

Women in the Parliament of Uganda (2001-2011): Issues and Legislations to Improve the Status of Women

Kakuba, S. J.

ABSTRACT

This study reviews Women in the Parliament of Uganda (2001-2011). The aim is to ascertain Issues and Legislations to Improve the Status of Women in Uganda. It is observed that despite the fact that women play significant role not only at the family level but also at the national level, their effort is marginally recognised. The views express are consistent with USAID Report on “Commercial Legal and Institutional Reform in Uganda’s Agriculture”, where it was pointed out that 70 per cent of all small-holder farmers are women and they are responsible for 70 per cent agricultural GDP. The review of parliamentary debate proceedings sampled for the study showed that discussion of women on the review of the 1997 National Gender Policy and Framework received a lot of input from women MPs. It is stressed further that women produce 90 per cent of Uganda’s total food output and 50 per cent of total cash crop production. But the government, particularly the Ministry of Agriculture, lacks a supportive organisational structure to encourage women for increased productivity. Finally, the study findings show that the presence of women in the Parliament had enabled them to substantially articulate women’s issues. This proposes that increased women’s presence in the Parliament has been of significant importance in facilitating feminized legislation in collaboration with their male counterparts.

Keywords: Women in the Parliament, Uganda, Status of Women, Legislations

INTRODUCTION

Since 1986, there has been an effort to increase consciousness to improve the status of women through legislative weapon. Globally, the debate regarding women issues such as women empowerment, gender equality dominated the agenda of legislation in many countries including Uganda, with a view of imparting a more meaningful existence and respectful status to women. Women play vital role in society. They are ever caring mothers, producers and mobilizers but they have been relegated to the background for a long time in the high decision making body in the country. Empowerment of women remains essentially an uphill task for government to ensure that the socio-economic and political status of women who, traditionally are marginalized group, in the society. As marginalized group they need legislation to protect them against all forms of violence. “Violence against women takes various forms such as : domestic violence, rape, trafficking in women , forced prostitution and violence in armed conflict (such as murder, systematic rape, sexual slavery and forced pregnancy) and honour killings, dowry related violence, female infanticide and parental sex selection in favour of male babies, female genital mutilation and other harmful practices

Kakuba, S. J., PhD is of the Department of Political Science, International Islamic University in Uganda, Selangor Malaysia. He may be reached through sultan_juma@yahoo.co.uk

and traditions” (www.un.org/women watch). Therefore, presence of women in the Parliament provides them an opportunity to present their plight so that legislation are made to create environment, wherein women can be treated equally with men without subjecting them to any form of discrimination and the general feeling that they are marginalized. This could also help to change the attitude and behavior of men who hold on to the belief that women are traditionally not allowed to take on work considered to be of male domain. This study attempts to analyze the effectiveness of women Members of Parliament in raising women issues in the parliament and subsequent legislation that are intended to promote and protect the status of women. It tries to analyze the effectiveness of women’s participation in the legislative process, largely to be judged on the basis of their contribution to parliamentary debates mainly focusing on their consciousness about various issues concerned with women rights issues i.e. health, provision of education to girls, rape, sexual harassment etc. It explores into the enthusiasm of women articulating issues as women representatives in the process of legislation. Thus, effort is made to analyze whether women’s presence and participation in legislation does translate into legislations that concretely promotes and protects the status of women

There are studies of this kind that have been conducted in different countries, and such studies are reviewed. These studies support the claim that women MPS will agitate for women’s concerns into legislation. Thus, there is a link between the presence of women in the Parliament and policy outcome that impact on the lives of women. Women’s presence and involvement in legislation in the parliaments have any impact on the legislative process and policy outcomes particularly, on issues of women’s concerns? Some studies have found that women have had an impact on policy outcome in the legislature on women-related issues and interests, while others maintain that women have not had any impact in the legislature. Wangnerud’s study on attitudes and behaviour of Members of Parliament in the Nordic parliaments reveals that an increase in numbers of women representation in parliament changed their “party position, family policy, gender equality and social policy.”¹ She also found in her analysis of women parliamentarians in the Swedish *Riksdag* (parliament) that women were more likely to represent women’s interests than men’s. Consequently, she argues that their increase in parliament resulted in greater parliamentary attention to gender equality, family policy and social policy. Childs and Lena too found similar finding that an increase in the presence of women in the legislature leads to “change in legislative discourses, proposals, debates and outcomes.”² Using case studies from Latin American countries like Argentina, Costa Rica, and Columbia, Schwindt-Bayer illustrates how women legislators were pivotal in promoting legislation on issues of women’s concerns like children and family. She points out that they sat on committees that amend and report women’s issues and this gave them opportunity to advance and influence women’s

¹Wangnerud Lena, “Testing the Politics of Presence: Women’s Representation in the Swedish Riksdag.” *Scandinavian Political Studies*. Vol. 23, No. 1. Nordic Political Science Association. 2000, 85.

² Childs Sarah and Krook Mona Lena, “Analysing Women Substantive Representation: From Critical Mass to Critical Actors.” *Government and Opposition* Vol. 44 No. 2. 2009, 125-145.

concerns into legislature.³ Her findings further reveal that women's participation in the legislative process had gone a long way in changing the political landscape in these countries. She argues that women brought changes to the institutional culture. They used the position they occupied on parliamentary committees to demand and influence changes in practices and procedures to make the parliament become more receptive to concerns of women's issues. The study by Celis on substantive representation of women in parliament between 1953-1992 in the United States of America discovered that women representatives were not only ardent advocates and supporters for the growth and diversification of women's rights in the Congress, but they also contributed constructively to achieve change in policy outcome in the interest of women.⁴ She states that their United States (US) 1963 Equal Pay Act, which was passed to stop the differential pay between men and women; and the US Family and Medical Leave Act, which mandates that employers should allow employees up to twelve weeks of unpaid leave to care for a new born child or a sick immediate family member(s) such as parents, respectively, were achieved through women's active involvement in the legislative roles. She also finds that in her analysis of budget debates in the Belgian Lower House, that women displayed their sensible personal experiences to broaden legislation that showed a more inclusive vision of women's problems. Rousseau, in her work on women representation in the Peruvian Congress, found that women in their legislative roles performance delivered positive results. They initiated legislations in favour of women's rights, notably in the introduction of gender quotas for legislative and municipal elections.⁵ She indicated that most of the female legislators who were interviewed in her study demonstrated a strong feeling and commitment to focus on women-related issues in their legislative job⁶. Curtin confirms similar findings in her study. She found that the increasing representation of women in legislatures is important not only because their participation accounts for a democratic system, but they have been found to bring new perspectives to legislative processes and policy outcomes.⁷ Thomas citing Flammang (1985) in her study of county supervisors in Santa Clara, California, reveals that there were changes as a result of an increase in women's presence in legislatures⁸.

³Schwindt-Bayer, A. Leslie. "Still Supermadres? Gender and Policy Priorities in Latin American Legislators." *American Journal of Political Science*, Vol. 50 No. 3, 2006a. 567.; see also Schwindt-Bayer, A. Leslie. "Female Legislators and the Promotion of Women, Children and Family Policies in Latin America". *Background Paper*. UNICEF. 2006b.

⁴Celis, Karen. "Studying Women Substantive Representation in Legislatures: When Representative Acts, Context and Women's Interests Become Important." *Representation* Vol. 44 No. 2. London: Routledge.2008.114.

⁵Rousseau Stephanie. "Peru." In Galligan, Yvonne and Manon Tremblay (Eds.).*Sharing Power: Women, Parliament and Democracy*. Burlington: Ashgate Publishing Company. 2007, 104.

⁶Thomas, Sue. *How Women Legislate*. Oxford: Oxford University Press, 1994, 74.

⁷Curtin, Jennifer. "Advancing Women's Interests in Formal Politics: The Politics of Presence and Proportional Representation in the Antipodes." In Chapell, Loise and Hill, Lisa (Eds.) *The Politics of Women's Interests: New Comparative Perspectives*. New York: Routledge. 2006, 93. See also Iwanaga, Kazuki. "Women and Politics in Asia: A Comparative Perspective". In Iwanaga, Kazuki (Ed.). *Women Political Participation in Asia: Obstacles and Challenges*. Copenhagen: NIAS Press, 2008.

