



**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 955th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 13 October 2010, at 3 p.m.

Chairperson: Ms. Pimentel (Vice-Chairperson)

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In the absence of the Chairperson, Ms. Pimentel, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.05 p.m.

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

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

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

Articles 7 to 9 (continued)

2. **Mr. Flinterman** requested clarification on the applicability of the provision in the 2005 constitutional amendment permitting dual citizenship, given that its implementation depended on the enactment of the Ugandan citizenship and immigration control (amendment) bill. Would a woman marrying a foreign citizen in Uganda or abroad lose her Ugandan citizenship if she became a citizen of the country concerned? He asked when the State party envisaged enacting the bill.

3. **Ms. Kiwanuka Namubiru**, in response to a question raised in the previous meeting on the translation of legislation into local languages, said that the Constitution had already been translated and disseminated throughout Uganda. Furthermore, the Uganda Law Reform Commission was currently working in partnership with Action Aid International on the translation of the Domestic Violence Act 3 (2010).

4. On the issue of inheritance, the State party was endeavouring to ensure equal rights for women, but recognized that it needed to overcome certain cultural barriers. It was taking steps along those lines and to reform legislation with a view, inter alia, to eliminating discrimination against girls and spouses.

5. Responding to the question on prosecutions under the new Domestic Violence Act, she said that, to date, no cases had been prosecuted, but that every effort was being made to raise awareness of the Act and introduce regulations to facilitate its implementation. In the meantime, cases of domestic violence were being dealt with either under general criminal legislation or by local councils, which were empowered to take action under the Local Council Act 13 (2006).

6. Concerning widow inheritance, the marriage and divorce bill would prohibit the practice and ensure that widows could remarry only if they gave their consent. Under no circumstances would a person be allowed to take a widow as a wife, if he was not free to marry.

7. **Ms. Isanga Nakadama**, responding to a question concerning police records, said that the police kept a record of all acts of violence reported by women and girls, but that many cases went unreported due to fear of reprisal because of patriarchal traditions. The State could take no action unless incidents were reported. In response to Mr. Flinterman's question, she said that women automatically retained Ugandan citizenship when marrying a foreign citizen in Uganda and, when marrying a foreign citizen abroad, they had the option of either retaining or rescinding Ugandan citizenship.

8. **Ms. Kabanda Sabano**, in response to the concern expressed about urban population growth, said that the Government had introduced national measures to reduce the birth rate, especially among adolescent girls. They included a family planning programme, initiatives to promote free primary and secondary education and to encourage girls to continue on to university, and financial incentives to discourage early marriage.

9. **The Chairperson**, speaking in her capacity as an expert, said that, in her country, Brazil, there had been a similar problem of women and girls being reluctant to report cases of violence to the police. To address the issue, it had created a special women-only police station, with staff trained specifically to deal with violence against women and girls, which had been very successful in increasing the number of cases reported.

Articles 10 to 14

10. **Ms. Bailey** enquired about the net enrolment rate for girls aged 6 to 11 years and the discrepancy in dropout rates, which was given as 54 per cent for girls and 47 per cent for boys, even though the State party claimed that there was parity in school enrolment.

11. She expressed concern about reports that schools were charging parents fees for extra items such as materials and uniforms, which was contrary to the principle of free education and discriminated against poor and large families. Faced with a choice, such families were more likely to send boys, rather than girls, to school. Had the Government approved the charging of fees, and were the financial incentives given to families enough to offset such costs?

12. She asked what steps were being taken to combat the sexual harassment of girls by teachers and students in school and on the way to and from school, which was contributing to low school attendance of girls. Was legislation against sexual harassment being enforced, and were the perpetrators being brought to justice?

13. She enquired about measures implemented to reduce early pregnancies, especially among schoolgirls. In addition, she wished to know how the needs of girls in rural areas and those belonging to the lesbian, gay, bisexual and transgender community were being addressed to ensure that their rights were guaranteed and that they were not being excluded from education.

14. Lastly, she asked what was being done to encourage girls to study sciences at university and to ensure that high achievement among girls in tertiary education resulted in women occupying decision-making and managerial positions in the workplace.

