

**THE EFFECTS OF CULTURE ON GENDER DISCRIMINATION OF
WOMEN IN UGANDA: CASE STUDY OF RUTEETE
SUBCOUNTY, KABAROLE
DISTRICT.**

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**A DISSERTATION SUBMITTED IN PARTIAL FULFILLMENT OF THE AWARD
OF A BACHELOR OF LAWS OF KAMPALA
INTERNATIONAL UNIVERSITY**

JULY 2012



APPROVAL

I BAGUMA DINAH, declare that this is my original work and it has never been produced to any university or institution of learning for any academic award. All references cited have been acknowledged.

Signature:


.....

BAGUMA DINAH

Date:.....

This is to certify that this research was carried out under my supervision and is ready for submission to the academic board of Kampala International University.

Signature:

.....

M/S EMMA SSALI

Date:.....6/8/2012.....

(SUPERVISOR)



DEDICATION:

I dedicate this book to my beloved father, Mr. Baguma Paul, who is my fountain of inspiration, to my dearest mother, Mrs. Mary Nyakwera Baguma, who is my greatest role model, my sister, Wise Deborah, Donald Paul, Dan, and to Levi Douglass, may the great Lord reward for your highly appreciated patience and technical support.

To Balinda Daudi, thank you for being you.

ACKNOWLEDGEMENT:

I wish to extend my gratitude to all my lecturers in the Department of Law, Kampala International University for their support and professionalism during my course of study.

I am overwhelmed by the love and support of my family. I owe my greatest achievements to them, especially Mr. and Mrs. Baguma Paul, who are the greatest parents a child can have. May God reward you abundantly.

I also thank my supervisor, M/s Emma Ssali for her great work ethics, devotion, concern, guidance and support which have played a major role for the completion of this work.

LIST OF ACRONYMS AND ABBREVIATIONS:

FR-	French Revolution
CEDAW-	Convention on the Elimination of All Forms of Violence Against Women
ICCPR-	International Covenant on Economic, Social and Political Rights
ICESR-	International Covenant on Economic, Social and Cultural Rights
NAADS-	National Agricultural Advisory Services
NRM-	National Resistance Movement
RDC-	Resident District Commissioner
UPE-	Universal Primary Education
USE-	Universal Secondary Education

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LIST OF STATUTES USED:

International Statutes

The CEDAW

- The Universal Declaration on Human Rights
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- African Charter on Human and People's Rights
- 2011 UN Resolution on Violence Against Women

Domestic Statutes:

- The 1995 Constitution of Uganda
- The Penal Code Act
- The Land Act, 1998
- The Divorce Act
- The Succession Act and the Employment Act, 2006

The culture of discrimination against women in a global perspective:

CHAPTER ONE:

1:0 INTRODUCTION:

Culture was defined as ‘the whole complex of distinct spiritual, intellectual and emotional features that are characterized as social group’¹.

According to Atwooki Rwagweri,² ‘what makes a human being different from other beings is being rational and the possession of culture; the totality of beliefs, norms, practices, style of communication and behaviour. What makes people different from others to constitute an identity is the unique aspects of their culture. God created human beings in cultural diversity...’

Therefore, to put it simply, culture can be defined as the customs, ideas, and beliefs of a particular society.

The norms and customs that make up a culture are dynamic and are continually being renewed, reshaped, built on structures and attitudes, and inherited from indigenous history and sociological realities.

Cultural changes occur as communities and households respond to social and economic shifts such as globalization, new technologies as well as environmental pressures.

¹ The world conference on cultural practices held in Mexico City in 1982.

² Tooro and her peoples: Past, Present and Future.

Atwooki Rwagweri further discusses that one of the greatest natural wealth which the people of Tooro have is their cultural and historical heritage. He adds that these are the unique things that set them apart from others. These unique things give them distinct identity; it makes them a people and in the case of Tooro, indeed a kingdom. Therefore, unless we know very well where we are coming from, we cannot have the wisdom to understand where we are and where we are going. 'Nobody in the world will respect anybody who does not know and respect his roots,' he adds.

The author further lays down the major components of Tooro culture to include;

1. The language
2. Cultural and historical sites and tools
3. Cultural norms, values and practices
4. Land
5. Development and progress
6. The people.

This research was mainly based on the cultural norms and practices, in relation to women.

1:1 BACKGROUND TO THE STUDY:

The location and geography of Tooro:

Tooro lies North of the equator within latitude one degree north and longitudes 30 degrees west and 32 degrees east. It lies at the foot of Mount Rwenzori and is crossed by the Western rift valley. It has a high altitude of between 1500-3000 metres above sea level. The predominant soil type is sandy clay loam as parent rock is volcanic ash. The land of Tooro is dotted with many volcanic hills and crater lakes. Some of these lakes are found in Rweteera and

Nyaruzigati.³Tooro receives rains between August and October and March and May. The dry seasons are in June-July and January-February. The temperature is regarded warm and mild.

Tooro is located on the western Ugandan boarder with the Democratic Republic of Congo. The social-geographical boundaries of Tooro can be defined as the historical and administrative dimension,⁴ Psycho-social dimension as well as on its land, ancestry and historical dimension.

Generally, the people of Tooro include those in Kabarole, Kaseese, Bundibugyo, Kyenjojo and Kamwenge districts.

1:2 STATEMENT OF THE PROBLEM

Tooro is an umbrella expression which covers a number of small, culturally related groups which amalgamated to form a kingdom.

According to AtwookiRwagweri, Batooro⁵ are humane by nature and cherish humanness.⁶ This, when used in the context of women, practically means the women of Tooro are simple, gentle, and soft in expression. This quality is demonstrated more clearly by the pet name practice.

However, this practice has been interpreted by men as an expression of pity and it is a common prejudice to hear that those who want tender wives should marry Batooro women. The repercussions of this belief have been more negative than positive, because women have been widely mistreated on the assumption that they are brought up 'not to talk; are not open and cover up things'.⁷

In Tooro, as in many other cultures in Africa, gender relations are built on an ideology of a gender hierarchy, where the male is supreme and the woman is subordinate.

³Ruteetesubcounty

⁴ Focus is on when Tooro was a political administrative entity as a semi-federal status

⁵ The people of Tooro

⁶Obuntu

⁷Tooro and her peoples (supra)

Jerry H Bentley and Herbert Ziegler,⁸ assert that the construction of patriarchal societies in both Egypt and Mesopotamia built a hierarchy which vested authority over public and private affairs of their men.

Within their households, they add, men decided the work that family members would perform and made marriage arrangements for their children as well as any others who came under their care and authority. Men also dominated public life; with rare exceptions, men ruled as kings and pharaohs and decisions about public affairs rested mostly in men's hands.

The laws recognized men as heads of their households and entrusted all major family decisions to their judgments. An example is given that in the interest of protecting husbands and the legitimacy of offspring, the law prescribed death by drowning as the punishment for wives caught in adultery...but permitted men to engage in consensual sexual relations with concubines, slaves or prostitutes without penalty. This was a typical example of patriarchy in society.

Patriarchy⁹ is the major component of gender discrimination and as Helen O'Connell¹⁰ observes, due to its systematic nature, patriarchy is not something in which membership is optional. 'A woman cannot escape, even by climbing the elite status by marriage or career promotion since she will modify her own subordination only at the expense of other women. Women as women can only be liberated from patriarchy through a struggle to change the system as a system.'

⁸ In *Traditions and Encounters: A Global perspective on the Past*

⁹ A system of social structures and practices in which men dominate, oppress and exploit women.