⁸Thomas, Sue. "The Impact of Women on State Legislative Policies". *The Journal Politics* Vol.53, No.4: 1991, 958-976.

Although she does not specify these changes, she argues that the presence of supportive colleagues in the parliament gives women the opportunity to get actively involved in legislative processes and to speak out on issues that concern their women folk⁹. However, other studies have reached contrary results. The cross-national study of the impact of women legislators on policies to address violence against women by Weldon finds no relationship between the proportion of women in legislature and policy outcomes on violence against women.¹⁰ She states that this close examination into the link between women policy makers' preferences as a group and actual policy output is not well conceptualized or established. She argues that the proportion of women in legislature is a poor predictor of changes in the legislative process, especially policy outcomes in the area of violence against women. Weldon generally concludes that studies, which have results indicating that greater proportion of women in legislature leads to changes in policy outcomes rests on shaky conceptual and empirical ground.

Therefore, the core idea is that an over-emphasis on greater numbers or percentages of women's presence in legislature to bring changes therein on policy outcome is limited to what they actually do. In other words, women can bring changes to the legislative processes when they actively make substantive contributions. Evidences arising from the literature above, admits that the surest way to improve the status of women is to involve women in the decision making processes on issues that affect them in particular and generally the entire society. Theoretical ideas to link this argument is proposed by Pitkin to justify that when women are represented in the parliament there are high chances of bringing issues of women concern into legislation. She points out that "substantive representation of women in the Parliament involves acts of putting women interests in the political agenda; translating women interests, concerns and views into legislation and subsequently guiding it through the legislative process."¹¹ Childs supports this view and argues that "the presence of women in Parliament could make them to articulate women's concerns such as forced marriage, sexual harassment and childcare among others."¹²

METHOD

This study adopts expository research design. It attempts to analyze and link the presence of women in the Parliament of Uganda to issues considered to the domain for women, particularly women rights issues and maternal health. Data was obtained from both primary and secondary sources. Content analysis was used to analyze a total of 377 hansasards, which were systematically selected from the population of 752.

⁹Ibid.

¹⁰ Weldon, S. Laurel. *Protest, Policy and the Problem of Violence against Women: A Cross-National Comparison, (Third Edition)*. Pittsburg: University of Pittsburg Press. 2002, 89.

¹¹ Celis, Karen. "Studying Women's Substantive Representation in Legislature: When Representative Acts, Contexts and Women's Interests Become Important." *Representation Vol.44, No. 2*. 2008, pp. 111-123.

¹² Ibid

RESULTS AND DISCUSSION

Women Rights Issues and Legislation to Protect Women against Violence:

Legislative roles performance such as motion making, information giving, information seeking, making specific proposals and more importantly, discussion of bills which deal with women issues in the parliament are medium through which women MPs could influence feminist legislations.¹³ This study found that through these means, women MPs made the move to impress upon the parliament to enact legislations that promote and protect women's rights in Uganda. When a male legislator tabled the Domestic Violence Bill, 2009, most noticeably from the Hansards surveyed, women Members of Parliament impressed on the parliament to recognise that violence against women and girls was a common problem, which exists in many communities in the country. Their main objective was to clearly show that violence against women was prevalent in the country but a poorly understood problem by many as a violation of women's rights.

Women MPs contributed to the debate and provided substantial evidences that there was a need to enact laws to protect the rights of women and hold those involved in perpetuating violence against women accountable. For example, they pointed out that women were beaten up by their husbands over a number of trivial issues such as women supporting candidates who were not favourites of their husbands during elections. They emphasised that others were simply chased out of their homes, they specifically said, "we are tired of abusive and brutal husband; we need a comprehensive family law. This law will help solve the marital problems that do exist in our societies."¹⁴ They proposed to the Parliament to enact the Domestic Violence Bill to protect not only women but men as well who may be victims. Women stressed that domestic violence created marital problems such as divorce or separation, which affected women and children more than men. They concluded by saying that when they were fighting for legislation of laws to enforce women's rights, they were also indirectly fighting for children and men's rights too. Therefore, enacting a law that guaranteed protection of women's rights was not only for them but for the betterment of all in society. These arguments led to the enactment of the Domestic Violence Bill, 2009. The study found that when the Female Genital Mutilation (FGM) Draft Bill was introduced in the Parliament, women MPs contributed constructively to its discussion, which resulted in its enactment. Women Members of Parliament interviewed said that a female legislator was the force behind the drafting of this bill. However, this bill was proposed before the parliamentary plenary session for debate by a male member of parliament. The central focus of the bill was mainly to bring a stop to a long time cultural practice, which is considered a violation of women's rights in some communities in Uganda. These communities among others included the Sabiny and the Karamojong. This act of FGM or female genital mutilation, involves cutting partial or total removal of the clitoris and labia minora of teenage

¹³ Celis, Karen "Studying Women Substantive Representation in Legislatures: When Representative Acts, Context and Women's Interests Become Important", 2008, 113.

¹⁴ This was a view expressed in the Hansards of the 7th parliament, 7th August, 2001 and 8th Parliament Wednesday 17 June, 2009.

girls.¹⁵ Through FGM, a girl becomes a full or real woman and starts commanding respect in society. It is seen as a rite of passage and a protection against promiscuity. Women in the Parliament agitating to pass this bill into law also pointed out that female genital mutilation contributed nothing positive to the welfare and future of the young teenage girls and women who went through it. Therefore, it was worth outlawing it because it was an exceptionally brutal act and it violated the rights of these women and girls.

The study found when scanning sampled Hansards and through interviews that women in the parliament collectively condemned it as a practice, which violated the human rights of women and girls. Women pointed out that this act of female genital mutilation had disabled women in the long term; they were injured badly with several complications, such as urinary tract infection, infertility, maternal and child-birth complications. They further expressed that with this law in place, it would prevent parents who allowed their children to go dancing throughout the night that exposed them to sexual abuse during circumcision period. Further discussion with women Members of Parliament during interviews indicated that this law moderates age long traditional cultural practice among those communities in the country, which encouraged female circumcision. They also stated that a girl of thirteen years old who went through female circumcision implied that she had been initiated into womanhood. This exposed her to child sexual abuse.

Male legislators took this issue seriously and supported the arguments given by their female counterparts to outlaw female genital mutilation. They argued that FGM was a bad thing; it contravened the constitution of the Republic of Uganda, to which they swore and so were under the oath to outlaw all repugnant cultures and practices that cause harm to any citizen in the country. They all agreed that this inhumane act of female genital mutilation had nothing positive to add to the status of women but rather it humiliated and dehumanised the victims. Thus, it violated women and girls' rights as it interfered with their privacy and exposed the victims to ridicule as well as imparted a permanent psychological and physical damage to the victims. These arguments resulted in the enactment of FGM Act. This bill provided a comprehensive legal protection of girls in those communities which believed in this cultural practice. It prohibited and criminalised this practice and provided penalties for any person caught practicing or aiding the promotion of FGM. It stipulates that a person found guilty of FGM would serve up to 10 years in prison. And those individuals guilty of aggravated genital mutilation would be jailed for life. According to the law, aggravated genital mutilation was when death occurs of a person who has been mutilated and the perpetrators are parents or guardian of the victim or when the one contracts HIV/AIDs when the act is done. Evidence uncovered from Hansards revealed that the discussion on sexual offences (incest, defilement and rape) involving women as well as children were mainly raised by women Members of Parliament not only as issues challenging morality in society but they said these were acts of violation of women's rights. They were very keen to have legislation made to remedy the situation.

¹⁵Horsfall, Sara and Salonen, Rebecca. *Female Genital Mutilation and Associated Gender and Political Issues among the Sabiny of Uganda*. Rockville: Godparents Association Inc. 2000.