15. **The Chairperson**, speaking in her capacity as an expert, asked whether a sex education programme had been developed to address all aspects of reproductive health and to promote the right of women to adequate health care and physical and mental integrity.

16. **Ms. Patten** asked for statistical data on female employment in the public sector and whether the Employment Act was being implemented to ensure that equal opportunities were guaranteed for both men and women. What efforts was the State party making to monitor the private sector and ensure that employers implemented the Employment Act? The sector had a very poor record in complying with employment legislation, particularly with respect to maternity leave and breastfeeding. What steps were being taken to promote women's employment rights in general, including for Batwa women, and to eliminate occupational segregation?

17. **Mr. Bruun** said that he would like to know how Uganda's employment policy covered women's unemployment and age-related discrimination against women. He enquired how household work and work in the informal sector were measured. He would appreciate further information on measures to ensure work safety and combat child labour. Noting that the State party had dealt with sexual harassment by employers, he wished to know whether any policies were in place to combat harassment by colleagues and harassment in small enterprises, with less than 25 employees, for example.

18. **Ms. Jaising** drew attention to the contradiction between Uganda's stated policy of equal and non-discriminatory treatment for people affected by HIV/AIDS and the fact that homosexuality was a criminal offence under current Ugandan law. She asked how people

such as sex workers and homosexuals could benefit from harm reduction policies if they feared that they might be liable to punishment by seeking help. She also sought clarification on the Government's plans to make HIV transmission a crime. She wondered how pending legislation on counterfeit drugs would affect women's ability to obtain affordable, generic drugs.

19. **Ms. Arocha Dominguez**, referring to the delegation's introductory statement, requested further details of the 2010–2015 national health policy, including the sources of financing, equipment and training to ensure its effective implementation. She noted that such demographic and health challenges as child malnutrition had a particular impact on women and girls, especially girls who entered into early marriage or adolescents with early pregnancies. That impact was compounded by a high fertility rate and inadequate birth spacing. She also noted the high HIV/AIDS prevalence among women, even married women. There was a need not only for more effective laws and policies but also cultural change. Such change required education. She wondered what the State was doing to ensure that sex education covered not only the prevention of pregnancy, but healthy, pleasurable and responsible sex and the reproductive rights of women.

20. However, women's health was not only about reproduction. She would like details of current health policies for women no longer of reproductive age or women who did not wish or were unable to become mothers. More information was also needed on the causes of morbidity among women of various age groups, especially older women.

21. **Ms. Rasekh**, noting that the current report had data from 2006, requested information on the current maternal mortality rate. It was unclear how Uganda would reach the Millennium Development Goal of reducing by three quarters the maternal mortality ratio. She would like more explanation of why policies were ineffective. The underlying causes for ineffective policies might include the lack of funding, insufficient international support, or poor leadership and management among health authorities. She would be grateful to hear about any steps taken to overcome such obstacles.

22. A study in the Islamic Republic of Iran had shown that educating men about contraception had a greater impact on family planning and high birth rates than educating women on the topic. Any such campaigns to change society must involve members of the media, religious leaders and other prominent figures.

23. She requested data on the health needs of women with disabilities and information on the measures to increase their access to public facilities in rural areas. It would be useful to know about any studies on violence against women in Uganda. She would also welcome information on mental health and other services to meet the psychosocial needs of women.

24. **Ms. Murillo de la Vega**, noting Uganda's limited access to information, business networks and transport and other objective difficulties facing women in gaining access to economic resources, asked how the patrilineal transmission of property affected women who sought loans. She expressed surprise at the paucity of information on microcredit, which was crucial in helping women to assert themselves as economic agents and to exercise decision-making power. Such credit also helped them to gain respect and security within their families. The microcredit projects that she had managed to find on the Internet did not seem to be part of an overarching Government strategy but were rather isolated cases. She regretted that women owned such a small share of land in the country, whereas they accounted for the overwhelming majority of persons who worked the land. Moreover, women who inherited land often had it taken away from them by men. She wondered what the State was doing to support non-governmental organizations (NGOs) to assist women in starting up businesses. There were reports that the granting of loans and microfinancing had been seriously affected by nepotism, cronyism and other forms of corruption. She would

like to know what steps were being taken to ensure that women had access to credit and to combat the influence of clan rules on loan guarantees.

