



**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 576th meeting

Held at Headquarters, New York, on Friday, 9 August 2002, at 3 p.m.

Chairperson: Ms. Abaka

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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)*

Third periodic report of Uganda (continued)
(CEDAW/C/UGA/3;
CEDAW/PSWG/2002/EXC/CRP.1/Add.10 and
CEDAW/PSWG/2002/3XC/CRP.1/Add.10)

1. *At the invitation of the Chairperson, Ms. Bakoru took a place at the Committee table.*

Articles 7 to 9

2. **Ms. Kwaku**, said that the Passport Regulation discriminated not only against married women with children, who were dependent on their husband's written consent, but against separated, divorced and widowed women. She asked how soon the proposed amendment to that law, referred to in the written responses (CEDAW/PSWG/2002/EXC/CRP.2/Add.10) take effect. With regard to the newly amended Uganda Citizenship and Immigration Control Act (3/1999), she would like to know the nature of the "other requirement" of the Citizenship and Immigration Board for the issue of a passport and trusted that it was not discriminatory.

3. **Ms. Kapalata** said that, while Uganda had gone much further than many of its neighbours in its implementation of article 8, the situation was not entirely satisfactory, especially regarding women's representation in the Foreign Service 17 years after Uganda ratified the Convention. The authorities evidently were determined to improve gender mainstreaming, which was fully supported by the President. However, lest that enthusiasm should wane with a change of government, and since not all Ugandans apparently shared that enthusiasm, it was important to put in place a systemic machinery that would afford continuity and the sustainability of gender mainstreaming throughout the country.

4. **Ms. Corti** congratulated the Government and the non-governmental organizations on their achievements in increasing the number of women decision-makers. Since it was a difficult field for women to penetrate, she asked what steps the Government intended to take to mobilize women with a view to maintaining, not to say increasing, the targeted quota percentage.

5. **Ms. Goonesekere**, referring to the possibility of challenging the Passport Regulation before the courts, said that the Passport Regulation was not an act of Parliament, but an administrative regulation. As was the case in many countries with a heritage of British legal norms, she would recommend that the Ugandan authorities, in cooperation with the relevant ministry, should seek legislation to remove that discriminatory regulation. She would like to know the prospects for the legal aid groups mentioned by the delegation to bring test cases before the courts and help women who wished to challenge the system.

6. **Ms. Manalo**, referring to article 8, commended the delegation for the 1995 Constitution, which gave women the opportunity to represent their Government at the international level and to work in international organizations. The report, however, stated that home-making and family commitments prevented many women from accepting postings abroad and, thus, from seeking a Foreign Service career. That statement was tantamount to confirming women were held back by family obligations. Rather than invoke that idea as a justification, the authorities should address the issue and strive to resolve it.

7. She hoped that Uganda's next report would produce concrete evidence that close coordination between the relevant ministries had established laws, regulations, infrastructure, programmes and physical assistance to overcome the problem and that women would be able to serve in the Foreign Service in their own right. But, in addition to the Foreign Service and the secretariats of the organizations of the United Nations system, there were also treaty bodies such as CEDAW in which Ugandan women experts could participate. The authorities should be more creative in preparing women to serve on such bodies.

8. **Ms. Bakoru** (Uganda) pointed out that Uganda had two women ambassadors — to the United States and Ethiopia — and a young woman was Chief of Protocol. Those women occupied their posts in their own right and not, as intimated, because they followed their husbands, and Foreign Affairs personnel also received training in gender mainstreaming. Although she, too, would like to see Ugandan women sit on United Nations treaty bodies, she reminded the Committee that her country's candidate for a seat in CEDAW had been unsuccessful and urged members to vote in its next candidate.

9. One way of sustaining the quota of women in decision-making was to ensure that they received the necessary education, which, in turn, depended on their parents' access to educational resources. Education was, therefore, the crucible from which the critical mass of women would emerge to compete successfully against men at all levels and in all areas. She reiterated that Ugandan women were free to legally challenge the administrative Passport Regulation, a matter that came under the Minister of Internal Affairs, with whom she would discuss it on her return home.

