

A SHADOW REPORT SUBMITTED TO THE

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Emerging Concerns on Rights of Women 2011-2015

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A Note about the Cluster of Women's Rights

- 1.1 This report has been generated as a result of consultation with various actors both individuals and organizations working on the rights of women in Uganda. This collection of organizations is part of the National Stakeholders' Forum on the UPR but particularly working on women rights in Uganda.

- 1.3 After deliberations among the cluster members, the following issues were agreed upon as emerging concerns for women rights in Uganda. The report recognizes the positive aspects that have been undertaken by the Government of Uganda in the past 5 years to enhance the rights of women. It further highlights the emerging concerns and proposes recommendations aimed at improvement.

Emerging Concerns on Rights of Women in Uganda -2011-2015

II. WOMEN AND ECONOMIC EMPOWERMENT

2.1 Women comprise 51.6 percent of the population (Uganda National Household Survey (UNHS) 2012/13). 30 percent of households in Uganda are headed by women, of which 12% are widows. According to the Uganda Poverty Status Report 2014, women comprise 53.5 percent of the poor and in terms of multi-dimensional poverty; 62.8 percent. With a high dependency ratio of 119 and given that an average household has 5 people (UNHS 2012/13), the ability of women to economically sustain themselves and dependents and to be empowered through enabling macro and micro economic frameworks is extremely fundamental. The Multidimensional Poverty Index refers to non-monetary welfare indicators such as education, health, and access to public utilities, housing and information. Women's poverty and low economic status is linked to gender blind development and governance processes, high illiteracy levels, systemic and entrenched discrimination in the private and public sphere and gender based violence.

2.2 Illiteracy levels are often attributed to Ugandan women's inability to transition to the better paying jobs in the private and public sector. Despite the gender parity gap closing at primary school level, statistics reveal that the higher up in the education levels girls go, the higher the dropout rates. Only 70.5 percent of the boys and 70.5 percent of the girls transitioned to Senior 1 in 2014 and only 25.9 percent of the girls transitioned to Senior 5. Female enrolment at tertiary school level stagnated at 43.5 percent for the two financial years. As a result, the majority of the women lack the skills, capacities and networks required to break out of the poverty cycle and become economically disempowered.

2.3 Agriculture accounts for the largest employment sector in which women are engaged. According to the National Development Plan 2010/2011-2014/15 (NDP I in 2008/09 the overall labour force employed in agriculture was 73 per cent, 83 percent of which constituted women who as primary producers contributed 70-75 per cent of agricultural production. The second National Development Plan 2015/16 – 2019/20 (NDPII) highlights several structural barriers that have constrained the ability of women to improve their lot in the agricultural sector. This includes limited access to land and agricultural finance; weak agricultural extension systems and services that are lowest among women and women farmers' lack of land tenure security-only 28 percent of women own agriculture land.

2.4 Land ownership, use and control pose a problem for women's rights to property and wealth. Land administration services covering planning, allocation and titling have failed to take into account women's economic empowerment, creating immense socio-economic challenges. The various institutions set up at district level for land registration, allocation and titling as well as dispute resolution are time consuming, costly and intimidating for the majority of women

2.5 Thus for example, while women are recognized by law as having a right to matrimonial land and user/access rights over communal lands; upon divorce or even during the subsistence of a marriage, the spouse is only deemed to have usufruct rights and no decision making role, due to cultural and patriarchal norms. Law enforcement has proven ineffective in curbing these practices given that many of these cultural practices are accepted in the communities, in which they occur, including in law and order authorities. This has limited the ability of women to utilize the land as a source of collateral and wealth generation.

2.6 36 per cent of the women who work in the agriculture sector are likely not to receive remuneration and 5 percent of women employed in the agricultural sector are paid in-kind only rather than in cash (UDHS 2011). The 2008 Gender and Productivity Survey revealed that 40 percent of women were unpaid family workers mainly working in agriculture.

2.7 In the private sector, women receive lower pay than men with a wage gap of 39 per cent.¹ NDP 1 points to wage differentials in the private sector where in 30 percent of the occupations, women earn less than 75 per cent of the average male wage. This is a direct form of gender discrimination that affects women's ability to generate money for entrepreneurship and other individual or family needs.