¹⁰ In her book, 'Dedicated lives-women organizations for a fairer world'

1:3:0 OBJECTIVES OF THE STUDY

1:3:1 General objective

The general objective is to assess the gender relations in Tooro culture and their effect on women and their rights.

Specific objectives

To analyze the negative effects of culture on women and suggest the possible solutions

To analyze the law on women's rights and their impact on the negative cultural implications.

1:4: SCOPE OF THE STUDY

The study will be conducted in Kabarole district, specifically in Ruteetesubcounty.

1:4:1 LIMITATIONS OF THE STUDY

Time was very limited therefore the researcher worked hastily to complete this work.

Financial constraints were also experienced, especially on costs of typing and printing, travelling to several parts of Fort portal to interview the people, as well as stationary required for questionnaires.

1:4:2 RESEARCH DESIGN

The research was carried out in RuteeteSub County in the form of a survey in order to identify, evaluate, analyze, and interpret the status of women in relation to culture and the law.

1:5:0 SAMPLE SIZE

The main target of this research was elders, women and men. The elderly were consulted for the purpose of culture, its relevance and interpretation. The women were interviewed on their views on cultural aspects on gender and so were the men.

1:5:1 DATA COLLECTION METHODS

In data collection, the researcher used Primary and Secondary data collection methods.

Primary data collection methods

Questionnaires:

A questionnaire is a set of related questions designed to collect data from respondents.

The questionnaires were distributed to selected respondents to give their ideas. These questions were easy, short and straight forward and required direct answers.

Interviews:

The researcher set an interview schedule which was made up of written questions that were asked and answers noted. Through a face-face interaction with the respondents, preset and precise close ended questions were asked in order to reduce on time consumption.

Observation:

This is the method that deals with data gathering primarily based on physical observation. This helped in the acquisition of first hand data based on the researcher's keen observation and interpretation of facts.

CHAPTER TWO

2.0 LITERATURE REVIEW:

Laura Kramer¹¹ defines culture as the people's established beliefs and practices. It serves as a design for living, transmitted from one generation to the next and usually slow to change. It is neither all determining nor always consistent.

The author further explains that language is the primary vehicle for the construction and transmission of culture; through it people learn values, beliefs, and socially defined 'facts' or view of reality of their culture. Ideas about gender are conveyed in part through the linkage of specific words to one sex or the other, implicitly or explicitly stating what is culturally defined as male or female, for example, women are more often described with words associated with nurturance, softness and a manipulated sexuality. For example, a 'sissy' is a boy who is like a girl; this is used to insult a man.

Julia T Wood¹² defined culture as consisting of structures and practices that uphold a particular social order by legitimizing certain values, expectations, meanings and patterns of behavior.

Cultural practices that uphold gendered meanings such as the custom whereby a woman gives up her name and takes up her husband's on marriage; it carries the message that a woman is defined by her relationship to a man, rather than by her individual identity.

The author adds that culture profoundly shapes gender identity by defining roles¹³ of women.

Women are still regarded as care takers of infants, the sick and elderly, while men are still

¹¹ The Sociology of Gender (2nd Edition)

¹² Gendered Lives-Communication, Gender, and Culture (4th edition)

¹³ Arole is a set of expected behaviours and the values associated with them.

recognized as bread winners of families. It is hence more acceptable, for instance, for a woman rather than a man not to have a job. Men see work as compulsory to them.

About the value of assigned roles, the feminine role remains subordinate to the masculine; men are house heads even when their wives earn more.

2.1 'The Humanistic Tradition:'

In the 'Humanistic Tradition', the author¹⁴ postulates that throughout history, the hatred of women and the perception of the female sex as inferior in intelligence and strength have enforced conditions of gender inequality. While women make the majority of the population in many cultures, they have exercised little significant political and economic power.

She adds that like many other ethnic minorities, women have long been relegated to the position of second class citizens. For example, in 1900, women were allowed to vote in only one country; New Zealand and by midcentury, in most-not all, first world countries.

As recently as 1985, the World Conference on Women reported that while women represent 50% of the world's population and contribute nearly two thirds of all working hours, they receive only one tenth of the world's income and own less than 1% of the world's property. Though female inequality has been a fact in history, it was not until the 20th century that the quest for female liberation took the form of an international movement.

'The Literature of feminism:'

Virginia Woolf,¹⁵ equal opportunity for education and economic advancement were even more important than the right to vote¹⁶. She proposed that women could become more powerful only

¹⁴ Gloria F Fiero

¹⁵ In the Literature of feminism, 1882-1941

by achieving financial and physical independent from men.' ... for a woman to secure ...freedom, she must have money and the privacy provided by 'a room' of her own,' she said.

After the 2nd World War, for instance, the absence of men in homes, especially in Europe and America, women assumed management of the jobs in agriculture and industry. As Woolf predicted, the newly found financial independence of women gave them a sense of freedom and stimulated their demands for legal and social equality.

In her book,¹⁷ the French novelist, social critic and existentialist Simone de Beauvoir (1908-1986) criticized the 'myth of femininity' as 'a false and disempowering idea that women possess a unique and preordained 'feminine' essence, which condemns them to a role of social and intellectual subordination to men'.

She concluded that while man defines the woman as 'the other,' it is women themselves who complacently accept their subordinate position.

2.3 The Sociology of Gender: A brief introduction:

The author¹⁸ defines 'feminism' as the view that women are oppressed in significant ways and that this oppression should be ended.

She quotes Rebecca West (1913), 'I myself have never known what feminism is. I only know that people call me a feminist whenever I express sentiments that differentiate me from a door mat.'

¹⁶ In Britain, women gained the right to vote in 1918

¹⁷ The Second Sex

¹⁸ Laura Kramer

On issues of culture and feminism, the author first defines culture as the people's established beliefs and practices. 'Culture serves as a design for living, transmitted from one generation to the next and usually slow to change'.

She argues that all cultures have accorded sex and gender a central place in explanations of how the world is and should be. 'Every culture of which researchers know has been patriarchal in some degree. Often women have authority only in the absence of men...'

She also argues that the behaviors labeled as masculine or feminine actually vary from one culture to another and within a culture, they vary over time, supporting the view that gender is socially constructed.

The patriarchal essence of culture is rarely baldly stated; rather, it is understood as natural and inevitable. '... the dominant ideology of a culture includes narratives that legitimate the patriarchy of the system along with other characteristics of the society's organization'.

Further still, the author asserts that patriarchal ideologies have varied, with diverse and sometimes mutually contradictory approaches, but that religious and scientific doctrines have typically played leading roles in legitimating men's dominance.

Laura further believes that most legitimations of patriarchal arrangements depend on essentialist ideas about women and men, ideas that hold that many gender differences are actually biologically based.

To a great extent, the cultural views of Woolf (supra) on gender and women are similar.

According to Agnes Bohlen,¹⁹ in Germany, women were seen to be weak and sinful like Eve,²⁰ the original woman in the creation story.

¹⁹ Women in Society-Germany

²⁰ The first woman in the Bible, who is blamed for eating the forbidden fruit



Agnes reports that under the Marian cult²¹ women are socialized to lead a nun's life, filled with piety, so as to purify themselves from sin.

She also quotes incidents where women were punished as witches, portrayed as inferior to men, were punishable for Eve's original sin of tempting Adam with the forbidden fruit; they were tortured, hanged and burned as (witches).

Gwyn Kirk Margo Okazawa²² provides that for the individual, gender construction starts with assignment to a sex category on the basis of what the genitalia look like at birth. A sex category becomes a gender status through naming, dress code and the use of other gender markers.