10. There were as yet no national identification numbers for Ugandan citizens but, in connection with the forthcoming census, in which birth registration would be important, her own ministry was developing the identification-number system in the context of the national social security policy. The system was clearly not discriminatory; neither men nor women could be issued a passport unless they produced their birth registration cards, which were also required for university entrance. The model project initiated in 2000 in some districts had been expanded to cover the entire country and she expected to see some improvement regarding women's ability to obtain travel documents following the census.

Articles 10 to 14

11. **Ms. Achmad** expressed admiration for Uganda's breakthrough achievements, especially its Constitution and legal framework. However, she urged the authorities to sustain their efforts in education. While much had been achieved in gender mainstreaming in teacher training, textbooks and curriculum, she wondered to what extent the regional and local authorities ensured that the contents included in the standard national curriculum were also gender-sensitive.

12. Non-formal training was provided for legislators and the police, including those in charge of women's protection. But other target groups, such as political leaders, would also benefit from non-formal training and, for the sake of continuity, many laws were still needed to supplement the Constitution. The civil service as well as other ministries, which might not be sufficiently gender-sensitive, constituted additional target groups.

13. Training and awareness-raising units would be critical for gender mainstreaming in government

committees, labour unions, non-governmental organizations, including women's, and women's professional and social groups as well as trainers for building gender equality. All those categories of persons must receive training and education that emphasized the goal of eradication gender discrimination for the benefit of all, not only of women. She cautioned that temporary special measures were not intended as an end target, but to redress past discrimination.

14. **Ms. Kwaku** asked whether, of the three education cycles, the authorities would consider making primary and secondary education free, if it had not already done so, and whether they were compulsory. It was alarming to find that two children out of five were parents by the age of 19. Compulsory primary and secondary education would help reduce the number of teenage pregnancies.

15. She wanted to know why the draft National Employment Policy had still not been adopted, whether it had at least been tabled, and what plans the authorities had for such a policy and related facilities. On the assumption that domestic workers accounted for the bulk of the female workforce, the lack of protection of their labour rights was a glaring lacuna in the country's labour law. She also wondered whether the Government was contemplating the enactment of legislation to address cases of sexual harassment in the workplace.

16. Not only would much more drastic measures than sensitization be required to eradicate the scourge of teenage pregnancies, but steps had to be taken to enforce article 33(3) of the Constitution prohibiting laws and customs that undermined the dignity of women. Lastly, she would welcome information on the actual number and percentage of women who benefited from the Youth Enterprise Scheme (YES) to create employment for new graduates.

17. **Ms. Gabr**, commended Uganda on its budgetary allocations for education and said that, she too believed education was essential to the development and improvement of women of the African continent. She was encouraged by information provided in the responses to the list of issues and questions (CEDAW/PSWG/2002/EXC/CRP.2/Add.10) to that effect that the overall rate of HIV/AIDS prevalence had continued to decline from 6.8 per cent in 1999 to 6.1 per cent in 2000, but she was curious to know what

programmes had been planned to deal with other health problems affecting women, particularly family planning issues. In the next report, she would welcome information which reflected greater interest by the Government in projects on abortion and the health status of teenage girls.

18. It was clear that Uganda had the political will to resolve employment problems. Yet, speaking as an African herself, she said the countries of the region also needed clear policies and programmes based on scientific research. Greater importance must be attached to the specific problems relating to rural areas and policies on the employment of women, primarily after the economic reconstruction since women suffered most from declines in economic development. She noticed that women working in the informal sector had no social protection or any form of social safety net. She stressed the need for women to have equal access to the job market.

19. **Ms. Tavares da Silva** commended Uganda on its achievement in improving education and health care and especially on the adoption of temporary special measures to that end. She did not, however, have the impression that labour had made similar progress. The report did not elaborate on the level of resources allocated to easing the employment situation and presented a grim global view, highlighting the asymmetry of conditions of work for men and women, their respective responsibilities and working hours. Also under article 11, the report stated that women were restricted to “unskilled”, low paying, repetitive and labour-intensive jobs, and that women in the informal sector and domestic workers lacked social protection. In addition, the lack of childcare facilities and prevalence of sexual harassment aggravated labour conditions for women. She noted that through its policy on employment the Government hoped to prepare the necessary labour legislation, but she wished to know that other means and possible affirmative action would be adopted to cope with those crucial issues.