The Hansards surveyed show that they were ready to make proposals and support each other to have a law enacted. This was when they were involved in the discussion of amending the Adultery Act. Women MPs argued that this act discriminated against women. They mentioned that according to this Act, when a married man had an affair with an unmarried woman, it was not considered adultery. But when a woman committed adultery with an unmarried man it was an offence. Besides, women MPs spoke about sexual violence against women in the Parliament. They said that many people hated to talk about it but it was an act which violated the rights of women in the country. They pointed out that rape and defilement between fathers and daughters or fathers and daughters-in-law were serious problems in society. Specifically, it was stressed that: stories of fathers, priests, house-boys, grandfathers, teachers, reverends and pastors defiling young girls had become a tad too many in the society. What is happening to our men?

What is wrong with Ugandan men? How does a grown-up sane man see a three month old baby girl and start thinking about having sex with her? My heart and the heart of many mothers in this country break each time I read a story about a defiled girl. It is just sickening knowing that we live with such men in our society. Most annoying is the fact that many of these men reported in mass media are married; and even if they were not, there are women who are willing to give them what they want at no cost. Yet, defilement stories are in our faces every single day. Until defilers get a serious severe punishment for their crime, our daughters will keep getting defiled under our very noses. Presently, defilers get off with jail terms.¹⁶

It was further argued that a jail term to defilers of “minors” was not strong enough and did not commensurate with the gravity of this human right abuse. So a proposal was made that those caught and proved guilty of defiling a child should be sentenced to death. Women MPs argued that such men who go round defiling little innocent young girls deserved to be castrated. They stressed that castration would serve as a good deterrent to those men with intention to defile young girls. They insisted that “these men have no idea of how to put their male organ to good use, therefore, they require a severe lesson to correct them.”¹⁷ It was also suggested that there was a need for an enactment of effective laws and policies to ensure immediate enforcement of laws to prosecute the culprits and deterring them permanently from this inhuman act. They felt that only then would mothers leave their little young girls at home without worrying about defilers who take advantage of the absence of the parents. In light of this, women called on their MP colleagues to consider passing the amendment of the Adultery Act to address inequalities and violence that were being inflicted on women and girls. Women further added that in some instances, superstitions and stereotypes of dominant group, which existed in the country, led to sexual abuse of women such as rape. For example, it was revealed that there was a belief among some men that sleeping with women from Batwa tribe cures chronic backache and protects one from contracting HIV/AIDs. They said, this has put the Batwa women and girls at a high risk of sexually transmitted infections. They further emphasised that sexual harassment was a big

¹⁶ Hansard of the 7th Parliament, Wednesday 1st August, 2001.

¹⁷ Ibid.

problem affecting women and young girls everywhere in the country. This contributed to spread of HIV/AIDs and violation of women's right to consent to sex. They also pointed out that "we know that our society considers man as one who has power over woman but sexual violence/harassment has to stop."¹⁸

One woman MP specifically said one woman had approached her and told her that she had been raped by 15 men. She added that this was an indicator that there could be many such other unreported stories. She concluded by saying that "our concern as women MPs is about the life and fate of the victim."¹⁹ In this regard, women suggested that this needed to be controlled by law to change the behaviour of people abusing women's rights. It was argued that there was no law or policy dealing with sexual harassment; this too puts women in danger. They stressed that if nothing was done to check the untold sexual behaviour of the people, the young generation and the female children were on the verge of destruction. To back up their arguments, they pointed out that sexual violence against women had many consequences on their health and well-being.

Associated with the above concern, women legislators also mentioned the denial of justice to women as another violation of women's rights, which existed in the country. Women MPs said that many cases of defilement were pending clearance in the judiciary. It was observed according to annual police report that:

*Gender based crimes tops the crime list. For instance, in 2007, 12,230 defilement cases were reported to the police countrywide. About 8,170 were pending inquiry, 4,060 were taken to court and only 23 had been convicted. Of the 599 rape cases that were reported, 341 were pending inquiry, 258 were taken to court and only 5 cases had been heard and culprit convicted.*²⁰

No action on such cases was a problem and placed good people who could do nothing to handle the situation in a vulnerable position, women MPs said as it was revealed in the hansads surveyed. Women in these arguments wanted to prove to the House that most judges did not want to sentence young men or even older men who defiled girls below the age of eighteen years to death. Yet some people who were implicated in defilement cases of young girls, particularly as young as three months old babies were HIV/AIDS positive or sometimes were supposed to take care of those they defiled. Therefore, there was a need for Parliament to design measures to make judiciary active in concluding such cases for women victims to enjoy the right to justice. Therefore, they strongly supported proposals contained in the amendment of the Adultery Act. Hansard studied clearly showed that women insisted that it was a necessity to pass this law to provide criminal justice system with means to deal firmly with sexual related offences as well as doing away with laxity in

¹⁸These were some of the views highlighted by women MPs in the Hansard of in the 8th Parliament, Wednesday 4th April, 2007.

¹⁹ Hansard of 7th Parliament, Tuesdat 9th August, 2010.

²⁰Lakor, Aciro Rita (Ed.) Gender Transformation and Empowerment. A Policy Brief on Progress and Challenges on the Legal Framework for Protection of Women against Discrimination and Promotion of their Social, Political and Economic Rights. Uganda Women's Network (UWONET). 2010.

enforcing laws that safeguarded the rights of the victims. They concluded debate on this Act by adopting its amendment. One finding of the study revealed that the Domestic Relations Bill, 2003, which was tabled in Parliament by a male legislator, was a result of pressure mounted by women MPs. This was a bill which was intended to reform and consolidate practices regarding marriage, such as the issue of payment of bride price (dowry), marriage right resulting from the virtue of cohabitation, widow inheritance and divorce (separation), minimum age for marriage, polygamous marriage and marital rape. It sought to provide comprehensive types of marriage to be recognised legally in the country as well as marital rights and duties and, grounds for dissolution of marriage.

It was also intended to promote equality between men and women and enforce Article 31 of the Constitution of the Republic of Uganda, which states that “men and women shall have the right to found a family and are entitled to equal rights in marriage and at its dissolution.”²¹ This bill too sought to protect women against men who were used to the act of beating their wives and any other forms of women’s rights abuse. Though the bill seemed to comprehensively address many issues to protect married women, views contained in Hansards showed that submissions by different members of parliament over the matter were controversial. In fact, the Hansard data clearly showed that the bill raised a lot of dust among Members of Parliament while debating it. Some members of the house were in favour of this bill while others stood against it. Interestingly, vocal women rights activists among the MPs played a low profile in discussing this bill for fear of their political career.²² Goetz, Anne Marie. “No Shortcuts to Power: Constraints on Women’s Political Effectiveness in Uganda”. 2002, (549-575).

However, most of those Members of Parliament who supported this bill were at pains to point out that many women were being treated unjustly in their marriages. They pointed out that enacting the domestic relations bill was long overdue because women’s rights abuse in marriage was rampant and more women were falling victims to it than men. They also mentioned that some men were unnecessarily becoming polygamous when they cannot even sustain one wife. They further said that religious institutions, which were supposed to be at the forefront in promoting women’s rights in marriage, were playing a passive role to the cry and call to end violence against women under the institution of marriage. They emphasised that these institutions were instead at the forefront in inculcating beliefs that continued to rank women at a lower position in society.