2.8 Women involved in enterprise in the informal with its poor work protections have failed to transition effectively into the formal regulated sector due to several barriers to doing business. Women face several administrative, legal and financial barriers that women in business are facing on a regular basis. Women often fail to obtain credit from financial institutions due to lack of collateral, failure to obtain spousal permission, user fees dues payable to regulatory authorities and failure to obtain legal registration of various business associations and inputs. Women also lack basic business and financial management and organization skills and access to networks and markets. As a result, women continue to run businesses on a small scale that hardly yields meaningful returns.

¹ The State of Uganda Population Report 2013 'Population and Social Transformation: Addressing the needs of Special Interest Groups' 2013

2.9 The State of Uganda Population Report 2014 highlights the constraints of rural women in engaging in enterprising economic activities with good returns. There is also a challenge faced by men appropriating women's financial returns from their labour, which diminishes the little work capital that the women have to input into their economic activities. In addition, the demanding reproductive and gender care giving roles of women have continued apply undue pressure on women's time and productivity. This is aggravated by the lack of labour saving devices that would free women from hard labour to engage in economic related decision making fora and structures in order to improve the quality of their lives.

2.10 Gender based violence (GBV) has a strong bearing on women's inability to achieve economic empowerment due. The impact of GBV on women has an economic and social cost to it, as such victimized women often suffer from psychological and physiological constraints that prevent them from working optimally, retaining proceeds of economic activities or making decisions in their best interests when they are dominated by male authority. Persistent and pervasive norms that encourage violence against women and girls continue unchecked due to lack of effective laws and enforcement frameworks. New challenges have arisen in the past four years from traditional, religious and cultural forces against gender equality advocacy and norms.

Recommendations;

1. Government should ensure minimum wages based on equal pay for equal work. The Equal Opportunity Commission should vigilantly monitor and take action against private sector practices based on discriminatory labour practices.
2. Government entrepreneurship programmes for women should emphasize access to finance and also equip women with business, finance and managerial skills and provide information relating to markets, incentives and opportunities.
3. Government should increase the coverage of social protections for vulnerable women and girls e.g widows, child heads of households.

III. WOMEN AND HEALTH

3.1 Reproductive health is still the single most urgent health issue confronting women of child-bearing age. Women and girls of reproductive age (15-49 years) were estimated to be 7.3 million in 2011, and projected to give birth to 1.5 million children by 2015.² However, they face several risks and constraints in exercising their sexual and reproductive health rights due to constraints faced by government in guaranteeing the effective provision of much needed services and information in this regard.

3.2 The maternal mortality rate (MMR) in 2011 was 438 deaths per 100,000 live births and estimates in 2013 placed it at 343³. Statistics from the Ministry of Health show a drop in institutional maternal death rates from 146 per 100,000 in 2013/14 to 118 per 100,000 in 2014/15.⁴ The Ministry of Health has acknowledged failure in meeting some of the crucial sector targets. Among them is the proportion of births attended by skilled health personnel currently at 41.1 against the MDG target of 90 by 2015; the percentage of pregnant women attending at least 4 antenatal care sessions was at 36.6 percent in 2014/15 falling short of the targeted 60percent. Deliveries in health facilities have increased from 44 percent in 2013/14 to 52.7percent, which is essential in reducing MMR and as at 2012, 44 percent of the facilities had at least one staff trained in management of pregnancy and childbirth.⁵ While health-seeking behavior is partly at the root of high incidence of maternal mortality, the Ministry of Health maintains that lack of expertise in staff, absence of critical human resource and inadequate number of staff have been the key factors in the prevalence of maternal mortality rates.⁶

3.3 Contraceptive services are critical in preventing unwanted pregnancies and sexually transmitted infections particularly in girls, but also for mothers. Due to inability to negotiate safe sexual practices based on male domination of women's sexual rights, contraceptive use is quite low in Uganda. The contraceptive prevalence rate goal for the MDGs was set to increase to 50 percent from 23.9 percent. However, contraceptive use for women is low; as at 2013, 34.3percent women of childbearing

² Uganda Bureau of Statistics 'National Population and Housing Census 2014 Provisional Results' 2014 Revised Edition

³ <http://data.worldbank.org/indicator/SH.STA.MMRT> <accessed 12 March 2016>

⁴ Ministry of Health 'Annual Health Sector Performance Report for Financial Year 2014/15'

⁵ Ministry of Health 'Uganda Services Availability and Readiness Assessment 2013' 2013

⁶ supra at 8

age had an unmet need for contraceptive services in Uganda (State of Uganda Report 2013). In the case of girls, the inability to access effective contraceptive services and information has resulted in high health risks associated with unsafe abortions, posing a serious public health concern.