20. She commented on the statement in the report that cultural inhibitions still limited girls’ participation and their enjoyment of recreational and sporting activities and that boys were given more leisure time and space for playing. She believed it was crucial for the Ministry of Education and Sports to take action to dispel the idea of raising boys and girls in different worlds, and to shape the image of their roles in

recreational activities, particularly since that Ministry placed emphasis on gender mainstreaming.

21. **Ms. Corti**, commenting on article 11, pointed out that 70 per cent of the workforce of Uganda’s agriculturally based economy consisted of women, but that the sector was largely unstructured. She therefore asked what measures were envisaged to protect that large workforce. She wished to have information on salaries in the informal sector, and inquired how women’s salaries compared to those of men both in the private and public sectors. Was there a guaranteed minimum wage? She also would appreciate details about the fact that very few rights were granted to divorced women.

22. On the question of health, she wondered how Uganda intended to sustain the decline in the rate of prevalence of HIV/AIDS, in view of drastic cuts in allocations for health in the budget.

23. **Ms. Bakoru** (Uganda) reassured the Committee that budget cuts in the health sector would not disrupt the positive trend in the fight against the spread of HIV/AIDS since Uganda had not restricted its campaign to the health sector. The problem had been addressed from a social, economic and political perspective, and the portfolio of each ministry included a component devoted to the spread of the disease. It was a particularly hopeful situation since the youth of Uganda willingly participated in testing and safe sex practices.

24. In response to Ms. Corti’s query, she said that Uganda did not have a minimum wage. However the Government had sought advice from other countries about the subject. The Government’s new approach called for a bipartite agreement between employers and employees based on guiding principles, whereby workers could openly negotiate wages with their employers. That social partnership would enable both parties to devise instruments and policies beneficial to both sides of the equation.

25. With regard to working hours, she said that claims to the effect that women worked up to 18 hours in the field were not realistic because there was a limit to the number of daytime hours, and the lack of electricity in many rural areas made night work outdoors impossible.

26. In an effort to protect the workforce, a process of documentation had been initiated by non-governmental

organizations, which had gathered statistics on women in the public sector. Further studies were expected on the status of women in the private and informal sectors. Women at the grass-roots level were collecting research data in local languages, under the guidance of trained personnel.

27. With regard to stereotyping of recreational activities, she said she did not clearly understand to what extent certain activities had been deemed feminine or masculine. Women in the north had a reputation of being athletic and, in general, it was accepted that women had more energy than did men. She did however acknowledge that in the early years of childhood, girls were more inclined to be given toys and to be encouraged to engage in activities that related to baby and home care.

28. She acknowledged the harsh reality that sexual harassment in the workplace was a widespread situation that was particularly harrowing when it had been proved that such practices were rife in the very ministry responsible for promoting gender issues. Urgent attention was required to curb harassment at all levels.

29. The hours of employment were the same for men and women. She agreed with the members of the Committee on the need for social safety nets and that men and women should be enabled to enter the job market on an equal basis. Uganda was not a very poor country and, in fact, was rich in mineral and natural resources. Successive regimes of misguided policies and management had reduced the country to its present state. There was a need to refocus national policies and it was hoped that with the emergence of new leadership within the framework of the African Union, positive changes would take effect.

30. She pointed out that the use of family planning services had risen from 1.5 per cent to 38 per cent. Uganda's high fertility rate was not due to a lack of access to family planning, but rather, to a deeply rooted cultural belief that having a large number of children guaranteed security and well-being. The Government would try to promote policies to raise public awareness about the related adverse economic effects and on the risk of repeat pregnancies. Abortion was illegal except in the case of proven rape or in the event that the procedure was necessary to protect the health of a pregnant woman. The influence of religion was strong

and broad consensus would have to be sought in order to decriminalize abortion.

31. The Youth Entrepreneurship Schemes (YES) provided microfinancing to support young graduates. Women had been able to derive benefit from the schemes since they had a solid reputation for repayment of loans.