They therefore, suggested that as a matter of urgency, the parliament needed to address that and come up with a law to see to it that those men who marry more than one wife and put them under one roof were checked by law. But the critics of the bill saw it as a big challenge, particularly to the faith of some citizens. Those legislators against this bill spoke out rejecting it. They argued that domestic relations bill if passed into law would infringe upon the rights of the freedom to worship, which was clearly stipulated in the constitution. For example, they said that the bill defied religious values, such as polygamy,

²¹*The Constitution of the Republic of Uganda 1995.*

²²Goetz, Anne Marie. “No Shortcuts to Power: Constraints on Women’s Political Effectiveness in Uganda”. 2002, (549-575).

which was encouraged among Muslims but discouraged among Christians. They frequently cited that in cases of marital rape, it would be very difficult to determine whether the complainant could be falsely accusing the husband as there may be no witness to marital rape. They also highlighted that passing judgement on a person accused of marital rape would be actually difficult if not impossible.²³ Indeed, debate on this bill brought many powerful and convincing submissions on both sides but they failed to reach a compromise. This way, the bill was dully thrown out without being passed into law. From the contributions of MPs shown in the sampled Hansards, women claimed that the existing laws on marriage i.e the Marriage and Divorce Act, the Marriage and Divorce of Mohammedan Act, the Customary Marriage Act and Hindu Marriage and Divorce Act were narrow and above all outdated.²⁴ The views of MPs expressed in Hansards revealed that these laws were put together during the colonial period in a bid to cater for the religious and cultural beliefs of all the people represented at the time and that they needed to be updated to incorporate modern challenges of the day. For example, one female MP said that that domestic relations bill had lenses to deal with the socio-economic relations, the gender socio-economic relations in society and more so, it was a very important instrument in advancing gender equality in the country. Talking about the same bill another female MP said that:

Every time we talk about the domestic relations law, people think about polygamy, and co-ownership of land. They forget that we are talking about security, governance, and tranquillity in the basic unit of society. Let me allay the fears of members of parliament and Uganda at large. The domestic relations bill does not prohibit polygamy, it restricts polygamy. I as a woman rights activist would have wanted it to prohibit polygamy because Article 31 of the Constitution states that we should have equal rights in marriage, during marriage and its dissolution. But when we talk about people being polygamous, it means that the woman does not have the same rights. So what I am trying to tell you is that this restriction is for your own good. If you are not financially capable, we are protecting the man; we are protecting the woman who will enter into this polygamous relationship and the children...when talk about domestic violence, we are taken as if we are not being serious. But when you see the number of women who have died at the hands of men, and men who have died at the hands of women, you realise that this issue is very grave.²⁵

Women too, during the discussion of the same bill, called for change in cultures, which did not consider marital rape as a violation of women's rights. They pointed out the fact that marital rape among many different communities in the country was not understood as a human rights abuse. They stressed that many men in many societies in the country believed that raping a spouse did not constitute a sexual offense but a conjugal right, putting women in a gentility position and less intelligent. This made them reluctant to come out and report

²³ Hansard of the 7th Parliament, Tuesday 9th December, 2003.

²⁴ Hansard of the 7th Parliament, 16th October, 2001.

²⁵ Hansard of the 7th Parliament, 10th July, 2002.

cases of rape they go through in their families because of fear of destroying their marriage. It was mentioned that many women experienced physical and sexual violence in their homes and that many died of domestic wrangles or suffered multiple injuries, without government noticing these cases. They said that violence against women was ignorantly perceived as part of the dynamics of many family situations in Uganda. For example, they mentioned deep-rooted cultural thinking that wife-beating was normal and acceptable to many. They stressed that this perception in their societies sadly continues to deny the existence of violence against women. Instead it had given some men a leeway to violate the rights of women and perpetuate violence against them such as wife-beating and all sorts of degrading insults without them resisting. This admittance pretext on the integrity of family undermined women's rights and caused them bodily harm. Michels in her survey confirmed those claims that within seven months, 26 per cent of the patients who were admitted at one referral hospital in the country were victims of domestic violence.²⁶ In the light of this, one woman Member Parliament specifically said:

It is my prayer that we look into aspects of paralegal training and legal aid clinics for women. This is because; most of these women that are battered cannot find justice because they are illiterate and poor. And because of this, they cannot stand on their own or afford justice and are probably not even aware that the law is on their side. Most of them end up continuing in the perpetual circle of violence and become victimised to the point of death. I want to also state that there is need to look at aspects of temporary accommodation and administrative arrangements. Most of the women who are battered or subjected to domestic violence go and report to local council chairpersons or go to the police station and go back to the house of the offender. Most often, they do not survive the night because they are beaten again and may be killed. It is important to put in place administrative arrangements that help these women find custody even in temporary way until justice is dispensed and provided to them.²⁷

It is clear from this submission that it was detrimental to women who brought accusations of assault to be asked to go back to their homes where they were in conflict with the husbands. It was against these arguments that they requested to provide for a law and also ensure that this law, when enacted, is duly enforced and women in the country were helped to obtain justice. It was interesting to note that though the domestic relations bill was thrown out in the 7th Parliament, the framers of the bill decided to reintroduce it in the 8th Parliament after splitting it into two: the Modernisation of Marriage and Divorce Bill and Administrative of Personal Muslim Act. This was a proposed law intended to grant women the right to divorce spouses for cruelty and impotence. It was also to give women the right to consent to marriage, which was often overlooked in the traditional weddings arranged by family and clan elders.

²⁶Michels, An. Gender, Protection and HIV/AIDS in the Context of WFP Uganda Operations. Gina Pattugalan, WFP Rome Emergencies and Transition Unit. 2006, 14.

²⁷Hansard of the 7th Parliament, Wednesday March, 2005.

In addition, the bill prohibited customary practice of widow inheritance in some Ugandan societies such as the Basoga widows who were inherited by their brothers' in-law even if the widow did not consent to the marriage. This patriarchal cultural belief and practice put women in an insecure position and affected them in inheritance rights.²⁸ Thus, this bill was intended also to establish women-friendly protocol in the event of divorce; equal division of property and finances. The bill too provided a clause which prohibited sex without consent. This law regulated the issues of equality and violence against marriage and family. This legislation laid down the minimum age for marriage. It protects and downplays customary law and the understanding of most of the communities, which do not define the minimum marriage age but rather believed that when a person was biologically ready for marriage, may get into a binding marriage. It also proposed to deter some parents who forced their daughters to marry before the age of 18 because they were interested in getting the bride's wealth.

The promoters of the bill argued that objectionable features of the bill, which had lead to its shelving during the 7th parliament had been removed. They pointed out that this bill was to protect only non-Muslim women in their marriages. In other words, the bill excluded Muslims as it contravened the Islamic faith and proposed that the Muslims should have a separate law. However, data obtained from Hansards showed that still some members expressed that it would be impossible to pass the bill satisfactorily to the interest of the entire population. They insisted that the parliament would look ridiculous if it went ahead to consider the bill in its split form because it would create a feeling of superiority among different faiths such as Islam and Christianity.²⁹

The Hansards surveyed containing debates on this bill indicated that conclusion had not been made to enact it. Further, data gathered from parliamentary debates also showed that women contributed immensely to the discussion on the Prevention of Trafficking in Persons Bill, 2007. This bill was presented to Parliament by a male Member of Parliament.³⁰ The same bill had been earlier tabled in the Parliament by a female legislator, as a private member bill titled "The Trafficking in Persons Bill, 2006". The proposed bill never received due attention it deserved and could not sail through. But it was re-introduced by a male legislator. While presenting this bill he stressed that it was important to provide legislation necessary for criminalising the offence of trafficking in persons and subsequent prosecution of those caught in the act. he also drew the attention of the house that the bill was being tabled amidst a growing concern about the gradual increase in the number of women, children and men too trafficked in and outside Uganda. This bill contained issues that were intended to combat trafficking persons. In other words, the bill was to introduce and define offences of trafficking persons as well as its penalties and the means to assist and support the victims of trafficking. In totality, the bill was to prevent trafficking by

²⁸Asiimwe Akiiki Florence and Crankshaw, Owen. "The impact of Customary Laws on Inheritance: A Case Study of Widows in Urban Uganda". *Journal of Law and Conflict Resolution* Vol. 3. No. 1. 2011, 8.

²⁹Hansard of the 8th Parliament, 28th August, 2009.

³⁰ See, Hansard of the 8th Parliament, Wednesday 19th November, 2008; Hansard of Tuesday 2nd April, 2009.

means of threat or force, abduction, fraud, or deception to purchase or sale of persons. In their reaction they pointed out that trafficking was a contemporary manifestation of modern slavery whose victims are predominantly women and children. For example, reacting to the bill, a female MP said that the trafficking in persons bill was an urgent matter, which the Parliament needed to quickly pass to enable the government to step up measures on assisting citizens and stamp out this evil act. Women emphasised that unless this law was passed to provide stiffer penalties, the illicit business of trafficking persons will continue to thrive and put women and girls vulnerable to the act.