25. **Ms. Ara Begum**, noting the high percentage of women over 60 who were widows, said that older women had been largely excluded from the national pension scheme, as they had been employed predominantly in the informal sector. She would like to know whether there were plans to provide for a non-contributory pension plan for women in rural areas in order to tackle poverty. While the State party had recognized the contribution of older women in such areas as childcare, including HIV orphans, conflict resolution and the transmission of cultural values, it was unclear whether they were rewarded monetarily for their efforts. Further information was needed on the measures to rehabilitate older women who remained in camps in northern Uganda. She would welcome an update of the 2006 data on the national poverty reduction policies referred to in the State party's report. It would be helpful to know whether a gender perspective had been incorporated into those policies. She enquired about the steps being taken to ensure that women benefited from the modernization of the agricultural sector and to promote women's land ownership.

26. **Ms. Coker-Appiah** asked for some examples of conflicts involving customary law and minor domestic violence, handled by the local council courts since it was unclear what constituted minor domestic violence. She wondered whether the courts were part of the regular judicial system or part of the traditional chief system. In the former case, it would be helpful to know which higher judicial body oversaw them. In the latter case, information was needed on the mechanisms in place to ensure that they applied human rights standards in the adjudication of cases and enabled women to assert their rights under national law and the Convention. It was particularly important as such courts often discriminated against women and thwarted their access to justice because of cultural practices and patriarchal attitudes.

27. **Ms. Kyeyune Onega** (Uganda) said that the ratio of net enrolment in primary education was 96.4 per cent for boys and 90 per cent for girls. Total net enrolment was 93.2 per cent. The completion rate for girls in some areas of the country such as Karamoja was very low. Referring to the question regarding the discrepancy between the higher dropout rate for girls and the figures showing enrolment parity between boys and girls, she said that the gender gap had been masked by the fact that grade 1, where there was gender parity, accounted for 25 per cent of the parity figures at the primary school level.

28. A special needs education unit within the Ministry of Education and Sports catered for children with disabilities, while training for special needs teachers, who would in turn be sent to train teachers in the field, was provided at Kyambogo University. Only children with severe disabilities attended special schools; inclusive education was preferred for children with less pronounced special needs. Latrines accessible to less mobile children had been fitted in most schools, textbooks had been brailled and radio and television advocacy campaigns had been run to sensitize the community.

29. The sex education component of the curriculum had recently been reviewed. At the lower primary levels, a thematic approach incorporating life skills had been adopted, while at the upper levels children's rights and responsibilities and equal opportunities had been made a particular focus. Children did not need to miss out on universal primary education because of fees; uniforms were optional, not compulsory, and children were asked to bring food not money to cover meals.

30. Safety guidelines and reporting mechanisms had been developed to minimize sexual harassment and to overturn the culture of silence at school and at home. Life-skills training encouraged girls to talk freely about such issues and approach senior women teachers to report concerns, while closer dialogue between schools' governing bodies and

administration facilitated remedial action. In addition, a new Government policy should ensure that all primary schools had at least one female staff member.

31. The Girls Education Movement and other similar clubs were helping to foster a culture of mutual support and dialogue between pupils and giving girls the strength and powers of negotiation to express themselves.

32. **Ms. Muwanga Nassuma** (Uganda) said that labour surveys were carried out in Uganda on a regular but not annual basis, usually by the Uganda Bureau of Statistics. The Government endeavoured to use data that was current, and for that reason had made extensive use of statistics from the Bureau's recent household survey in preparing the reports under consideration. However, it acknowledged the unmet need for continuing access to up-to-date statistics.