32. The development and progress of any country was dependent on its investment in human resources. On the job training and continuous evaluation of educational needs would ensure a skilled and technologically up to date labour force.

33. In 1997, the Government had instituted a programme of universal primary education, under which four children per family were exempted from paying school fees. As a result of the programme, the number of children attending primary school had increased from 2 to 6 million. The Government was now faced with the challenge of building more classrooms, improving the teacher-pupil ratio, which in some areas had risen to 1:100, and enhancing the quality of primary education. Later, it planned to expand access to secondary education by awarding bursaries to students. Her Government's efforts in the field of education and elsewhere had been severely undermined by the HIV/AIDS epidemic ravaging the country. Currently, there were some 2.5 million AIDS orphans. There was no child benefit in Uganda. However, budgetary allocations for social security had increased and there were plans to enhance the support provided to vulnerable groups, including women and children.

34. **Ms. Feng Cui** said that the Ugandan Government was to be commended for the improvements made in the situation of rural women, in particular through its highly successful poverty eradication programmes. Noting the major contribution of the rural population to the national economy, she emphasized the importance of gender mainstreaming in the Government's agricultural policies. She asked what the goals of the national strategy for rural women were, whether there were any timetables for their realization, and whether they included the elimination of restrictions on women's rights to own and manage land and ensured their access to resources and credit. She pointed out that, in order to cope with the deep-rooted discrimination against women in rural areas, human rights education must be directed towards men, as well

as women. Lastly, she expressed concern that, although the Local Government Act provided that one third of the seats on local councils should be reserved for women, women continued to be excluded from decision-making in a number of communities.

35. **Ms. Goonesekere**, noting that the payment of bride price was a common practice in Uganda despite the constitutional prohibition, said that the key to realizing the equal rights of women and men in marriage and in family relations de facto, as well as in principle, was access to education. Those countries which had been successful in raising the status of women and reducing the prevalence of such harmful phenomena as child marriage had done so in part by introducing adequately funded programmes to expand girls' access to education not only at the primary, but also at the secondary and tertiary levels.

36. **The Chairperson**, speaking in her capacity as an expert, said that the Ugandan Government was to be congratulated on its very impressive achievements in combating HIV/AIDS. She was concerned, however, about the persistence of such traditional practices as polygamy, wife inheritance and female genital mutilation, which threatened to undermine the progress made. The high rate of maternal mortality as a result of clandestine abortions was alarming. She therefore urged the State party to enhance its life-skills education programmes and to expand access to birth control, noting that only 30 per cent now enjoyed that right. She asked whether contraceptives were provided free of charge, whether modern methods of contraception, such as condoms, were available, and whether patients presenting at clinics with complications following induced abortions faced any sanctions.

37. She had been disturbed to learn of the introduction of user fees in hospitals. Noting that a number of developing countries had introduced such fees in the context of hospital privatization programmes advocated by the international financial institutions, she asked whether that was the case in Uganda, and whether such services as water and sanitation continued to be provided free of charge.

38. **Ms. Zoe** (Uganda) said that there was a charge for water in urban and peri-urban areas. Hospitals had introduced user fees in 1989 in order to fund the purchase of additional drugs and medical supplies. The Government had opposed the fees, however, and cost-sharing had since been abolished. Contraceptives,

including the male and female condoms, were available free of charge, although the user rate for the latter device was low. In a predominantly Roman Catholic country, the issue of legalizing abortion must be approached with caution. It called for an open and candid dialogue and for equipping young women with the skills they needed to avoid unwanted pregnancies. Regrettably, her Government lacked adequate resources for its life-skills education programmes as a result of a reduction in funding by the United Nations Population Fund. The spread of HIV/AIDS had discouraged the practice of levirate marriage, particularly since many women were now open about their HIV status.

39. Her Government allocated 26 per cent of its budget to education, reflecting the importance it attached to that sector. The fact that women in Uganda now occupied decision-making posts, including that of Vice-President, demonstrated the value of education and provided a powerful incentive for girls and their families. According to studies conducted by her Government, support for the payment of bride price was waning. The original purpose of the practice had become distorted owing to commercialization, and she agreed that it should be discontinued.