However, the MPs also dwelt on the causes of trafficking persons in the country. It was pointed out that this was a profitable business. People did it to earn money. It was pointed out that lack of a comprehensive anti-human trafficking law in Uganda, coupled with sky-rocketing unemployment among the people especially the youth, caused desperate girls of school-going age to increasingly become falling victims of this act. Therefore, they suggested that the bill be passed. Besides urging the Parliament to enact the bill, they added that the government should ensure to create well paying job opportunities for people because many were in this business of trafficking persons as a result of unemployment. In light of these arguments, Trafficking in Persons Act was enacted. This Act provides that any person convicted of offences relating to trafficking persons, faces punishment ranging from a 15 year jail term to death sentence. Lack of a comprehensive law to define women's property rights while in marriage and at its dissolution continues to be a major challenge to the attainment of equality and equity between men and women.³¹ Women in the Parliament of Uganda were at the centre in advocating for legislation and amendment of laws dealing with women's rights to own properties and inheritance (the Land Act, 1998). This law was passed in parliament in 1998, but without a co-ownership clause securing for women the right to inherit and co-own land.³² It was found that women Members of Parliament in their discussion sought gender equity with regard to the Land Act 1998 amendment to give women legality to have equal rights to land and inheritance. Thus, their principle argument was to amend that law to include a clause that would guarantee both wife and husband to have equal rights to own land where their home was located. There were multiple explanations to justify why this law was urgently needed to be amended. Three women members of parliament said that women in Uganda constituted 70 to 80 per cent of the agricultural labour force but only 7 per cent of them owned land and 30 per cent had access to control of the proceeds.

They stressed their point that many women were denied the proceeds of their labour by their husbands who took away the little they work so hard to earn and spent most of it on drinking alcohol. "With all this hard work, men call women useless,"³³ they

³¹ Lakor, Aciro Rita (Ed.) Gender Transformation and Empowerment: A Policy Brief on Progress and Challenges on the Legal Framework for Protection of Women against Discrimination and Promotion of their Social, Political and Economic Rights. Uganda Women's Network (UWONET). 2010, 1.

³² Hanssen, Nordstoga Kari. *Towards Multiparty System in Uganda: The Effect on Female Representation in Politics*. Norway: CHR. Michelsen Institute. 2005.

³³Hansard of The 7th Parliament, Wednesday 8th August, 2001.

stated. They also added that “when a mother and her children are in the garden digging or looking for food for the family, the husbands are busy in trading centres enjoying themselves, eating good food when even the family members at home do not have what to eat.”³⁴ It was pointed out that women had limited decision making powers over land in the home where bride price was paid by their husbands. They argued that many interpreted payment of bride price as a licence intended to have total control over a woman and whatever was in her possession. In the light of this, women Members of Parliament implored the parliament, stood strongly united and raised convincing arguments in the plenary parliamentary debate to amend The Land Act of 1998. They said this would protect lawful occupants of land from being evicted without court order as well as ensure that the law to reduce violence against women was put in place. They pointed out that this Act did not have provision for a wife and husband to co-own their family land and did not consider girls inheriting or sharing their father’s properties.³⁵

Furthermore, Hansard data surveyed showed that women in the parliament pushed forward the concern about the rights of women in family circles. They expressed dissatisfaction with the existing customary law, which dictated superiority of boys over their sisters. They mentioned that according to the patriarchal nature of the different societies in the country, a male child was given more attention than girls. In this context, the debate about women being inheritors (heirs) to their father’s properties seemed a sensitive one. It was stressed for example that boys were seen to be superior to their sisters because they were believed to carry on the family lineage and name while girls are married off, dropping their maiden names for their husbands’ names. In light of this, fathers passed on their properties to their sons because girls were expected to leave their parents homes, get married and become part of another family. But boys were supposed to take care of the family and property after the death of their fathers. Therefore, they advocated for the amendment of this land act, to bring in new legislation to define and harmonise property rights within marriage and upon dissolution of marriage; and create an environment where a woman has a right over valuable properties in her husband’s family such that relatives of the deceased do not turn the widow out of her home. This way, it may change the perception of parents towards girls and allow them share part of their properties or inherit them. They emphasised that the cultural practice, which demands portioning land and passing it only to male descendants needed to be modified to give female descendants equal right as their male counterparts. It is perhaps not wrong to say that there are women who can do even more than what men can do. Women too can look after the family, therefore, women’s demand to claim right over land is worthwhile.

It was stressed that some traditional cultural practices in Uganda such as the Acholi, among others, do not recognise land ownership by women. They, therefore, argued that women should be allowed to own land and property to enable them take care of their children when their husbands die and play a role in economic development. The treatment of women (widows) after the death of their husbands need legal care. They said, “we

³⁴ Ibid.

³⁵ Ibid.

know there is a law of succession, which allows a widow to stay in her home after the death of her husband, but this law is either not known or not complied with.”³⁶ It was pointed out that in some instances, upon losing her husband the relatives of the deceased drive away the widow with the intention of taking over the properties he left. This has denied many women a chance to settle and carry on with their economic activities. This does not only deny them their rights but also destabilises the entire family. Although these views were looked at positively, a point of caution was raised by male legislators that amending the Land Act based on the women’s desire and demand for land rights ownership, would create confusion in families especially when a woman runs away and marries another man. It was emphasised that women running away from their marital homes as a result of divorce might claim their right on the land of the former husbands. The Act was amended without giving women full right over family land but it limited men from dealing with land matters alone without the consultation of family members.

Women MPs were also keen during the deliberations on The Employment Bill, 2005. This bill was meant to be passed into law, which defined basic terms of conditions of work at different public places of work. This ranged from the contract of service, termination of contract, protection of wages, hours of work, holidays and leave, employment of women and general welfare of the employees. Women MPs put to the House that there was a need for women to be given enough time to recover from pregnancy and labour. They argued that pregnant women were subjected to heavy work and in due course they experienced maternal complication and many died as a result. They proposed that women should be given a maternity leave of sixty paid working days as opposed to the six weeks which were granted to them, which included public holidays and weekends. They also proposed that men too, should be given a four-working day paternal leave to support their wives after childbirth. However, a male legislator deferred and argued that the four days proposed for paternity leave were too many. He argued that a man has to go working in order to provide for his family; it was too much for him to stay at home. They further suggested that the government should provide reproductive health programmes at the place of work to educate employees on proper planning of families.³⁷ Women MPs appealed to the parliament that they needed to make provisions for either care facilities or nursing rooms at the parliament. She argued that while these women carried on with parliamentary discussion they can sneak out to breast feed their children and similar facilities should be provided in different places of work to ease and favour women’s working conditions. The Women emphasised that all places of work, including the parliament, needed to be places that respond to the needs and interests of both men and women in their structures, and methods of operation. In this context they argued that it was necessary to improve the attitude and behaviour of employers to recognise that women require some special facilities at places of work. They all agreed to pass the bill to provide a legal framework for gender equality and gender sensitive policies at various workplaces in the country.

³⁶ Ibid.

³⁷ Hansard of the 8th Parliament, Monday 27th March, 2006.

Another form of violation of human rights addressed in this bill was sexual harassment. The concerned women MPs highlighted that some employers and leaders used their positions and influence to sexually harass their employees. They said women were the most affected when it came to this human right abuse. For example, one woman MP in her submission said:

When I talk about the workplace violence I have personal experience and it is bitter one. These young girls of ours you see really suffer a lot. Some of them are virgins; they go looking for jobs after school but what do they face? They face carpet interviews, they leave offices late for the bosses to feast on them- and forcefully by the way. If a girl wants to get a promotion, she will have to submit so that she can be promoted or be taken for further education and that is the kind of experience they face.³⁸

They pointed out that the labour laws that were in place did not adequately protect employees who were harassed by their employers. Besides places of work, women members of parliament argued that many women and young girls were falling victims of rape, defilement and other forms of sexual harassment, to irresponsible leaders in public places such as churches. It was pointed out that women were highly vulnerable at their places of work including places of worship. It was stated that many people like pastors made sexual advances to the worshippers. It was argued that through ignorance some young women and girls may have imagined that sleeping with the man of God promises good harvest in their lives. These claims are consistent with Thomas Planta's finding in his book that "four per cent of priests during the past half century have had a sexual experience with minors".³⁹ He stresses that 80 per cent of priests who abused minors had been taking advantage of young altar boys and girls of any age. It was noticed from the women's discussions that they treated sexual harassment as a gender issue, where men were also harassed. For example, they said that "we have reports in this country where lady bosses harass their male employees. They harass them by putting on skirts shorter than mini-skirts and sit in a very tempting way."⁴⁰ They expressed this as a sexual harassment which many men go through at their places of work and needed to be addressed. They proposed that there was a need to define what constitutes sexual harassment. Thus, the Act was amended to include clauses, which protected women from sexual harassment at their place of work and other public places such as churches. It also required employers to provide day care centres at places of work to enable working mothers to keep their pre-school age going children therein during their work. This law also demanded that women should be given sixty working day maternity leave instead of the previous forty five days. The study revealed that women Members of Parliament had given priority to women's right to have access to political positions at different levels in Uganda that was protected by a legal framework.

