were still in place. What was worse, new ones were being considered, such as the proposed bill on homosexuality which discriminated against people on the basis of their sexual orientation and would impose long prison sentences and even the death penalty on homosexuals, a group that included lesbians. Would the bill not contravene the anti-discrimination provisions of the Constitution? The proposed division of the marriage and divorce bill into one set of provisions for Christian, Hindu and Baha'i civil marriages and another for Islamic marriages could be considered discriminatory under article 2 of the Convention. She drew the State party's attention to the growing body of knowledge that showed there were ways to harmonize the principles of the Convention with Islamic law, which would make it unnecessary to establish two sets of laws.

16. She welcomed the amendment to the land laws making spousal consent a requirement for the sale of land, but was concerned that the law did not translate into equality between the sexes in land ownership or enable women to prevent the sale of land. She therefore requested information on how the State party was meeting its constitutional obligation to abolish customs and traditions that worked against the welfare and dignity of women.

17. **Ms. Hayashi** asked how the Ministry of Gender, Labour and Social Development was guiding Parliament and the judiciary in the implementation of the Convention and what consultations had been held with Parliament since the Committee's concluding comments of 2004. As the budget for three activities, mainstreaming gender and rights, social protection for vulnerable groups, and policy planning and support services, had been increased, she wondered what spending priorities the Ministry had set with a view to achieving the goals of the National Action Plan for monitoring the implementation of the Convention.

18. **Ms. Ameline** said that, despite the real progress made, women were not sufficiently protected in Uganda. She was also concerned about the proposed bill on homosexuality. She asked for information on the status, mandate and workings of the Equal Opportunities Commission and on the execution of the National Action Plan for monitoring the implementation of the Convention. She wondered whether the Plan would be extended. How were the Committee's documents disseminated to ensure the implementation of its recommendations? Were they translated into local languages? She asked how the gender perspective had been incorporated into the fight against poverty, and how the cofinancing mechanism worked.

19. **Ms. Ameline** said that the legislative measures currently in place failed to provide adequate protection to minorities, in particular young girls, who were often the victims of sexual aggression. She wished to know whether the Government had recognized the importance of addressing the issue. She drew attention to the combination of rapid

urbanization and population growth under way in Uganda and asked whether any new emergency measures had been taken to empower rural women in order to prevent them swelling the ranks of migrants pouring into the towns, in many cases to end up in dire poverty.

20. **Ms. Kabanda Sabano** (Uganda) said that the lack of food and water in the North had affected all those displaced by the war, not just women with disabilities. She was confident that the Government's poverty-reduction programmes, the construction of water wells, and the planting of more disease-resistant crops and so-called famine crops would ensure that food and water shortages would soon be overcome. Persons with disabilities were represented in Government: a disabled woman was a member of the Equal Opportunities Commission, and a disabled man from the North was Vice-Chair of the Social Committee on Labour, Gender and Social Development. They would surely have known of any reported abuse of women with disabilities, but neither of them had brought any cases to the Committee's attention.

21. **Ms. Kyasiimire** (Uganda) said that Uganda had developed a multisectoral action plan to implement Security Council resolution 1325 (2000) on women and peace and security, as well as indicators to monitor the progress of implementation. The process had only just started but it was expected to improve the situation of all women and girl victims of armed conflict, including those with disabilities and those in the camps awaiting resettlement.

22. **Ms. Isanga Nakadama** (Uganda) said that the proposal to impose the death penalty for homosexuality was a private members' bill, not a Government initiative. She could therefore not give an opinion. As to the enactment of the marriage and divorce bill, the Ministry of Gender, Labour and Social Development was trying to move the process forward, but consultations had to be held with all the different religious communities in Uganda to reach a level of consensus that would enable the law to be effectively implemented.

23. **Ms. Kiwanuka Namubiru** (Uganda) said that customary land tenure was steeped in patriarchal tradition and discriminated against women, but the right of all Ugandans to purchase and own land was recognized in the Constitution, and with women's increased economic empowerment, more of them were acquiring land. The ongoing reform of the Succession Act would also help eliminate discriminatory cultural traditions and practices.

24. **Ms. Kabanda Sabano** (Uganda) said that the additional budget funds received by the Ministry of Gender, Labour and Social Development for 2010–2011 had been mainly allocated to the mainstreaming of gender and rights. A non-contributory social protection programme for vulnerable groups, including people with disabilities, older persons and youth, was being piloted in eight districts, four of them in the North. The programme had received £40 million from the United Kingdom Department for International Development (DFID) and Irish Aid and had the support of the United Nations Children's Fund (UNICEF). The programme would eventually extend to other districts. The Ministry was also systematically mobilizing and empowering communities by providing training for local authorities. The funds allocated to policy, planning and support services were mainly used to cover salaries and institutional development costs at the Ministry.