As a social institution, she adds, gender is a process of creating distinguishable social statuses for the assignment of the rights and responsibilities.

As a process, gender creates social differences that define a 'man' or a 'woman.' In social interaction, throughout their lives, individuals learn what is expected, see what is expected, act and react in expected ways, and thus simultaneously construct and maintain the gender order.

As part the stratification system, gender ranks men above women of the same race and class. In a gender stratified society, what men do is usually valued more than what women do.

Furthermore, the writer says that masculinity may be the outcome of boys' intrapsychic' struggles to separate their identity from that of their mothers, but that the proofs of masculinity are culturally shaped and usually ritualistic and symbolic.

On the notion of patriarchy and how it is shaped, the author believes that 'we (all) participate in it. That 'our participation both shapes our lives and gives us the opportunity to be part of changing or perpetuating it'.

²¹A religious sect where women lead a nun's life in order to purify themselves from sin

²²In Women's Lives- Multicultural Perspectives (2nd edition)

According to Maria Mies,²³ the first wave of women's liberation started in the context of the bourgeois revolutions, particularly the French Revolution of 1789 and the American revolution of 1776. During the French Revolution, the principles of freedom, equality and fraternity were brought forward ostensibly for all mankind as basic human rights and not only for the benefit of the rising bourgeois class.

French women brought forward the demands for equal rights of women for the first time during the revolutionary periods 1789-1848.

When in 1798 the Declaration of the Rights of man was read in the convent, one woman²⁴ raised her voice and read one of her famous articles on the 'Rights of Women.' She declared that if women had the right to die on the guillotine, they must also have the right to speak on the Tribune. She died on the guillotine the same year.

The new women's movement was seen as a cultural movement.

Therefore, according to this author, 'one of the most important manifestations of cultural feminism is the conceptual distinction between sex and gender...almost universally used in feminist writings and discussions...sex is connected to biology... whereas in gender, the identity of men and women in any given society is considered as psychologically and socially, and that means historically and culturally developed.'

The position of the woman in Tooro traditional family:

A family is a group whose members are linked by ties of blood, marriage or adoption.

²³ In Patriarchy and Accumulation on a world scale: Women in the international division of labour

²⁴ Olympe de Gouges

Traditional Tooro strongly cherished values of humility and selflessness in a family. The elders inculcated these values in children from a very tender age.

This was reaffirmed by Deborah Rhode,²⁵ who asserts that gender roles are shaped by cultural forces; that children are taught gender stereotypes by their peers and adults. She gives the example that girls learn to be nurturing and boys are taught to be aggressive.

Throughout childhood, gender segregation serves to reinforce gender stereotypes. Boys' activities celebrate heroism and involve tough and tumble activities; they reward dominance, competitiveness and aggression. Girls are taught about romance and domesticity as a common theme; more attention is given to relationships and personal appearance.

There is a traditional ritual²⁶ where adolescent girls, especially those going to undertake marriage vows are taught by their aunties about the basics of pleasing a man sexually. According to an M/s YudeesiKomukyeyya, an elder in Tooro, it is the duty of a woman to always provide sex for her husband. She also added that it should be the man's discretion to decide whether to have sex or not. In all this, she emphasized that 'pleasing' the man is a paramount duty.

This is also portrayed by an ancient, but common phrase in Tooro, 'Omusaijatayangwa²⁷.' Therefore girls in Tooro are brought up with very negative sentiments about sex and marriage, that some of them have ended up condoning domestic violence.

Laura Kramer²⁸ agrees and re affirms that gender discrimination begins in child hood. She notes that although we are socialized throughout our lives, the early years have the most enduring impact. That, 'one of the first elements of gender learning is the development of sex identity;

²⁵ Male and Female Roles- Opposing view points (Culture establishes gender roles)

²⁶ 'Harusiika'

²⁷ A man's sexual advances should never be turned down

²⁸ The sociology of gender(supra)

one's self perception of being a girl or a boy and the sense that this maleness or femininity is a permanent trait. Children are informed by cultural products such as toys'; dolls for girls, toy guns for boys. Children also witness different and inconsistently gendered role performances.

In traditional Tooro, humility as a virtue is a very important component of culture and can be equated to the biblical teaching that; 'If someone slaps your right cheek, turn for him the left one too. If he takes away your shirt, give him the coat as well²⁹.'

This emphasis on humility extends to one honorably accepting their economic condition and social status as determined by their background. The author³⁰ continues that this is the ideological content in the formation of the Batooro children to adulthood. 'It conditions their general outlook on life. It sets the ceiling of achievement very low,' he argues.

The effect of this attitude on women is that they end up condoning their own discrimination and mistreatment both at home and in the community. For example, many women in Tooro have ever experienced Domestic Violence, and some are still experiencing it, but it is extremely hard to acquire proper statistics due to the fact that the victims regard this as a 'normal' occurrence in every relationship, since they have been socialized to be treated as children, first by their parents, and then by their spouses. It is quite disheartening that even the few women who accepted to open up to the researcher about their experiences of Domestic Violence generally believed that it is 'the duty of a 'real' man to 'discipline' his wife now and then.' Some even added that wife beating is a sign of love.

²⁹ Luke 6:29-30

³⁰ In 'Tooro and Her Peoples(supra)

Tooro's traditional family was an extended type of family, which comprised the elderly; these were mainly parents and grandparents of the couple, the couple and their children, relatives and friends.

According to AtwookiRwagweri(supra), the traditional Batooro emphasized 'Amakune'³¹ which means to do your best, even for a stranger, even at your own expense, hence even strangers would be welcome in the extended family.

The legacy of 'amakune' as their cultural ascription put the Batooro at a disadvantage in the country's development struggles. Furthermore, this cultural underpinning gave rise to complacency and a spirit of contentment even with nothing. He adds that self contentment, gentility and calmness are considered great virtues. This is so especially for a woman. Such cultural beliefs have contributed very highly to the backwardness of several Batooro women, who have been nurtured to be contented with mediocrity in both their personal and social lives.

The women have been domesticated to give first priority to their husbands, then the other males in the household³² the children, and lastly, themselves (women).

The researcher agrees with Helen O'Connel,³³ who argues that girls are brought up to behave in certain ways: put the needs of others before their own and regard them as less than equal. She adds that they are regarded as men's property to be used or abused at will.

O'Connor also notes that a woman is educated to accept that the family is her primary world and thus her identity is defined in relation to the men in her family;she is daughter, wife, sister, mother, or niece...there are rules (for the woman), strict in some societies, lenient on others...on association and communication'.

³¹ Courtesy

³² Especially friends and in laws

³³ Dedicated lives-Women Organizations for a fairer World

Furthermore, the author asserts that violence against women is very common in all races and social groups and is recognized by some men as their traditional right.

In traditional Africa as with the rest of the world, cultures are built on patriarchy, therefore on the ideology of a gender hierarchy where the male is supreme and the woman is subordinate is a very common feature. These customs reflect a negative discrimination against women.

According to Cynthia Cockburn,³⁴ patriarchy is a system of social structures and practices in which men dominate, oppress and exploit women.

The author further adopts³⁵ the definition of patriarchy as ‘a set of relations which has a material base and in which there are hierarchal relations between men and solidarity among them, which enable them to control women’.

Cynthia (supra) adds that due to its systematic nature, patriarchy is not something in which membership is optional. That, ‘a woman cannot escape, even by climbing to elite status by marriage or career promotion, since she will modify her own subordination only at the expense of that of other women. She believes that women as women can only be liberated from patriarchy through a struggle to change the system as a system’.