³⁸These were views expressed in the 8th Parliament, Hansard of Monday, 27th March, 2006.

³⁹ Plante, G. Thomas. "What Do We Know About Roman Catholic Priests Who Sexually Abuse Minors?" In Planta, G. Thomas (Ed.). *Bless Me Father for I have Sinned: Perspectives on Sexual Abuse Committed by Roman Catholic Priests*. Westport, CT.: Praeger Publishers. 1999.

⁴⁰Hansard of the 8th Parliament, Monday, 27th March, 2006.

The findings showed that women demonstrated solidarity and commitment in parliament to have pro-women legislation to improve women's position in public life, despite their different backgrounds. It was found that during the plenary parliamentary sitting on Tuesday 23rd January 2001 a female MP tabled the Parliamentary Election Bill 1998 for amendment. This bill contained clauses, which sought to restrict women to contest for only one term of office in the parliament; change electoral college system upon which women on reserved seats were being elected to universal suffrage so that women could go to the grassroots and seek votes other than being elected indirectly by just a few individuals; and to discuss the composition of women representation to the East African Legislature. These were amendments contained in the Parliamentary Election Bill 1998 tabled for discussion. The main objective in these amendment proposals was to increase women's visibility in legislation processes to ensure that policy decisions made were gender sensitive. Unlike with other bills, Members of Parliament including women were split over these issues. Other women wanted to have in place an electoral method, which gave them more recognition rather than being looked at as a group, which was favoured by government.

Members supporting the amendment proposals gave different reasons there was a need to change the Electoral College method to universal suffrage. One of the major reasons given was that amending the method would give women the much needed experience to compete with men on open elected seats; it was also pointed out that an electoral college was very much vulnerable to bribery and manipulation, something, which they considered as a disadvantage to competent but financially handicapped women who joined parliament. It was further argued that most women members of parliament were elected indirectly, through electoral colleges, which only constituted local councils. They said this structure was part of the ruling NRM government and could not favour those against it. For example, one female MP pointed out that those women being elected by officials loyal to the NRM made it difficult for women who were critical of NRM to make it to the parliament. This also raised a concern that women elected under strict sponsorship and full support of the ruling government were likely to be proxy acting under instructions of the government other than women representatives. Therefore, the request and recommendation agreed upon was to amend the electoral law from electoral colleges to universal suffrage.

Those against universal suffrage argued that the district was so huge and quite expensive for a woman to traverse while seeking for votes compared to a constituency, where men were elected. Yet, they received the same remuneration for the legislative job like men do. They also mentioned that the method to elect women to parliament should be made a simple one since the purpose was to create possible ways for women representatives to get into parliament⁴¹. The women MPs strongly opposed on the proposal to allow women to run only one term of office in parliament. They unanimously said that if the proposal could be passed into law, it could amount to denying women their political rights. A female MP specifically said:

Women representation was created as a constituency just like the other constituencies. If you do not want women to stand more than once in a

⁴¹Hansard of the 7th Parliament, 23rd January, 2001.

*constituency, it should be uniform elsewhere for all those contesting. When you give a woman exposure, when she comes back next time, she articulates the women concerns better. We are articulating not only women concern in parliament, but also all social, legislative and human issues that are discussed in parliament. You should remember that we are fighting attitudes, and attitudes take much longer to die. I may be a better parliamentarian than other men but when I stand, men say go back to your place because this is for men. What we are fighting are these attitudes.*⁴²

This was further supplemented by another female MP that “one term of office for a member of parliament, who is already learning on the job does not promote women in consolidating their public responsibilities”. She added that she had not seen men who had mobilised their communities to allow sisters in their constituencies to join parliament. She also said men had not helped the ministry of Gender and Culture to change the attitudes of cultural diehards who think that staying with the children is the mother’s duty.

Therefore, it is better for a woman to be a stay-home mother. She insisted that a woman who has been in parliament for five years and has acquired capacity to debate national issues and internalising them should be allowed to run for another term of office. She stressed that experience would provide those re-elected women with the ability to compliment male legislators in drafting, amending and making legislation, which promoted the status of women in the country. It would also improve their skills, to effectively help in shaping laws and policies with gender perspectives. This too, would result into building a parliament with experienced and skilled women legislators who were capable of acting for and standing for women’s course. These arguments were line in with Barkan (2009) cited in Mattes and Mozaffar that when a legislature contains a large percentage of members with limited concomitant legislative experience, they are not able to understand the legislation they could be considering, or the executive policies they may be reviewing.

Hence, they cannot display and develop a high level of legislative expertise.⁴³ This suggests that women clearly wish that women who were experienced should join parliament to stand for and act in the interest of women. This too, shows that the female MPs understood that they had an uphill task to change the attitude and behaviour of men towards them. It was stated by one woman MPs that “tradition dies hard, since we came in parliament on affirmative action, to be elected once for only five years, is not sufficient enough to empower women with legislative skills to analyse key women issues and debate effectively.”⁴⁴ She argued that if affirmative action was to take root they cannot make judgment on it in one term. In that regard, women MPs emphasised that the whole rationale for their presence in parliament was that they had the task of representing and taking up women’s issues. Against this background, women appealed to their male colleagues to support them to pass legislation, which would give women the opportunity to battle it out with men in

⁴² Ibid.

⁴³ Mattes, R. and Mozaffar, S. *Education, Legislators and Legislatures in Africa*. Wynberg: Centre for Higher Education Transformation (CHET). 2011, 1.

⁴⁴ Hansard of the 7th Parliament, Wednesday 28th March, 2001.

election positions without discrimination against them. These views are in support of Bystydzienski's finding that "when women are re-elected into politics, as incumbents, they feel free to articulate women issues with special interest."⁴⁵

Examination of parliamentary hansards uncovered that women in the parliament advocated for women to have a legal right to be included among those persons to representing Uganda to the East African Legislature. This law making body was established by a treaty, which aimed at enhancing cooperation among member countries of the East African community. The issue, which dominated the minds of members of parliament, was the criteria to be used to get the numbers of women who were to represent Uganda at the East African legislature to sufficiently reflect gender dimension. There was expression of fear that these seats would go to one region and only men may be elected. The view of women was that while considering the criteria to elect Uganda's representatives to the East African legislature, the process had to consider that there was no gender discrimination. Thus, the discussion was mainly about gender and regional representation in the election of Uganda's representatives to the East African legislature. In light of this, a female suggested that out of the total number of legislators to be nominated to the East African Parliament, at least three of them should be women candidates.

Women Members of Parliament further also argued that getting women into regional political institution on affirmative action was important for them to take part in decision making at a wider level. They pointed out that political institutions were dominated by men whose style of politics was based on confrontation and marginalisation of women. They insisted that there was a need to recognise the role of women in governance; for this reason they proposed that even at regional level, affirmative action should be enforced to provide an enabling environment needed to involve women in political affairs. Women got support for their demand to a political representative right on the East African Parliament from male Members of Parliament. For example, they specifically suggested that at least four women should be elected, one from each region. They suggested that the number of women to be included among those persons to represent Uganda as MPs at the East African Parliament should not be put at a maximum number.