40. With regard to political participation by women, she recalled that her Government had established women's councils by adopting the National Women's Council Statute in 1993 to enable women to take part in policy development and implementation. Following a recent legislative reform, the chairpersons of the district women's councils automatically became members of their local government council. In connection with the ongoing constitutional and legislative review customarily involving men only, the emphasis was on eliciting the views of women and bringing their issues to the fore.

41. Addressing the question of rural women's ability to obtain credit, she said that traditionally it was uncommon for them to use land as collateral for loans. Her organization was pursuing renewed negotiations to enable the co-ownership of land by men and women. Commenting on the eradication of poverty, she said that while poverty had been reduced to 26 per cent in Uganda, that percentage was still unacceptable because the great majority of those still in poverty were women and children. In view of the importance of the rural population in an agricultural country like Uganda, the mainstreaming of gender in its agricultural economy

was essential. In that context, she also stressed the importance of educating the girl child, and reiterated her Government's commitment to that goal and to the overall goal of women's emancipation.

Articles 15 and 16

42. **Ms. Kwaku** asked whether the Government was contemplating separate legislation on domestic violence.

43. **Ms. Shin** cited provisions of the law promulgating the Penal Code entitling married women to maintenance as a possible means of broadening awareness of men's responsibilities to support their wives and children, and asked if any criminal prosecutions or other legal actions had been pursued in order to enforce those provisions.

44. **Ms. Gonzalez** expressed serious concern with regard to the situation of women in Uganda. Despite legislative reforms and programmes under way, inequalities between men and women persisted in respect of access to monetary resources, leading to an erosion of women's status and a host of other social ills such as domestic violence, the bride price, denial of educational opportunities to girls, and violations of fundamental human rights at all levels of society.

45. **Ms. Goonesekere** noted that international labour standards were being used in Ugandan labour courts, and requested that Uganda's next report indicate whether the provisions of the Convention were being applied in a similar fashion in Uganda's family courts. She suggested that the Ministry of Gender, Labour and Social Development could facilitate that process by working with the Ministry of Justice to enhance judges' awareness of the need to use the Convention in their interpretations of family court cases.

46. **Ms. Schöpp-Schilling** asked whether the Government intended to pursue the ratification of the Optional Protocol, and noted that, given the President's announced interest in women's rights, an attempt to obtain that ratification during the current legislative period seemed fitting. Moreover, she requested that appropriate measures be taken to obtain the ratification of the amendment to article 20, paragraph 1, of the Convention, recently passed by the General Assembly of the United Nations, removing the explicit time limit on the meetings of the Committee.

47. **Ms. Livingstone Raday**, addressing the issue of the gap between the Constitution and family law, noted that customary family law concerning polygamy, adultery, child custody, and marital rape now in place appeared to contravene the Convention as well as the Ugandan Constitution. Perpetuating a patriarchal family regime, customary family law severely disadvantaged women and was strongly implicated in the spread of the HIV/AIDS pandemic, to which women were particularly vulnerable. She wondered whether the Government was prepared to contemplate changes in the law, or whether limiting sex to a single partner considered by 49 per cent of the population to be an effective method of preventing HIV infection could not be used as a way to bring about reform of the law.

48. **Ms. Bakoro** (Uganda) said that the gap between the Constitution and family law in Uganda was in large part a legacy of colonialism; it could only be closed by a thoroughgoing review and amendment of the Penal Code. She also stressed the need for a broader consensus on the definition of marital rape.

49. Uganda had recently ratified the Optional Protocol in the context of children in armed conflict; her Ministry would be working with the Ministries of Justice and Foreign Affairs to bring about ratification in the context of the Convention. She also assured the members of the Committee that their concerns regarding the application of the Convention in the area of family law would be communicated to the appropriate Government organs.

50. She strongly agreed that respect for women and children had to be inculcated in the family context, and cited the need for ambitious psycho-social programmes to address the problems of the many victims of violence over the past three decades in Uganda.

51. With regard to the enforcement of maintenance provisions of the family law, she said that while some criminal actions had indeed been brought against violators, there was a deeper problem in that men could not be expected to make meaningful contributions to maintenance when their own earnings were below the poverty level.

The meeting rose at 5.30 p.m.