How patriarchy is exhibited in Tooro culture:

Through pet names:

According to Rwagweri, pet naming is the most unique characteristic of the people of Tooro.

A pet name serves the following purposes:

³⁴ In the way of women-Men’s Resistance to Sex Equality in Organizations

³⁵ Hartmann 1979:232

It is an expression of respect; parents, elders, and dignatories in Tooro are addressed by their pet names.

It is therefore a cultural requirement of a woman to address her husband with a pet name. However, the husband does not have this obligation, as it is common to find men addressing their wives by their maiden names.

It is an expression of love and affection.

The beloved one is addressed by the pet name, irrespective of age and status.

Pet names are predominantly used during special moments of affection like during love affairs, at death and illness, as an expression of thanks, and welcoming.

It is used for greeting; in Tooro culture, greeting combines respect and unconditional love. However, for a woman, this 'greeting and unconditional love' must be accompanied by kneeling while greeting the elders as well as men.

However, Rwagweri explains that due to the softness associated with pet names, other people tend to view Batooro as pets. He adds that it is a common prejudice to hear non Batooro saying that those who want tender wives should marry Batooro, since they are known for their 'silence and endurance.' This feature contributes to mistreatment of Batooro women by men, such as through Domestic Violence and other forms of injustice.

It is therefore imperative to note that although Rwagweri is very affectionate with the culture of pet names, he ought to appreciate that this culture is also a form of patriarchy and therefore discriminative of women. This custom should be modified, so that it is practiced uniformly by both men and women.

Polygamy was common in traditional Tooro. Men would marry several wives and expect them to live together in harmony. Those who could afford it would build a separate hut for each wife, but quite often, the wives lived together as one family.

Children in Tooro are highly valued and considered a blessing from God. Therefore, the wives were expected to deliver as many children as the husband dictated. The birth of a child would be celebrated and in case it was a baby boy, the mother would also be rewarded.³⁶

Therefore, although the birth of a baby was of great significance in society, there was a preference of boys over girls because the birth of a boy signified the continuity of the clan and this automatically vested a right to the property of the husband.

Girls were also useful for providing labour since they were assigned domestic roles with their mothers.

The other role assigned to girls was that of marriage.

According to Tooro traditions, marriage is considered the proper state for all adults, especially women who were deemed to acquire protection and proper identity only through marriage. It is evident that women who did not conform to this role were considered failures in life and therefore pronounced as outcasts, with degrading titles such as ‘Kyeyombekiire.’³⁷

Girls were also expected to get married in order to fetch bride wealth³⁸ for their families. The custom of paying dowry for girls was central in customary marriage because it pronounced the existence of a valid marriage. It is no wonder that when women whose partners had not paid dowry could not perform the duties expected of a wife, they always had one question for the aggrieved party: ‘Okansasurraomukaaga’³⁹?

³⁶ For instance with a new dress

³⁷ According to AtwookiRwagweri, this term has a negative connotation, not acceptable in the community

³⁸ Omukaaga

³⁹ Did you provide bride wealth for me?

Therefore, the payment of bride wealth was essential especially for use by the brothers of the bride to also pay for their wives.

Another essential aspect of traditional marriage in Tooro was the requirement of virginity of the bride to be. Marriage in Tooro was associated with two major elements: Bride price and the 'sanctity, of the bride. The virginity of the girl was so central that the man had the discretion to return the bride in case he did not found her a virgin.

Therefore, the first sexual encounter in marriage had to be witnessed by the bride's aunt. White beddings would be used and the girl was expected to stain them with blood as a sign that she was 'pure' before marriage. Failure to stain the beddings would be considered as a sign of the 'lack' of virginity, which spelt doom for the bride to be, as she risked being returned to her family with her aunt. The man would send them back with a coin which had a hole in the middle and he would reclaim his dowry, as this would be a sign of terminating the relationship.

This would bring shame and grief to the girl's family and the girl would be banished.

The same punishment would usually befall the girl's mother, since in traditional Tooro, the mistakes of the children, especially the girls, would be blamed on their mothers.

Property ownership in traditional Tooro

In traditional Tooro, just like in many other African communities, women were neither supposed to own property, nor control means of production, nor compete for the accumulation of wealth.

In Tooro and Her Peoples (supra), the author notes that the women's produce was attributed to men and only limited to the family's subsistence and community welfare, but not accumulation of wealth.

A woman was expected to remain dependent throughout her life-first to her parents, and then on the husband and the husband's relatives in case of death of the husband.

The woman who defied this order and owned personal property would be termed as 'kyeyombekiire' (supra) because this was culturally unacceptable.

These cultural beliefs still persist even today and are a terrible set back on issues of freedom and development of women.

Rwagweri also asserts that women who numerically constitute slightly bigger percentage than men are kept out of work beyond the home to accumulate wealth; their potential is stifled. He adds that instead of being competitive creatures of wealth, they are decreased to perpetual dependants by the cultural ascription. 'Some of them could be better managers and creators of wealth than men,' he adds.

In traditional Tooro, land was for subsistence farming; it was a source of livelihood. It was of great importance for starting a family, because a man was considered ready for marriage upon the acquisition of land. Therefore, land was required for shelter, cultivation, pasture (for grazing animals).

The traditional land tenure system prescribed that the father own land which was later subdivided among his sons.

This limited land ownership only to males. This was based on the assumption that girls are meant for marriage and when she got married, became part of her husband's family. Rwagweri stresses that those who failed at marriage due to extra ordinary circumstances would go back to their fathers' homes and be supported by the extended family system as social invalids. Excluding females from land ownership effectively stifled their development and was an example of

negative discrimination. This form of discrimination has persisted to some extent, although the current land law reforms, education of women and cultural diversity have reduced it.

Tooro cultural norms also view land as a provider of identity to the individual. In Tooro culture when you own a piece of land, you become a stake holder in the community. Any adult who did not own a piece of land could not be entrusted with community property or responsibility.

Rwagweri asserts that in Tooro, land is indeed 'identity, it is life, it is wealth, it is prestige and it is power.' Due customary discrimination of women, this left them without identity, wealth, prestige and power.

Division of labour in traditional Tooro

Traditional Tooro had a clear division of labour based on sex, age, experience and specialization. Children were expected to perform simple domestic work such as sweeping, fetching water and collecting firewood.

As they grew up, the parents and elders ensured their education on their future roles in society. The underlying principle hereunder was teaching children through training.

Women, as opposed to men, were ascribed to child bearing, nursing the sick and elderly, performing domestic work and producing food for subsistence.

Males in turn were ascribed to all heavy work relating to constructions such as road maintenance (termed 'Burungibwansi'⁴⁰) defence and adventure. There were sharp labour divisions based on gender in day to day human undertakings.

In customs of labor divisions based on gender, the traditional Batooro culture was built on the foundation of nature.

⁴⁰ Community welfare

Unlike the man, the woman was seen with a soft body, soft voice, delicate biological make up and with hazardous reproductive duties.

The conclusion, according to Rwagweri, was that the woman is a weaker sex and therefore must carry out physically 'less demanding' activities in order to survive. Thus the culture dictated that a Mutooro woman should not ride a bicycle; should not do any activity that required climbing, should not smash banana by foot to make juice⁴¹ (ensande).

They were therefore responsible for giving birth and nursing children to maturity.

Furthermore, women in Tooro were generally socialized to believe that they were emotionally weak.

The implications of this classification include the following:

First, a woman was not expected to be assertive or tough; women were therefore excluded from position that would require toughness, persistence and assertiveness. They could not talk or argue in public, could not implement hard decisions, could not enforce order. This ultimately excluded from professions like the Army, Police, Management, Legislation and administration.