25. **Ms. Akol Okure** (Uganda) said that a 2009 study had shown that homosexuality in Uganda was not the same as in other countries. It was mainly found in prison communities, which raised questions about whether it was a choice or not. It was closely related to poverty and also found to occur together with intrafamily heterosexual sex. More research was needed to understand homosexuality in Uganda. The Ministry of Health was more concerned about preventing HIV/AIDS transmission regardless of sexual orientation.

26. **Ms. Isanga Nakadama** (Uganda) said that, as homosexuals were not recognized in Uganda, the Government could not and did not treat them any differently from other people.

27. **Mr. Tirinawe** (Uganda) said that district officials were working closely with the police and the Uganda People's Defence Force to protect internally displaced women and girls from abuse and bring perpetrators to justice. Paralegals had been trained to work in the camps and in the new communities for internally displaced persons so that cases of abuse would be reported and pursued. Information on the relevant legal provisions was being disseminated among officials and internally displaced persons. Various programmes and initiatives were under way to address the needs of internally displaced persons, including water-well construction and training in methods of food preservation.

28. **Ms. Hayashi** said that, according to some sources, the successful prosecution of rape cases faced numerous obstacles, including corruption among police officers who took bribes from the perpetrators or extorted money from the victims. She wished to know whether the State party acknowledged those allegations and whether the sexual offences bill addressed the problem. Apparently, the victim, the accused and witnesses all had to be present for a trial to proceed. Was the presence of the three parties a de jure or a de facto requirement? What was the rationale behind it? She hoped the State party would take the Committee's case law into account in order to develop more gender-sensitive rape laws.

29. She wished to know whether the trust fund set up to compensate victims under the International Criminal Court Act of 2010 was financed by the Government or by international agencies and how victims could file for damages under the mechanism.

30. **Ms. Rasekh** said that the legislation adopted to promote the advancement of women seemed to have had little effect, and that women's lives appeared to be governed rather by customary law and practices such as payment of a "bride price", which stripped women of their dignity and often resulted in violence against them. She wished to know what specific measures had been taken, including mandatory prosecution of those responsible, to eliminate such harmful practices, and prevent sexual and gender-based violence. She expressed concern at the negative role played by the media in reinforcing sexual stereotypes and asked how the media was regulated. She would also be interested in hearing the delegation's views on the reported ban on miniskirts in Uganda, on the ground that they caused traffic accidents, and wondered what research had led to that conclusion. She asked whether Uganda had acceded to the Convention on the Rights of Persons with Disabilities.

31. **Ms. Coker-Appiah** asked for information on the current status of the draft national action plan against child sacrifice. If it had been adopted, how was it implemented? In response to the delegation's assertion that the proposed bill on homosexuality was a private members' bill, she said that, if passed, the bill would become an Act of State – the Government could not simply wash its hands of it. She expressed concern at recent reports that a newspaper had printed the names of 100 homosexuals with the caption "Hang them!". How did the Government respond to such incitement to violence against homosexuals?

32. **Ms. Awor** asked what strategies were in place to implement the Domestic Violence Act, given the widespread violence against women in Uganda. She welcomed the establishment of the gender-based violence reference group, on which she would appreciate more information. Similarly, she welcomed the establishment of family protection units at police stations, and asked what challenges the Government was facing with their implementation. Cases of gender-based violence were often not reported, and when they were reported, access to justice was limited. Were the family protection units spread throughout Uganda? To what extent were they staffed by women and how were victims dealt with? Were the police trained in dealing with gender-based violence?

33. She was concerned that the status of the sexual offences bill had changed, with many of the articles being incorporated into other laws. Defilement was now covered in the Penal Code, for example, and the issue of marital rape had been incorporated into the proposed marriage and divorce bill. The Committee was strongly in favour of all sexual offences being included in one bill and she wished to know what the Government intended to do in that regard.