They said, instead women should be given room to present as many candidates as possible.⁴⁶ As a result the proposal to amend the Parliamentary Election Bill 1998 was passed. This law now provided that district woman representatives should be elected by universal adult suffrage through secret ballot on the same day as general directly members of parliament to represent constituencies. Furthermore, while examining to amend electoral laws particularly the Presidential Election Act No. 17, 2002 and the Parliamentary Election Act, 2000, women raised the issue of domestic violence in elections, where they said that women were denied by their husbands their fundamental right to freely participate in electoral process. Women MPs expressed their opinion very clearly on this matter. They pointed out that some men denied their spouses freedom to support candidates of their choice let

⁴⁵Bystydzienski, M. Jill. "Influence of Women's Culture on Public Politics in Norway." In Bystydzienski, M. Jill. *Women Transforming Politics*. Bloomington: Indiana University Press. 1992, 11-23.

⁴⁶ These were issues raised in Hansard of the 7th Parliament, Friday 5th October, 2001.

alone refusing them to contest for political positions. They said this took the form of hiding their spouse's voting cards. This way, husbands had beaten, harassed or even chased away their wives.⁴⁷ The study revealed that women in the parliament saw this as a violation of women's political rights. After a lengthy discussion of the matter these election laws were amended to include clauses, which took into account the protection of women against domestic violence in elections. One of the clauses was that a spouse, who in any way injures a fellow spouse, is liable to punishment by heavy fine or imprisonment or both. They said fear of heavy punishment might deter those who violate the rights of their spouses to support and vote for candidates of their choice.

Women and Improvement of Health Care

According to the data collected from the sampled Hansards, while engaging in discussions to review health policies in the country, women Members of Parliament recognised and commended the government for its effort in designing a strategic plan to improve the health sector. Women MPs who spoke about it said that the sector still requires more attention. For instance, women MPs raised the issue of maternal health that required government attention. They argued that women mostly from rural areas were losing their lives during pregnancy due to lack of health units and qualified health workers. They stressed that many women give birth without professional help and lack of medical care. This increased the risk of death during childbirth.⁴⁸ They added that there were inadequate health centres and serious lack of qualified staff such as midwives, nurses and lab assistants, including inadequate funding allocated to the health sector. They emphasised that pregnant women need medical care before, during and after giving birth.⁴⁹

Evidences from data gathered showed that male legislators who supported the submission made by women on maternal health issue said that "the health sector was definitely grossly underfunded. The contribution of government in the health sector generally was about four and half dollars per capita. This was very small given the demands of the health sector in the country."⁵⁰ One woman MP particularly said, "I am perturbed by the rhetoric sweet statements, which we normally make on Women's Day. We make beautiful statements, which have become a song and at the end of the day, sometimes you wonder whether we were practicing what we say."⁵¹ She highlighted that 6,000 women lose their lives in Uganda annually despite preventable causes in pregnancy.⁵²

Discussion was concluded with a recommendation that the government should increase funding for reproductive health programmes including stepping up measures, which help to create awareness among the people on the importance of family planning. This could help women deliver healthy babies and survive delivery as well as give couples

⁴⁷ These were arguments raised in the Hansard of the 7th Parliament, Tuesday, 10th September 2002.

⁴⁸ See, Hansard of the 7th Parliament, 7th August, 2001; 22nd August, 2002.

⁴⁹ Hansard of the 7th Parliament, Wednesday 8th August, 2001.

⁵⁰ Hansard of the 7th Parliament, 21st August 2001.

⁵¹ Ibid.

⁵² Ibid

opportunity to determine the number and spacing of having children. Furthermore, findings from Hansard data revealed that women in the Parliament of Uganda considered key issues which determine the quality of life of women, with resulting effects on the lives of children and families. For example, as they expressed their views during the parliamentary plenary session discussion on health sector, they argued that there was a need to reinforce policies on the number of children a family should have as well as to change attitudes of those who think that modern methods of family planning were detrimental to their wives. Their major concern was coming up with a law/policy that would protect women who suffer the primary consequences of rapid childbirth. For example, one woman MP said that:

The major issue is that we want to see government and ministry of health coming out strongly to invest their monies in areas, which can improve maternal health; we are living in changing times. It is no longer fashionable for one to have herds of children. If women do not have so many children close to each other, it can prevent cervical cancer but we are not seeing increased investment in family planning. Women do win out quickly because they do not space enough their children. Besides, wearing out the mother, the financial constraints on parents is immense. It becomes significantly difficult for such parents to provide basic needs for their children such as clothing, health care and better education.⁵³

Arguing along the same line, another woman MP said that:

Men in some parts of the country say contraceptives, such as pills and injectables, lower sexual desire of their spouses. Some say it is against their religious teachings that encourage natural child birth in order to fill the world while others ask their wives when they raise the issues of family planning why they do not want to produce when cows and goats do; and they also claim to have paid bride price (dowry) so their wives could have as many children as the womb can allow for them.⁵⁴

To further strengthen their argument a female MP added a supplement on the issue of maternal health and said that:

I want to draw the attention of the House to Millennium Development Goal (MDG) No. 5, which is centred on the mortality rate in this country. The rate at which mothers die in childbirth is still very high ... you know development goal talks about poverty affecting women most and highlights that cervical and breast cancer is killing women at a very high rate in the country because of poverty. Women are not in position to access the medical services that is required of a mother. I think the government should take that at a very high level and address it.⁵⁵

These ideas were supported by male legislators too. They said that there was need to put in place facilities to improve women's maternal health. They mentioned that girls who get

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

married at an early age those with multiple sex partners and those women who bear too many children, stood of high risk of suffering from cervical cancer.⁵⁶ They, therefore, requested that the parliament should declared universal accessibility to medical services as was the case with education. They also demanded that wide spread traditional sentiments and ideological beliefs among some men needed to be changed by providing stringent laws and policies. These discussions resulted in the enactment of safe motherhood policy to address maternal health related issues such as guaranteeing pregnant women access to maternal health services. Concerning HIV/AIDS Act, its discussion in parliament attracted women MP's contribution simmensely. The main objective of the bill was to help persons infected with HIV/AIDS get access to drugs and protect them from discrimination and stigmatisation. Women MPs argued that people who are HIV/AIDS positive were discriminated against stigmatised and their human rights abused. They also pointed out that many people including women die without getting medical attention and nobody ever recorded them as having known source of death.

A study conducted by Uganda AIDS Commission (UAC) revealed that at many slums such as Kakyafu in Nyendo Senyange division, the prevalence of HIV/AIDS was 20 per cent among sex workers. Meanwhile, among those sex workers at landing sites at shores of Lake Victoria the rate was as high as 66 per cent.⁵⁷ In light of this, women insisted that legislation was required in a number of aspects to ensure effective HIV/AIDS treatment, care and support programmes including protection of the rights of those living with the disease.⁵⁸ They mentioned that there was a need to pass this act into laws to protect employees, sex workers, women in relationships and orphans with HIV/AIDSs. It was stressed that unless the laws were put in place, it was difficult for the poor to get access to drugs and to sustain what had been achieved in line of fighting against the disease.⁵⁹

Gender Equality and Legislation

The study's findings showed that attempts to eliminate gender discrimination and promote gender equality were predominantly discussed in parliamentary debates by women Members of Parliament in both the 7th and 8th parliaments. This topical issue took centre stage while female MPs were involved in discussing the Equal Opportunities Bill. Women MPs expressed great concern about the continued marginalisation of women in government positions. They put up convincing arguments, for instance, they said "we are here not to support our own interests. We are here to support the woman of Uganda."⁶⁰ They also added that Article 32(4) of the Constitution of the Republic of Uganda provided that women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities, while Article 33 of the 1995 constitution provided equal rights and dignity of women with men.

⁵⁶Hansard of the 8th Parliament, Tuesday 16th March, 2010.

⁵⁷Kiwawulo, Chris and Buregyeya. "HIV in Masaka Sex Workers Up 66 Per cent". The New Vision, Monday, 13th June, 2011.

⁵⁸Hansard of the 7th Parliament, Thursday April, 2001.

⁵⁹Hansard of the 7th Parliament, 10th July, 2002.

⁶⁰Hansard of the 8th Parliament, Tuesday March, 2009.