⁴¹ This juice is a common delicacy in Tooro and was used as a beverage during cultural ceremonies.

CHAPTER THREE

3:0 CULTURE IN TOORO TODAY

3:1: Impact of culture on discrimination of women today:

Colonialists and Missionaries came to Tooro in the late 1800 and built on traditional beliefs which did not encourage communal education and at the same level with men. The school system divided professions according to gender.

Women were exclusively encouraged to join professions like midwifery, nursing nursery and primary school teaching and secretarial work. For example, in Kyebambe Girls' school,⁴² on top of it being a single school exclusively for girls, offers compulsory domestic studies such as Home Economics to all students from senior one to senior three.

Girls here under are taught how to cook, clean and also how to conduct themselves in public; this involves posture and dressing up.

Today, intermarriages have resulted in cultural diversity, where by the traditional Batooro have been integrated into other tribes such as the Bakiga and Banyankole, creating new customs and beliefs, as well as diluting the traditional ones.

For example through intermarriages with Banyankole, there has evolved a new dialect⁴³ which is a mixture of ofRunyankole-Rukiga and Runyamwenge.⁴⁴

The customs and traditions of Tooro which had been kept intact through conducting lessons in Mwenge,⁴⁵ especially for the Royal family and other close subjects of the King. These lessons comprised those on language, customs and the acceptable behavior of the Batooro. However,

⁴² A girls' school in Kabarole District, Western Uganda

⁴³ Runyakitara

⁴⁴ Which was the original dialect in the traditional Bunyoro-Kitara empire

⁴⁵ Currently constituting a vast part of Kyenjojo district

they have been abandoned due to the weakening of the kingdom through inter marriages and division of the kingdom into several administrative units as well as the secession of some tribes originally under the umbrella of Tooro.

The Bakonjo and Bamba⁴⁶ who were originally part of Tooro have seceded from Tooro and formed their own kingdom⁴⁷ due to the fact that they are culturally very different from all other groups in Tooro kingdom and therefore faced social discrimination and later viewed Tooro society and administration as oppressive and colonial.

In 1961, these groups engaged in war with the Batooro to fight for social freedom and political independence upon which they were granted separate administrative entities.⁴⁸ This reduced Tooro both in size and might and even reduced its cultural composition.

This further deepened the negative cultural sentiments especially among the Batooromen, hence it is considered culturally degrading of a Mutooro to marry a Mwanba/ Mukonjo. This has also been seen as a dilution of the rich culture especially the unique customs of these groups; for example, although receiving cows as bride wealth is a basic feature in Tooro's traditional marriages, the Bamba and Bakonjo use goats. However, having been part of Tooro, these traditions were generally part of Tooro culture.

All these issues combined with the immigration of the Bakiga to Tooro in 1955 contributed to cultural changes. For example, the custom of pet names, although still highly prevalent among the Batooro, is no longer mandatory, especially among the people who have inter married with

⁴⁶ The occupants of the slopes of Mt Rwenzori in South western Fort portal

⁴⁷ Rwenzuruuru, under Omusinga Charles Wesley Mumbere

⁴⁸ Bundibugyo and Kaseese

the Bakiga. The mode of greeting for women⁴⁹ has also been greatly neglected and a new form has been adopted.⁵⁰

Education and modernization have also influenced culture in Tooro, where by some of the most severe modes of discrimination against women have been reduced.

First and foremost, education has created a working class of women in almost all sectors formally prohibited by tradition. For instance, professionals such as M/s Beatrice Kiraso; a Lawyer, former Member of Parliament, Burahya County, Kabarole District; also a government representative in the East African Community, Hon. Joan Rwabyomere, former member of the Constituent Assembly, MrsNyakweraBaguma, former District Speaker, Kabarole District and RDC Kyegegwa District, among others.

Education has also empowered women in Tooro to become more self-sufficient, hence marriage is no longer widely viewed as the only place for a woman. Some of the above mentioned ladies are not married, but command high respect from the people of Tooro, including men, while the married ones are fully supported by their husbands as expressed by MrsNyakweraBaguma, who told the researcher that she owes much of her success not only to hard work, but also to her husband, Mr Paul Baguma's support.

The current NRM government has also played a major role in the improvement of women's status in society. Due to the peace, development and political freedom ushered in by the government, women have been given chance to actively participate in politics.

For example, although women were prohibited from politics and administration, several women today have joined politics and have proved to be great at both politics and administration.

⁴⁹ Kneeling down, especially while greeting a man

⁵⁰ The Bakiga greet while standing

Several women in Tooro have therefore become self-sufficient, because as Simone de Beauvoir (supra) expressed, the ‘new woman must shed her passivity and achieve independence through responsible action.’

This is also in line with Virginia Woolf’s view (supra) that ‘equal opportunity for education and economic advantage are even more important than the right to vote. She proposed that women could become more powerful only by achieving financial independence from men; for a woman to secure...freedom, she must have money and the privacy provided by ‘a room of her own.’

Women’s land rights under the Land Act:

The Land Act⁵¹ provides for the rights of family members, especially women and minors, whose access and ownership of land derive primarily from social relationships.

As earlier mentioned, Ugandan societies are patrilineal and most women gain access to land through marriage. Despite inheritance laws, widows are frequently evicted, and children, especially girls, evicted by family members. Similarly, when land transactions are made, spouses(women) and children are often not part of the transactions. These occurrences are very common in Tooro and elsewhere in Uganda, hence the Land Act was drafted to correct these anomalies.

The culture of property inheritance which vested property exclusively to males has therefore been slightly reduced by;

The 1977 High Court case of Uganda⁵² in which judges recognized the fact that a woman can own property in her own right.

⁵¹ Cap 227, Laws of Uganda

Despite this development, land tenure insecurity among women is still a major issue and is also linked to both low incentives to produce, as well as poverty and food insecurity.

According to a survey⁵³ carried out in 2000 in Burahya County,⁵⁴ 50% of the homes sampled had chronic food shortage.

Therefore, although it was reported in the New Vision, Wednesday July, 2012,⁵⁵ that women in Uganda constitute 52%,⁵⁶ and over 95% are in agriculture for livelihoods and house hold activities, only 7% own land. These statistics indicate that the stake of Uganda's female farmers is severely limited and the manner of accessing land for women perpetuates social and economic inequality. Not mentioning the difficulties of divorced and widowed women in retaining access to marital property (land), it is also evident that in customary Tooro, married women are still denied the opportunity to plant perennial cash crops or trees.

However, Uganda's 1995 Constitution has tried to solve this economic and social mishap by providing for equality of men and women, including under land acquisition.

The Constitution⁵⁷ as the supreme law of Uganda, provides for a gender responsive constitutional order.

The constitution also guarantees Affirmative Action⁵⁸ in favour of marginalized groups on the basis of sex or other concerns created by history, tradition and customs.

⁵² Moonlight SengoobaSalongo v Administrator General, HCCS no. 894 (1973)

⁵³ By TooroYouthPlatform for Action (EngabuZaTooro

⁵⁴ Ruteete is a subcounty in Burahya, Kabarole District

⁵⁵ Under 'Change policy to empower women, an article by AlineMaryKemerwa, RDC Pallisa

⁵⁶

⁵⁷ 1995

⁵⁸ Article 32

It accords women full and equal dignity of person with men; it recognizes the significant role of women and prescribes state provision of facilities and opportunities necessary to enhance their welfare to enable them realize their potential.