34. **Ms. Chutikul** asked whether the Prevention of Trafficking in Persons Act (2010) included a comprehensive definition of trafficking in persons, including for the purpose of labour exploitation and sale of organs, in line with the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. In 2008 the Committee on the Rights of the Child had recommended that Uganda ratify the Trafficking Protocol, and she asked what action had been taken in that regard. Noting the challenges referred to by the State party in implementing the Prevention of Trafficking in Persons Act, she asked how the Government intended to coordinate implementation of the Act, which required a multidisciplinary and multisectoral approach. She wished to know what problems were encountered in capacity-building and training in the area of trafficking in persons, and wondered whether the State party could enlist regional or international assistance. In that regard, she drew attention to the Recommended Principles and Guidelines on Human Rights and Human Trafficking drawn up by the United Nations High Commissioner for Human Rights (E/2002/68/Add.1).

35. She asked what measures were being taken to prevent HIV/AIDS among prostitutes, and to investigate modes of transmission, given that sex workers had been identified as a high-risk vulnerable group. She also wished to know whether the code of conduct for police had been amended to prevent abuse against prostitutes.

36. **Ms. Isanga Nakadama** (Uganda) said that the police were responsible for handling all acts of incitement to violence, including by the media. In accordance with the principle of freedom of expression, the media were free to publish whatever they liked; it was not for the Government to interfere. She could not discuss the private members' bill on homosexuality, which the Government had not read and which had not yet been debated in Parliament. Local councils dealt with minor cases of violence against women, which were referred to the police, at the district or the national level, where necessary. Family protection units at police stations always included a woman, and the units were responsible for deciding whether a case should go to court.

37. **Ms. Kiwanuka Namubiru** (Uganda) said that she acknowledged that only a few sexual offences had been incorporated into the amendments to the Penal Code, and that greater impetus needed to be given to enactment of the sexual offences bill. Under the Domestic Violence Act, victims could avoid problems of police corruption by reporting acts of violence directly to magistrate's courts, or local councils, the vice-chairs of which were women. The duties of police officers dealing with domestic violence were laid down in the Act, and included helping victims to decide on the most appropriate procedure. Victims could designate a female officer to handle their case. Pending enactment of the marriage and divorce bill, which included provisions on marital rape, marital rape could be treated as an act of violence under the Domestic Violence Act. Under the marriage and divorce bill, the old "bride price" had been replaced by optional "marriage gifts", which did not need to be returned in the event of divorce.

38. **Ms. Kabanda Sabano** (Uganda) said that, in order to address child abuse, sacrifice and trafficking, the Ministry of Gender, Labour and Social Development had drawn up a strategy for the protection of vulnerable groups and allocated funds accordingly. In addition, two parliamentary committees — one on the rights of the child and one on gender

— were dealing with the issue of child sacrifice. The committees would draw up a report for Parliament, in cooperation with the Ministry and NGOs, on ways to enhance implementation of strategy. Overall coordination was the responsibility of the Ministry of Gender, although the Ministry of Internal Affairs was also involved when it came to the arrest of perpetrators. The police had received capacity-building training in those areas from the Ministry of Gender and also worked very closely with NGOs.

39. **Ms. Akol Okure** (Uganda) said that HIV prevalence among sex workers stood at 58 per cent. Since most HIV infection occurred in urban areas, clinics for sex workers had been set up in Kampala, despite the fact that prostitution was illegal. The clinics distributed condoms, treated sexually transmitted infections, gave health education and provided antiretroviral therapy. Training on HIV/AIDS modes of transmission and related issues, particularly as they affected sex workers, children and women with disabilities, had been given to the police. She described regional efforts being made to combat HIV/AIDS, including in the context of the Great Lakes Initiative on HIV/AIDS, which included programmes for border sex workers.

40. **Ms. Isanga Nakadama** (Uganda) said that several activities were under way to mobilize and empower women, including seed capital programmes for microbusinesses. None of them discriminated against female sex workers.

41. **Ms. Chutikul** asked whether the definition of trafficking in the Prevention of Trafficking in Persons Act covered trafficking for purposes other than sexual exploitation, given that organized child begging was apparently a problem.

42. **Ms. Murillo de la Vega** asked for clarification on whether local councils had the authority to hear complaints of domestic violence and punish offenders, given that council chairs were not judges. She requested statistics on the number of domestic violence cases that had been brought to trial and had resulted in convictions.

43. She was concerned that the anti-homosexuality laws meant that ill-treatment of young homosexuals in schools and in the home went unpunished and that members of the psychiatric and medical professions treated homosexuality as an illness. Did the police and the Ministry of Justice keep records of violence against homosexuals or did the anti-homosexuality laws mean that no such records were kept?