33. Policies and programmes had been developed to combat discrimination in the private sector and labour officers working in the central and regional offices of the Ministry of Gender, Labour and Social Development had been trained to deal with reported cases, whether through legal proceedings or mediation. Policy details had been disseminated to relevant private-sector stakeholders and on-site inspections were conducted to ensure compliance. Allegations of exclusion from senior management positions were handled through legal channels, provided that an official complaint was lodged.

34. The provisions of the Employment Act (2006) also extended to unemployment issues, including incentives for employers who recruited persons with disabilities. Tax breaks for those firms were also available under the Persons with Disabilities Act (2006). Child labour was being addressed through a specific programme and policy, but issues relating to the rights of domestic workers were handled in the same way as other labour cases.

35. **Ms. Isanga Nakadama** (Uganda), referring to reported discrimination against the Batwa people, said that the Government had worked hard to encourage the few remaining members of that small forest-dwelling minority to access community services such as water, schools and health centres. Its efforts had borne fruit, with one Batwa child having progressed to secondary education. It was incorrect and premature to speak of discrimination against the Batwa in employment. The efforts to encourage the Batwa to leave the forest and integrate in the community were still in the early stages.

36. **Dr. Akol** (Uganda) assured the Committee that Government policy favoured generic drug usage as the most cost-effective option. The national drug agency was working to eliminate counterfeit drugs considered unfit for consumption; generics were not its target.

37. The feasibility of mother and child health-care programmes was limited by numerous barriers, not least the high level of poverty. Customary and cultural practices were also obstacles, contributing to the persistently high fertility rate, lack of family planning and prevalence of HIV/AIDS infection; educational campaigns were needed to address those factors.

38. Pregnancy was directly or indirectly the main cause of morbidity among women, with complications associated with abortions, early pregnancies and childbirth, including anaemia and infection, taking their toll. However, malaria was frequently the ultimate cause of death among women already weakened by other conditions. Maternal mortality had fallen to around 430 per 100,000 live births by 2006, but still far exceeded the Millennium Development Goals target.

39. The limited impact of the measures set out under the road map for sexual and reproductive health in terms of improving key indicators had many causes. They included the population explosion, which had stretched the health system's resources and infrastructures, soaring unemployment, and the impact of International Monetary Fund

programmes on public-sector recruitment. However, underlying all those factors was poverty. Those obstacles had been compounded by relentless health epidemics. HIV/AIDS had diminished human and other resources; malaria was still killing around 312 people every day; and tuberculosis added to the strain.

40. On a positive note, despite their failure to achieve the desired results, the measures had raised cognizance of the issues, challenges and risks. That awareness had led the Government to prioritize the prevention of mother-to-child transmission in its Round 10 proposal to the Global Fund to Fight AIDS, Tuberculosis and Malaria, conscious that a comprehensive prevention strategy embraced family planning, cultural practices, childcare and male involvement in addition to the core elements.

41. Issues of disability had been mainstreamed in all areas of Ugandan health policy. Accordingly, sexual and reproductive health policy now included a component covering disabilities, in which the reproductive rights of disabled women were addressed.

42. Although the country offered an extensive mental health programme from its hospitals' newly-refurbished mental health units, counselling for female victims of trauma was a relatively undeveloped service. Universities had therefore been working to develop counselling methodologies to fill the gap in provision. There was also a growing Uganda Counselling Association, which had been particularly prominent in helping the families of victims of the conflict. However, the Government recognized the need for further development in that area.

43. **Ms. Kiwanuka Namubiru** (Uganda) assured the Committee that, thanks to various forms of finance, all Ugandan women could access credit, not only the 7 per cent that owned land. For the economically active poor engaged in small-scale retail activities, microfinance institutions extended loans to groups of between 5 and 15 members who served as referees for each other; no collateral was therefore required. Women with the ability to save, irrespective of the amount, could join forces to establish savings and credit cooperatives or informal village banks, or, as an alternative, enter into solidarity circles where group members took turns to lend to others.

44. Training and support in accessing credit was provided by a number of long-established organizations including the Uganda Women's Finance Trust and the Ugandan Women Entrepreneurs Association. Since microfinance institutions were generally private enterprises and therefore profit-making, corruption could be a factor and interest rates were high. However, the Microfinance Support Centre referred to in the written responses had launched a programme to lend specifically to women organized into savings and credit cooperatives or other groupings at an annual rate of 9 per cent, with initial loan amounts set at around \$25,000.