The Constitution,⁵⁹ which provides for fundamental and other human rights and freedoms also states that ‘the rights and freedoms of the individual and groups enshrined in this chapter shall be respected, upheld and promoted by all organs and agencies of government and by all persons.’⁶⁰ It therefore guarantees protection of women’s rights in society, taking into account their unique status and maternal functions.

Through these provisions, a number of women have been able to appreciate their rights especially under property ownership and some have acquired land and other property.

Furthermore, some women continue to engage in farming, which has been improved by government and its agencies such as NAADS. In Ruteete Sub County, NAADS has introduced the system of commercial farming and accountability by providing subsidies to the model farmers and encouraging them to pay back within a stipulated time.

MrsBaguma (supra) is one of the beneficiaries of this program; she received a cow for zero grazing less than three years ago and she has already paid it back with another. She currently owns three cows and engages in agriculture on a commercial basis, which also ensures food security for her house hold.

This was also fore told by Rwagweri, who stated that although a mutooro wanted land on which to cultivate, graze and construct shelter, this traditional need for land is not only relevant today,

⁵⁹ Of 1995

⁶⁰ Article 20

but also inadequate. He argues further that the modern person aspires to move beyond subsistence to unlimited acquisition of wealth. So, land as a factor of production should enable the owner to grow rich and accumulate unlimited wealth. He adds that land should be commercialized; if it is just to enable subsistence then its use is not optimum. While the traditional person was satisfied after meeting the subsistence requirements, the modern person is restless at that level. Modern economic life is more vertical and in constant movement than being horizontal and stagnant.

Rwagweri also says that while in the past people used land for few and unlimited economic activities like grazing, pottery and cultivation of very few traditional breeds, today people must exploit unlimited economic uses of land. Brick making, zero grazing and mining are some of the recently discovered uses of land. A few women in Tooro today are actively taking part in commercial farming; it is even evident that in Kiiko market, the commonest commodities are food crops, and these crops are sold by a high number of women, compared to the men who are mainly involved in the trade of other items such as machinery, alcohol and cash crops such as coffee, as well as other finished products like second hand shoes and clothes.

Therefore, a high number of people, especially women have come to realize and appreciate the value of land and are struggling to acquire it primarily for shelter and cultivation, which is both domestic and commercial.

Therefore, as Rwagweri adds, in our past, present and future economies, land remains the major base of people's survival and economic progress.

However, research⁶¹ reveals that inheritance practices are particular obstacles which reduce women's empowerment, since land is passed down through the male lineage, which reinforces

⁶¹ Women's Land Link, Africa

women's exclusion from land ownership and women, especially the illiterate in rural areas, lack sufficient knowledge about their rights to land ownership under the law.

CHAPTER FOUR

4.0: PRESENTATION AND DISCUSSION OF FINDINGS

The researcher made the following observation:

The status of a woman in Tooro today:

The family:

Bride wealth, which has been a tradition in Tooro, is seen as a marital commitment on the part of the husband to his wife. Opponents of this view interpret bride price as 'wife purchase.' The same was held in the case of *R v Amkeyo*⁶² where it was decided that the payment of bride price as a major element of customary marriage amounted to 'wife purchase,' which could not be tolerated in civilized society.

In Tooro traditional set up, bride price was highly valued in marriage because it served two major purposes:

First and foremost, it was a token of thanks from the groom to the bride's family.

Secondly, it represented the existence of a commitment of marriage to the couple; in this way, it served as a 'notice' to all parties that the people in the question (the couple) had an approved and existing relationship to both themselves and their families because in Tooro, marriage was not a private, but social institution.

However, due to modernization and cultural changes, whereby instead of being viewed as it was in traditional Tooro, many people now a days consider bride wealth as a form of wife purchase because they even demand its return upon divorce, which was unheard of in traditional Tooro.

⁶² (1917) 7 E.A.L.R. 14

It has therefore been despised by a high number of women as form of discrimination and degradation of women because many men today treat their wives as chattels after paying bride price for them.

Age of consent at marriage:

In traditional Tooro, marriage was between families, not individuals. Therefore, it was the duty of the house head (the husband or father of the son) to identify a wife for his son.

The potential wife could be identifiable at any age (even before birth)⁶³. Therefore, the consent of the girl was not a requirement for marriage, because the whole transaction would be carried out by the girl's father and the boy's male relatives; in both cases, women were strictly excluded from marital affairs, unless they had been identified for marriage, under which their only role was to just accept their fathers' decisions in the matter. The commonest age of marriage for girls was thirteen.

However, this was not the same for boys, since they were required to atleast own a piece of land before marriage. It was their role to provide a home to their wives.

These provisions contravene the provisions of the 1995 Constitution of Uganda, since it lays down the principles governing a marriage as follows;

- The age of consent, which is 18 years for both parties.
- There must be the free consent of the contracting parties;
- Equal rights at marriage, in marriage and at its dissolution.

⁶³ There are tales in Tooro that a child could even be booked during pregnancy, where the interested family would present the proposal that in case it is a girl, she will be the future wife of my son.'

However, the researcher discovered that these constitutional provisions have been neglected to a high extent, as the major cause of school drop outs, especially from primary five-seven, as well as those between senior one-four, are majorly due to unplanned pregnancies and early marriages. The position of the woman in a family has also been enhanced by condemning and outlawing the discrimination and degradation of women. The NRM government has played a major role on the improvement of the social status of women by:

Educating them about their rights, both at home and in society; for instance, in this study, the researcher discovered that at least three out of five women in Kiiko Town council⁶⁴ know that Domestic Violence is no longer a 'sign of love,'⁶⁵ but a breach of law as enshrined in the Act.⁶⁶ Some women⁶⁷ were beginning to realize their rights, but the implementation of these rights still possess a great challenge to most of them as they are either discouraged by the bureaucracy associated with seeking judicial solutions or were facing the social stigma associated with seeking redress from issues considered very private by most people, including the abused women themselves.

This also explains the high rates of domestic violence in Tooro and according to Strauss, Gelles and Steinmetz,⁶⁸ 'Violence between family members is probably as common as love.'

This is confirmed by the statistics under taken by a 2007 report⁶⁹ which indicates that 68% of 'ever married' women aged 15-49 years have experienced some form of violence inflicted by a spouse or intimate partner.

⁶⁴Ruteete Sub County

⁶⁵ As was the misconception in traditional Tooro

⁶⁶ The Domestic Violence Act, 2011, Laws of Uganda

⁶⁷ 29% of those interviewed also indicated that they were aware of some of their rights (including the right to individual property ownership)

⁶⁸ (1980:13)

⁶⁹ By the Uganda Bureau of Statistics

Thomas Sullivan⁷⁰ adds that people are reluctant to admit that such violence occurs in their own families for fear of being stigmatized. He says that due to that reason, its occurrence is considered isolated, odd, and best kept a secret.

In support of this view is 2009 study,⁷¹ which established the practice was regarded as normal among the targeted communities⁷², where wife beating was an approved act of ‘disciplining.’ The study further discovered that domestic violence in the economic form is most eminent.

The author (Strauss) further points out the cause of violence in homes as;

The use of violence to settle disputes is widely accepted especially among males; therefore the highest number of victims is women.

Traditional norms in many cultures (including Tooro culture, as was discovered by the researcher) support male domination in marriage;

The issue of poverty, where the poor and economically disadvantaged face the highest rates of domestic violence; these are usually women, whom, due to cultural and other negative forms of discrimination have rendered poor and dependent on men for economic and other forms of livelihood).