3.4 In 2012 the families of two women who died following of labour related complications lodged a constitutional case that is yet to be concluded against the government of Uganda. Among the various issues raised in the petition was the shortage of doctors and midwives, lack of required and emergency transport. According to the statistics it is estimated that consequentially 16 women die daily in Uganda. The Constitutional Court in 2012 avoided addressing the substantial issues raised in the petition, ruling that to judge on the matter would be an incursion into political issues that is outside their jurisdiction. Fortunately the matter has been restored by the ruling of the Supreme Court that the Constitutional Court should hear and determine the matter.

3.5 There have been improvements in services for pregnant women to receive professional health care. The UDHS 2011 puts the figure of women receiving antenatal care from a skilled provider at approximately 95 percent. However, only 21 percent had an initial antenatal care visit before the fourth month of pregnancy, which is important in preventing infant mortality. The majority of the women face challenges in accessing health care services due to long distances and high user fees including having to buy all related paraphernalia that the hospitals lack, including medicine, gloves, injections and their own care givers.

3.6 Information and services around maternal health are critical for women living with HIV AIDs who require adequate information and early provision of services to address their health and that of the unborn child. Of approximately 1.4 million pregnancies that occur annually, it is estimated that 91,000 (6.5 percent) are HIV positive, raising the risk of 30 percent of the pregnant women transmitting HIV to their babies in the absence of an intervention. The Ministry of Health targets for reducing the percentage of children exposed to HIV from their mothers accessing HIV testing within 12 months for the year 2014/15 was 75 percent but only 58 percent was achieved, pointing to a deficiency in the information and services extended to pregnant women.

3.7 Women with disabilities continue to have little access to reproductive health care despite having very specific reproductive health needs and maternal care. There are no effective strategies to target and improve reproductive health care for persons with disabilities. A survey done by NUWODU showed that only 10 percent of women

with disabilities sampled use family planning while 48 percent do not understand its relevance due to lack of information. Women with disabilities are also exposed to extreme forms of discrimination when reproductive care services by health care professionals.⁷

3.8 Not as much attention is given to other reproductive related diseases like fistula, which is a serious health concern. The UDHS 2011 points out that Uganda has the third highest rate of fistula in the world but only 62 percent of those suffering from fistula seek treatment.

3.9 Although the Constitution recognizes the principle of gender equality as a fundamental human right, *de jure* and *de facto* gender discrimination persist in all facets of Ugandan society. The absence of women or visibility of gender priorities in development and governance processes has led to gender-neutral development and leadership processes and outcomes. The meaningful inclusion and participation of women in governance and socio-development processes and mechanisms at all levels is the best way to ensure rights based approaches to development, for men and women in Uganda.

Recommendations;

Government should:

1. Step up preventative and remedial measures in place to eradicate all forms of traditional practices and stereotypes that discriminate against women
2. Intensify gender mainstreaming in economic development programmes and resource allocations towards gender-sensitive poverty reduction and economic empowerment
3. Ensure that all relevant laws relating to violence against women (including all vulnerable populations of women) and gender equality in the private and public sphere are passed expeditiously and enforced
4. Government should increase allocations to the Ministry of Health in the area of increased staffing of the critical human resources needed to curb maternal mortality. Specific focus should be placed on the various sub populations of women and girls to ensure responsive and relevant service delivery, including the provision of information in a user-friendly manner.
5. Formalize the marriage and divorce status of women under all legal regimes to help determine property rights including land.
6. Ensure gender equality and affirmative action in the allocation of state land.

⁷ Human Rights 'Watch As If We Weren't Human: Discrimination and Violence against Women with Disabilities in Northern Uganda' 2010

7. Review customary forms of tenure and as well as land administration and management systems from a gender perspective.
8. Conduct environmental impact assessments that take into account the risks of natural resources exploitation from a gender perspective.