44. **Ms. Ara Begum** asked for more information on the changes made to laws on inheritance by widows. She also wished to know whether the landownership reforms that had made spousal consent a requirement for the sale of land also ensured equal rights for women to inherit land. The issue was extremely important considering that women made up 80 per cent of the agricultural sector.

45. **Mr. Flinterman** said that, given that Uganda's ratification of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa had, according to the responses to the list of issues, paved the way for the ratification of the Optional Protocol to the Convention, he would like to know how soon that could be expected to happen.

46. As to the anti-homosexuality bill, the Committee had consistently interpreted States parties' obligation to be one of eliminating all forms of discrimination against women, including multiple forms of discrimination. Did the Minister agree with that interpretation and did she agree that the State party's obligations under the Convention entailed protecting women against discrimination in multiple forms, including discrimination on the basis of sexual orientation? Did the Minister understand the obligation to also entail holding newspaper editors accountable when they incited violence against women on the basis of their sexual orientation?



47. **Ms. Rasekh** said that she hoped that, by the end of the next reporting period, the Government and the Ministry of Gender, Labour and Social Development would have taken measures to regulate the media and ensure that it played a more positive role in advocacy and raising awareness of women's issues. Harmful practices could not be erased by laws and policies alone, and the media was a useful tool for bringing about the needed change in people's attitudes.

48. **Ms. Patten** said that distressing reports had been received about women and girl refugees being harassed by police officers and Government officials and that the offenders had apparently not been prosecuted but merely reassigned. Action should be taken to prosecute such cases and punish offenders if Uganda's image as a generous host country for asylum-seekers and refugees were not to be tarnished.

49. She was disappointed to hear that the Ministry was not aware of the reported abuse of women with disabilities in northern Uganda. The Human Rights Watch report "As If We Weren't Human" documented serious violations of the human rights of people with disabilities in Uganda, and its allegations called for a response from the Government.

50. **Ms. Isanga Nakadama** (Uganda) said that the Ministry had done its utmost to establish good relations with the media through the organization of awareness-raising workshops and other activities aimed at encouraging the media to portray women positively, but the media were private enterprises run for profit and therefore pursued sensational stories. Government intervention would be seen as an infringement of freedom of expression. Individuals could naturally sue for defamation. As to one Minister's suggestion that miniskirts be banned because they caused traffic accidents, women were free to wear them and men were free to look. People needed to examine their attitudes and their behaviour.

51. **Ms. Kiwanuka Namubiru** (Uganda) said that complaints under the Domestic Violence Act were first brought to local councils because they were easily accessible at grass-roots level and offered the advantages of linguistic and cultural compatibility. The councils handled administrative matters that could be resolved amicably, such as failure to provide or emotional violence, but all criminal matters were forwarded to the magistrates' courts or the high courts.

52. The reforms that were needed to remove the discriminatory provisions in the inheritance laws were still being studied. Cultural barriers to women's inheritance rights would also be examined.

53. Training in positive reporting had been given to the media through partnerships with civil society organizations, with some success. Appropriate training had been instrumental in reversing the media's negative portrayal of the marriage and divorce bill, for example, and in ensuring that attention focused on the issues and not just on sabotaging the bill.

54. The definition of trafficking in the Prevention of Trafficking in Persons Act was broad and took account of the definition set out in the Trafficking Protocol to the United Nations Convention against Transnational Organized Crime. The definition of exploitation was also very comprehensive.

55. **Ms. Kyasiimire** (Uganda) said that the process to ratify the Optional Protocol to the Convention had already started and would be completed in a few months.

56. **Mr. Tirinawe** (Uganda) said that, with reference to the abuse of women with disabilities by police officers in northern Uganda, the Government acknowledged its obligation to ensure that nobody was above the law. Uganda had a Persons with Disabilities Act and a national policy on disability was in place. Uganda was also party to the Convention on the Rights of Persons with Disabilities. Rehabilitation officers worked at the local level, in some cases with development partners, to provide capacity-building and

psychosocial support as well as special devices, such as canes for the blind, to persons with disabilities. A State university was developing courses on disability issues.

*Articles 7 to 9*

57. **Ms. Belmihoub-Zerdani** said that, despite the excellent progress made in female political representation, a participation rate of 30 per cent was still not high enough, and targets needed to be raised at the local, national and international levels. She suggested that State funding of political parties should be linked to quotas for female participation. It was important to raise the visibility of the Convention, and she strongly recommended that the delegation should hold a press conference in order to publicize how men and women would be working together to continue to implement the Convention over the next four-year period.

*The meeting rose at 1 p.m.*