Sexual inequality, whereby men have more decision making powers than women. This has, to a great extent, contributed to sexual violence among married or cohabiting couples;

⁷⁰ Introduction to social problems (4th edition)

⁷¹ Conducted by The Uganda Media Women’s baseline

⁷² Of Wakiso and Kyankwanzi districts

Inconsistency between the man and woman's achievements, whereby, as was argued by Laura Kramer (supra), that men's roles are highly regarded and better rewarding than those set out for women.

The same was observed by Gwyn Kirk (supra) who discussed that in a gender stratified society, what men do is usually valued more than what women do.

Under property ownership:

Property relations in traditional Tooro were quite different from what exists today; although they were highly patriarchal, they were not as hierarchal, as they are today.

According to Rwagweri, traditionally, the king was the ultimate owner of all the land in trust for the people of the kingdom. By the 1900 Tooro Agreement, the colonial administration created four categories of land ownership:

Crown Land

Mailo land

Leasehold and Freehold tenure.

These categories have been preserved by the 1998 Land Act, which also introduced the concept of the bonafide occupant. The Act also provides waysthrough which occupants of mailo land would eventually own such land. Under this Act, occupants were liberated from absentee land lords, who negatively impacted on development. Most of the beneficiaries were men.

In 1977, the High Court of Uganda belatedly recognized the fact that a woman, regardless of her marital status, can own property in her own right in the case of *Uganda v Jenina Kyanda*

The formerly strict traditions which prohibited private ownership and inheritance of property have been streamlined by law. For example according to the RTA, every Ugandan citizen is free to purchase and own land. Furthermore, under the Succession Act,⁷³ in an attempt to streamline the law of inheritance, it made the legal provision of women in inheritance matters better than it was prior to its enactment. For example, it guaranteed the wife's share in her husband's estate, regardless of the testacy or otherwise of the husband at death⁷⁴. The widow also has the right to the matrimonial home⁷⁵ until she dies or remarries. In addition to this, the Act provides the concept of individual ownership of property acquired before or outside marriage under section 34 and states that, 'a person will not, by virtue of marriage, be incapacitated from doing any act with respect of his or her property, which he or she could have done before marriage.'

However, the reality is that customary law is still supreme in inheritance matters and the majority of the people in Uganda continue to operate in total disregard of most of the provisions of the Act. For example, property grabbing and the harassment of widows by their in-laws are still highly prevalent in Uganda.

Furthermore, the discrimination of girls in inheritance is still highly prevalent in Tooro, where by the deceased father is almost always succeeded by a male, regardless of whether such male is a lineal relative, or merely collateral, as opposed to lineal daughters.

Another negative provision is that under the Succession Act is that which defines the 'legal heir' as the 'living relative nearest in degree to the person who dies intestate. It further stipulates that ...a male shall be preferred to a female...'

⁷³ Cap 162, Laws of Uganda

⁷⁴ Sections 27 and 28 of the Act

⁷⁵ Section 29

Conclusively, the laws on succession, as well as the social and cultural realities generally exclude women from the property owning class in Uganda. Even the implementation of the positive laws leaves a lot to be desired.

The other observation made during the study was that since gender roles are largely patriarchal, men hold power in important institutions of society and only a few women have accessed it. Therefore women lack sufficient decision making capacity which would otherwise have improved their positions, both home and in society.

Polygamy has played a negative role in the social and economic lives of the affected women; undue competition, hatred and insecurity of the wives have negatively affected their economic and social development. Furthermore, polygamy has contributed to the prevalence of HIV/Aids among women.

According to the Uganda Aids Indicator Survey,⁷⁶ the figure of new Aids infections has risen from 6.4% in 2005 to 7.3% in 2011 among Ugandans aged 15-19 years. There has also been an increase of new infections among women from 7.5 to 8.3, compared to 6.1% from 5% among men.

Sex slavery among women is also a contributing factor to the high HIV prevalence among women.

According to the New Vision,⁷⁷ women who are taken out of Uganda with the promise of finding decent jobs in China, Malaysia, Thailand, Turkey and other countries end up being forced to

⁷⁶ Of 2011

⁷⁷ Uganda's daily newspaper(of July 4th, 2012)

work as sex slaves. The paper further indicated that reports from the Malaysian diplomat to Uganda indicate that at least 600 Ugandan girls had been forced into the Malaysian sex trade.

A report to the parliament of Uganda by Hon. Hannifa Kwoyuka⁷⁸ indicated that the allegations by the New Vision were factual and the situation was even much worse than reported because some of these girls had died while others were stuck in jail.

Another observation made during the research was that Uganda is experiencing high mortality rates.

According to the Observer,⁷⁹ indicated that every day on average, 16 women die in child birth.⁸⁰ The main causes of maternal deaths are Hemorrhage, infections, anemia, and prolonged labour, among others.

This is also due to the fact that a large number of women do not access antenatal care and also prefer to give birth at home; when complications arise, they cannot handle them effectively, hence death.

The impact of the law on the welfare of women in society:

According to President Museveni,⁸¹ one of the policies the NRM is proud to have initiated is that of bringing women into the mainstream of the country's governance.

Women constitute more than half of the country's population and carry out most of the work in the major economic sector, which is agriculture. In spite of this, for a long time, they were

⁷⁸ One of the members of parliament who visited Malaysia to ascertain the authenticity of the New Vision reports (supra)

⁷⁹ US stands with Uganda on women's rights: 7th March 2012

⁸⁰ That is approximately more than 5800 women die each year

⁸¹ In Sowing the Mustard Seed

relegated to the periphery of political activities,' said the president. The NRM has created opportunities for women, which were aimed at redressing this historical imbalance.

Women are representatives at all levels of government; from LC1 up to parliament, they have successfully competed with men in constituency elections. In addition to this, through the policy of affirmative action, there is a woman MP representing each district. The Parliament of Uganda has 112 women on affirmative action, representing each district⁸².

As a result of this policy initiative, the 1995 Constitution provides for special quota for women under Article 180 (2) (b), by which a minimum one third of all seats on LC's are reserved for women.

By deliberately involving women at all levels of governance, such as Cabinet, Parliament, Judiciary, it has been demonstrated that they can play a very effective role in the affairs of the country.

According to the Uganda Gender Policy,⁸³ the government of the republic of Uganda has unequivocal commitment to take actions that will bring about more equal gender relations⁸⁴. The policy will ensure that all government policies and programmes, in all areas and at all levels, are consistent with the long term goal of eliminating gender inequalities.

Since the coming into power of the NRM government, the issue of gender as a key concept in development has been given the greatest concern. This policy makes gender responsiveness mandatory for development practitioners.

⁸² Excluding those who on Direct entry

⁸³ 2007

⁸⁴ Relations which are principally about power; it refers to those dimensions of social relations that create differences in the positioning of women and men in social processes.

The NRM government has played a major role in the improvement of women's welfare through the legal and policy contexts as follows:

The Constitution of the Republic of Uganda provides an overall legal framework for the rights of women. Some of these rights have already been mentioned. However, they include;

The right to equality between men and women under Article 21, by providing for gender balance and fair representation of marginalized groups; recognizes the role of women in society; accords equal citizenship rights, freedom from discrimination, affirmative action in favour of women⁸⁵, and articulates specific rights of women including outlawing customs, traditional practices that undermine the welfare, dignity and interests of women⁸⁶.

This is done in the following ways:

On property ownership:

The land Act cap 227 (laws of Uganda) has provided the following measures:

- Consent of the wife and children if the spouse wants to mortgage the property; the consent must be written.
- Introduction of tribunals to address land issues pertaining to women's rights.
- Empowering women through development programs such as NAADS in order to improve their financial status.