45. **Ms. Kiwanuka Namubiru** (Uganda) said that the local council courts had jurisdiction in matters of domestic violence, customary marriage, separation and divorce, and authorized people to perform marriages at the village level. The term "minor domestic violence cases" used in the written responses, was not a legal definition, but simply a catch-all phrase to describe those cases that could be handled at the local level. Domestic violence encompassed emotional abuse, including insults and ridicule, and economic abuse, such as failure to provide for the family, as well as physical violence. The local council courts were also competent to hear cases where property was disposed of without the owner's permission, provided the value did not exceed \$900. The courts were part of the regular judicial system and subject to supervision. Human rights standards were upheld through specific legislation governing the courts which required them to be guided by the principles of natural justice and to keep records of all proceedings.

46. Training for local council executives was offered by civil society and Government organizations to help address the challenges remaining. However, because executives were

elected for a fixed term, the training requirement was a continuous one. The councils operated at the village, parish and sub-county levels, with each of the higher courts having appellate jurisdiction over the one below it, and were supervised by a chief magistrate. Matters beyond sub-county jurisdiction could be referred to the chief magistrate and subsequently, if necessary, to the High Court.

47. The local council courts had jurisdiction over matters relating to family reconciliation, compensation, restitution, costs, and apology. The courts were considered particularly appropriate to deal with matters of domestic violence since, in many cases, victims did not want family members to be subject to criminal proceedings, but preferred the use of conciliatory measures.

48. Concerning child labour, it was part of African culture that children were expected to participate in household chores, although the Children Act (2003) prohibited the employment of children or their engagement in any activity that might be harmful to their health or education. An amendment to the Children Act, currently being considered by the Ministry of Gender, Labour and Social Development, would redefine child labour and hazardous work on the basis of International Labour Organization definitions and standards.

49. Under the Domestic Violence Act (2010), any person, whether or not they were a victim of abuse, could report an incident to the police.

50. **Ms. Kyasiimire** (Uganda) said that there were no specific schemes for older women or those with disabilities in rural areas, although all Government programmes, such as the National Agricultural Advisory Services, the Peace, Recovery and Development Plan for Northern Uganda and Prosperity for All, were geared towards the needs of rural women and men, and older rural and disabled women were specifically targeted and encouraged to take advantage of those programmes. The National Policy for Older Persons spelled out actions of benefit to older women.

51. Rehabilitation services for women with disabilities, including literacy and health services, were available through the Northern Uganda Rehabilitation Programme. Older women and those with disabilities would also receive social protection grants.

52. A team of gender experts had contributed to the formulation of the new National Development Plan, in order to ensure that it adequately addressed gender issues. It had been recognized that gender inequality was a factor that constrained development within Uganda and the Government was putting in place specialized programmes to combat gender-based violence. The National Development Plan had been tailored to fit available resources and the existing Poverty Eradication Action Plan had been maintained to the extent that resources permitted. The Government had provided seed money to women through the Uganda National Women's Council in order to support their income-generation and livelihood activities.

Articles 15 and 16

53. **Ms. Halperin-Kaddari** expressed disappointment that the adoption of the draft domestic relations bill had been delayed; she hoped that it would become law before the delegation next appeared before the Committee. As things stood, she understood that certain High Court rulings had invalidated some discriminatory laws, but it was not clear whether those rulings would hold in practice: for instance, following the ruling that had nullified adultery, was it still considered to be a criminal offence? She asked which courts had jurisdiction over family matters, including civil, customary and religious marriages, and whether women judges presided in those courts. It appeared that there would be a separate domestic relations bill concerning Muslim marriages: would it be possible for women judges to be appointed to the Qadi Courts?