Women MPs expressed dissatisfaction on women representation at different government positions. They mentioned that the President may be gender-sensitive but how many women were substantive cabinet ministers and state ministers in his cabinet?⁶¹ they asked. In that regard, women MPs made an appeal to the members that they were for affirmative action, where one third is for women in the local councils' representation. They stated that with more women getting involved in public affairs, voices of women on issues of their concerns will get to be heard frequently. Women Members of Parliament commended the government for adhering to the constitutional provision to give women special consideration in gaining substantial representation in public offices. They argued that statistically women had reached 48 percent representation at the local government level. They further mentioned that representation in the parliament had also surpassed the 30 percent benchmark prescribed by the Constitution.

However, they said that although they had achieved these numbers, they needed to be qualitative to help them achieve their objectives.⁶² This suggests that women MPs were conscious of who should be in parliament to represent women. But they expressed that there was low women representation in the cabinet, which needed government attention. They appealed that there was need for parliament to remind the appointing authority to be conscious of the 30 percent benchmark and change the structure and character of the cabinet to reflect the constitutional demand in the cabinet as it were in local councils and parliament.

In the course of discussing a review of the National Honours Award Bill 1999, the modalities for honouring and awarding individual persons for their tireless contribution to the nation in the plenary parliamentary debate women raised the issue of women's effort being marginally recognised. Women MPs pointed out that many women had contributed immensely to the nation but they had not been recognised.⁶³ They expressed that many girls dropped out of schools because they did not see any role model. They emphasised that the socialisation process in many communities in the country caused girls to think that they have limited options in their lives. They proposed that this low self-esteem could be changed gradually but steadily by providing girls in the country with some examples of high achievers among women. They said many people who had been considered as great citizens in the country were only men. This had implications for girls as many would think that they had little to offer to their society.

Therefore, having women on the list of people of great achievement in the country would make it possible for girls to work at greater scale. They proposed that there should be an award for "integrity." In corroboration with these women MPs arguments, male Members of Parliament agreed with their women counterparts' views and proposals. They too, expressed that the government needed to address itself particularly to women as an important part of the entire population of the country. The review of parliamentary debate proceedings sampled for the study showed that discussion of women on the review of the

⁶¹ Ibid.

⁶² Ibid.

⁶³ Hansard of the 7th Parliament, Thursday 25th January, 2001.

1997 National Gender Policy and Framework received a lot of input from women MPs. The focus of this policy was improved on monetary legal framework design allocations for women to empower them economically and provide incentives to encourage them to be productive. It was also to ensure the road towards elimination of gender discrimination and promotion of women's economic empowerment, which gives them capacity to make decisions at household levels, had been paved. In that regard, women MPs showed their high concern for women's welfare. They expressed that Shs.120, 000 which was given to women as loan was too little to change their lives. They said that this amount of money was not even enough for a day's shopping. They further argued that it was important to develop an economic mapping for the purpose of understanding the problems to women's empowerment process. In this context, all women concurred and said that it was unfair to women because women play a most significant part in the economy.

It was emphasised that women, particularly, rural women, need more support because, rural women work more than fifteen hours a day, yet if they want to improve on their farming activities or business, they cannot do it because they are given little money and have limited access to bank loans. This is because their majority of women are uneducated and the land on which they cultivate belong to the family and is under the control of their husbands of which they have no right. Therefore, to eliminate gender discrimination and promote women empowerment, women's economic capacity must be enhanced within their household. It was also pointed out that, getting money from banks and micro-finance supports are almost completely difficult for women in the country because these financial institutions insist on some of kind collateral security before anyone can access a loan. They said that this has limited many women to improve on their gainful activities because they do not own the land which they could use as a security.

They request that the amount being given to women and youth councils be increased to a substantial amount, which could enable them to start small projects and make them sustain it to the point where they can look after themselves using dividends there from.⁶⁴ Women MPs further argued that the issue is worsened by unequal and unfair allocation of scarce resources. They mentioned that ministries considered to be consumptive were given huge amount of money, while those ministries, which deal directly with majority citizens, were given meagre amount of money. For example, the Ministry of Finance and that of Defence were given 187 billion and 215 billion shillings respectively.⁶⁵ But the Ministry of Gender that deals with women issues was allocated only 17 billion shillings.

They also stated that "the Ministry of Gender, Labour and Social Development is grossly underfunded and to make the matter worse the releases by the ministry of Finance to this ministry were poor."⁶⁶ In light of this, they argued that women who contributed to 90 per cent of the labour force in the country were given so little. They stressed that this was unfair to women. Women in sum suggested that if imbalances were to be removed, there should be a law to compel government to allocate substantial resources to those

⁶⁴ Hansard of the 7th Parliament, 7th August, 2001.

⁶⁵ Ibid.

⁶⁶ Ibid.

groups being marginalised particularly, women. This should make a woman a strong personality, a woman who can make things happen not just to wait for things to happen. These views from female legislators received support from male legislators too. Male legislators supported the claims of Women MPs and pointed out that “the Ministry of Defence had not done enough job, which is commensurate with its budget.”⁶⁷ The action of inadequacies in implementation, monitoring and evaluation of laws, programmes, limited allocation of resources, weak institutional structures and lack of sufficient political will do not only render low status to women but they are also impediments to women’s rights and their journey to the attainment of gender equality.⁶⁸

Women Members of Parliament were optimistic that their efforts in influencing legislation that protect and grant women equal opportunities with men ought to be much more visible, if women are to gain equal opportunities with men. They expressed that many laws and policies on women-related issues have been enacted but most of them remain just on paper without adequate resources being allocated to implement them to make life better for women in the country. They specifically mentioned that what the ordinary women in Uganda want are not good policies on paper but they need resources because millions of women in the country are still economically very vulnerable, and that the reality of things was that they are still very bad for women in the country⁶⁹. Despite the fact that women play significant role not only at the family level but also at the national level, their effort is marginally recognised. They said women are major producers of both food and cash crops; they are food processors, wives, mothers and comforters but have little control over dividend from these activities. They added that most women’s livelihood is still tied to their father’s land or husbands without their own resources. These views expressed are consistent with USAID Report on “Commercial Legal and Institutional Reform in Uganda’s Agriculture”, where it was pointed out that 70 per cent of all small-holder farmers are women and they are responsible for 70 per cent agricultural GDP.⁷⁰ It was stressed further that women produce 90 per cent of Uganda’s total food output and 50 per cent of total cash crop production. But the government, particularly the Ministry of Agriculture, lacks a supportive organisational structure to boost women to increase their production. However, they appreciated that through the Equal Opportunities Act, the numbers of girls at public universities, women in other government institutions and leadership positions have increased. Unlike before, women in Uganda are now given the same rights as men to gain access to public positions as granted by law.

⁶⁷ Hansard of the 7th Parliament, Wednesday 16th August, 2001.

⁶⁸ Lakor, Aciro Rita (Ed.) Gender Transformation and Empowerment: A Policy Brief on Progress and Challenges on the Legal Framework for Protection of Women Against Discrimination and Promotion of their Social, Political and Economic Rights. Uganda Women’s Network (UWONET). 2010, 1.

⁶⁹ Hansard of the 7th Parliament, Wednesday 16th August, 2001.

⁷⁰ Friedberf, Emily, Klissas, Nicholas and Channell, Wade. “Ag CLIR: Uganda, Commercial Legal and institutional Reform un Uganda’s Agriculture Sector”. United States Agency for International Development, September, 2010, 7.

CONCLUSION

The aim of this study is to ascertain the issues and legislations to Improve the Status of Women in Uganda. It was observed that despite the fact that women play significant role not only at the family level but also at the national level, their effort is marginally recognised. The views express are consistent with USAID Report on “Commercial Legal and Institutional Reform in Uganda’s Agriculture”, where it was pointed out that 70 per cent of all small-holder farmers are women and they are responsible for 70 per cent agricultural GDP. The review of parliamentary debate proceedings sampled for the study showed that discussion of women on the review of the 1997 National Gender Policy and Framework received a lot of input from women MPs. To recapitulate, the study findings show that the presence of women in the Parliament had enabled them to substantially articulate women’s issues. This proposes that increased women’s presence in the Parliament has been of significant importance in facilitating feminized legislation in collaboration with their male counterparts.