On domestic issues:

⁸⁵ Article 32

⁸⁶ Article 24

The current legal provisions on marriage, divorce and the distribution of property are rather archaic and need to be updated so as to conform with the other provisions on domestic relations.

Therefore, the DRB has been tabled in parliament and is yet to be passed into law.

The Domestic Relations Bill provides:

- The prohibition of widow inheritance without her consent.
- Cohabiting women shall enjoy some rights formerly denied them; for instance the right to a share of the property at the dissolution of the relationship.
- The minimum age of consent for all marriages to be 18 years.
- Free consent of parties to the marriage
- Introduction of a common ground for divorce; irretrievable break down of marriage, among others.

On health:

- The government is ensuring improved health facilities by bringing them closer to the people; for example more health centers have been provided⁸⁷ to ease accessibility to health facilities.
- The government has also embarked on a campaign to encourage family planning especially by educating women about its importance as well the proper methods to use in order to avoid unwanted pregnancies and abortions which have claimed a lot of lives.
- During these programs, women are also taught the value of ensuring they attend antenatal programs when they get pregnant.
- Furthermore, the government has embarked on training traditional birth attendants in order to equip them with the required skills. These attendants have also been given medical equipment such as gloves, scissors surgical blades, as well as cotton.

⁸⁷ Every district has at least two health center 2's and 4's

- Women have also been educated about the dangers of producing at home.

Ensuring girl child education:

- According to President Yoweri Museveni,⁸⁸ education of the girl child is pursuant to Article 33 of the constitution. His government introduced free education⁸⁹ for all, under which it was required that of the four children chosen from each house hold, two of them had to be girls (where they existed in the family). The purpose of this provision was to mainstream girls in education.
- Due to this provision, the enrolment of the girl child increased from 2.5 million to 7.7 million children in 2005.
- The government has also introduced USE for secondary education, where girls are also encouraged to attend school and compete with boys.
 - In addition to this, Affirmative Action⁹⁰ has been provided in government universities by adding a 1.5 mark for every girl qualifying for university.

The government of Uganda has also adopted several international statutes in favour of human rights and also those which specifically provide for the rights of women and these include:

The Convention on the elimination of all forms of Discrimination Against Women:

The CEDAW was established in 1979 to condemn discrimination against women in all its forms.

It was adopted by Uganda on 22. July, 1985.

⁸⁸ In his 2001 Election manifesto (consolidating the achievements of the Movement)

⁸⁹ Universal Primary Education

⁹⁰ As provided under Article 32

Its major Principles are:

The Principle of Equality

The Principle of Non-Discrimination

The Principle of State Obligation.

This document therefore seeks to eradicate conventions that serve to discriminate on the basis of gender. It was therefore described as an international Bill of rights for women as it defines what constitutes discrimination against women and sets a framework for national action to end such discrimination.

The CEDAW further obliges courts to take affirmative action steps on temporary measures to ensure gender equality.

It is the 2nd most widely ratified international treaty in existence, with 185 states.⁹¹

However, its major setback is that the CEDAW contains a high number of reservations that can be taken by some countries.⁹²

The Universal Declaration of Human Rights (UDHR)

The UDHR (1948) was created by the UN General Assembly and according to the 'Proclamation of Tehran',⁹³ The UN International Conference stressed that the Declaration constituted an obligation for members of the international community to be bound by it.

This instrument defines human rights as 'universal' and therefore, they apply to all human beings, regardless of sex and gender.

The International Covenant on Civil and Political Rights (ICCPR):

⁹¹ As of March 2007

⁹² For example, Iraq has made reservations to several sections, including Article 2 (f) which requires action to 'modify' or abolish existing laws, customs and practices that discriminate against women.

⁹³ 1968

It is a UN treaty based on the UDHR, created in 1966 and entered into force in 1976.⁹⁴

The Convention Against Torture, and other Cruel, Inhuman or Degrading treatment.

The African Charter on Human and People's rights:

It is an international human rights instrument that is intended to promote and protect human rights and basic freedoms in the African continent.

It was also incorporated into the African Court of Justice and was operationalized there under in 2005.

It contains:

Civil and Political rights

Economic, Social and Cultural Rights

People's rights and Group rights, as well as the duties to that effect.

Therefore legally, the government of Uganda has played a major role towards the realization of women's rights, as well the promotion of their welfare. The major problem is adherence to these provisions.

The negative influence of culture can only be effectively eliminated by emphasizing first, a change of attitude and then outlawing these forms of culture.

⁹⁴ 1st March

CHAPTER FIVE

5.0 RECOMMENDATIONS:

On issues of marriage and family:

Emphasis should be put on women's rights: seminars, workshops, and other venues of communication should be used to educate both men and women about their rights and the importance of ensuring social order through mutual respect and justice.

Children should be socialized about human rights and obligations, in order to rise a nation which is not culturally biased against women.

This education should begin at home and continue to school.

The government should continue to emphasize girl child education; having provided free education for all, the task now is to ensure that children attend school.

This can be achieved through massive sensitization of the masses, as well as making education compulsory to all school going children.⁹⁵

Although there is already a law on defilement, protection of the girl child against such evils should begin at home. Therefore parents should be encouraged to take very strict care of children, especially girls and the girls should be sensitized about the possible dangers and the methods to avoid such dangers. For example, a girl child should never be allowed to go to the well alone, she should be discouraged against keeping male company, especially of the people she is not directly related to. However, since even some parents have been known to defile their own kids, this abomination must be dealt with very harshly. Such culprits, as a

⁹⁵ Legislation should be enacted to punish parents who do not send children to school

former MP⁹⁶ had suggested, should be castrated. The researcher therefore suggests that a law to that effect should be enacted.

- Marital rights and obligations must be clearly spelt out in order to streamline issues of gender discrimination.

The government of Uganda, as well as women activists should lobby the Legislative arm of government to pass the Domestic Relations Bill because it will improve all laws relating to women, especially those on marriage, cohabitation, and the division of property.

To curb the high mortality rates:

- Education and sensitization of women on the dangers of using unskilled birth attendants.
- Training traditional birth attendants on the basic elements of birth and also providing them with the required equipment such as gloves, kits, cotton wool and other relevant materials.
- Providing sufficient healthcare materials especially in government hospitals, which are highly accessed by the rural populace.
- Encouraging couples to test for HIV/AIDS during pregnancy.
- Introducing mandatory family planning lessons to all adolescents in order to curb the high prevalence of unwanted pregnancies and abortions.
- Legalizing abortion in order to reduce the death rate as a result of conducting unsafe abortions.

⁹⁶ M/s MiriaMatembe

On the issue of domestic violence:

- Children should be socialized and educated to respect and value each other, so that they can grow up to become responsible adults.
- Change in the social construction of femininity and masculinity and abolishing of cultural attitudes that support male superiority should be emphasized.
- The government should enact laws that can put an end to the ‘objectification’ and ‘commodification’ of women. For example, bride wealth, which has been identified as a form of ‘wife purchase’, should be abolished.
- Encouragement of changes in women’s work and wages and support for community based economic development to give women economic security and independence.
- Changes in the law, court decisions, police practices and the political system so that women’s human rights are central.
- Continued collaboration and empowerment of all those who are fighting to end domestic violence and challenging those who are not.
- In the effort to ensure respect and understanding of women’s rights, religious and cultural leaders should be educated and then appointed to sensitize and educate their followers in order to change people’s negative attitudes against women.

5.1 CONCLUSION

Conclusively, the status of a woman in Tooro, as well as the world in general has been, to a great extent, lowered by gender discrimination through negative cultural attitude. Positive change of cultural beliefs will go a long way in the future improvement of the woman’s status in life.

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