54. She found the statement that the draft domestic relations bill would “maintain the potentiality of polygamy in a customary marriage” regrettable, since the purpose of such a bill should be to change discriminatory laws and practices, which included the abolition of polygamy, in line with article 16 of the Convention and the Committee’s general recommendation No. 21. She wished to know whether polygamy would continue to be practised in Qadi marriages. She asked whether existing law recognized cohabitation and whether property rights were awarded in de facto unions. What were the property rights of women when a marriage was dissolved? She asked how the Government would ensure that women could exercise their constitutional right to land since custom dictated that they were not entitled to own land.

55. **Ms. Belmihoub-Zerdani** said that if the State party had encountered difficulties in funding its secondary education system, it could apply to the Governments that had made a commitment to provide assistance for education on their adoption of the Beijing Declaration and Platform for Action. She could provide further information to the delegation on that subject.

56. **Ms. Rasekh** enquired what policies or strategies the Government had adopted to address the vulnerability of girl children who were taken away from school and exposed to reproductive and other health risks as a result of forced or early marriage. She wished to know whether measures were taken to address the reproductive health rights of women with disabilities. She asked whether the Government would include the involvement of men in its road map to improve reproductive health, since some measures, such as the use of contraceptives to help women in family planning and HIV/AIDS protection, would not require additional funding.

57. **Ms. Kiwanuka Namubiru** (Uganda) said that, since existing legislation on adultery had been declared unconstitutional, there was a gap in legislation which the Government was taking the necessary steps to fill. In the meantime, a proposed new marriage and divorce bill contained a provision for non-fault based divorce; fault-based divorce would only be used to demonstrate the irretrievable breakdown of marriage. Every court, from the High Court to the Magistrate’s Court, could deal with family matters. The High Court contained a family division in which duties were not assigned to judges on the basis of their sex. She was pleased to report that male judges were more gender-sensitive and proactive in dealing with family matters as a result of gender training and that a great deal of jurisprudence in support of women’s rights had been created by judges who were men.

58. Women were not precluded from presiding in a Qadi court since the required qualifications were a degree in law and a degree in Islamic studies. She did not possess exact figures, but could confirm that there were women judges throughout the Ugandan judicial system. The Government recognized that the issue of polygamy was in conflict with equality but had sought, as a first step, to ensure the rights of women within polygamous marriages. The registration of polygamous marriages would be encouraged under the proposed marriage and divorce bill, and the Government provided information concerning the nature of customary and Muslim marriages and the possibility that they could become polygamous.

59. Property rights were recognized in cohabitation and registration of property ownership was encouraged. The non-monetary contribution of spouses would be taken into account on dissolution of marriage under the proposed marriage and divorce bill.

60. **Ms. Kyeyune Onega** (Uganda) said that the first seven years of primary education were free in Uganda and that a bill concerning the provision of free secondary education had been passed in 2007. At present, 231 secondary schools offered free education and that number would continue to increase. Most children attended secondary school. She would

explore further the possibility of obtaining grants to support secondary education in her country.

61. **Ms. Kiwanuka Namubiru** (Uganda) said that Uganda did not yet possess a health programme for persons with disabilities. The Government encouraged the involvement of men in reproductive health and raised their awareness of it as part of family planning programmes. She thanked Committee members for their questions and encouragement and looked forward to reading the Committee's recommendations.

62. **The Chairperson** thanked the delegation for its constructive and frank dialogue with the Committee. She commended the State party for the progress made during the reporting period, in particular for its enactment of relevant legislation, including on domestic violence and female genital mutilation. Nevertheless, the Government must address the discriminatory laws and practices that still existed in various spheres of life including marriage, inheritance and land ownership, inter alia, by enacting the marriage and divorce bill. The Committee was very concerned about the persistence of child sacrifice and about the discrimination against lesbian, bisexual and transgender women and the fact that homosexuality was a criminal offence in Uganda. It was also concerned about the high levels of sexual and gender-based violence in society and called upon the Government to enact a sexual offences bill. The Government should provide more sexual health education in order to prevent unwanted pregnancies and sexually-transmitted diseases, which remained very prevalent in the country.

63. She invited the Government to use the Committee's general recommendations as a resource, with a view to full implementation of the Convention.

The meeting rose at 5.20 p.m.