

**WOMEN EMPOWERMENT AND POLITICS IN UGANDA  
CASE STUDY OF WOMEN PARLIAMENTARIANS**

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## DECLARATION

I ATUHEIRE PHIONA hereby declare that this paper is my original work and where other people's work has been quoted it is clearly indicated. This work has never been submitted to any other institution of learning for any academic award.

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## TABLE OF CONTENTS

ACKNOWLEDGEMENT .....	iii
TABLE OF CONTENTS.....	iv
ABSTRACT .....	vii
CHAPTER ONE .....	1
Introduction.....	1
1.1 Background of the study .....	3
1.2. Statement of the problem.....	5
1.3. Objectives of the study .....	6
1.3.1. Main objective.....	6
1.3.1.2 Specific objectives. ....	6
1.4 Research questions.....	6
1.5. Scope of the study. ....	7
1.5.1 Geographical scope .....	7
1.5.2. Time scope.....	7
1.5.3. Subject scope.....	7
1.6. Synopsis .....	7
1.7. Significance of the study .....	8
1.8 Methodology .....	8
1.9 Research constraints.....	9
CHAPTER TWO .....	10
LITERATURE REVIEW .....	10
CHAPTER THREE .....	13
1.0. Introduction .....	13
1.1. International Legal Framework. ....	13

3.2. Domestic Legal Framework.....	7
3.3. Conclusion.....	23
<b>CHAPTER FOUR</b> .....	24
4.0. Introduction .....	24
4.1. Achievement and gains for women’s equality and empowerment through politics. ....	25
4.2. The gaps, challenges and dilemma to women empowerment. ....	28
4.3. Conclusion. ....	35
<b>CHAPTER FIVE</b> .....	36
5.1 Introduction .....	36
5.2. Way forward .....	39
<b>REFERENCES:</b> .....	45

## LIST OF ABBREVIATIONS

<b>AFLI</b>	African Leadership Institute
<b>MPs</b>	Members of Parliament
<b>UN</b>	United Nations
<b>NAWA</b>	National Association of Women's Organization
<b>NGOs</b>	Non Governmental Organization
<b>UWOPA</b>	Uganda Women Parliamentary Association
<b>UWNET</b>	Uganda Women's Network
<b>FFOWDE</b>	The Forum for Women in Development
<b>LC</b>	Local Council
<b>KIU</b>	Kampala International University
<b>LDC</b>	Law Development Center

## **ABSTRACT**

This study is analysis of the women empowerment through politics in Uganda. It is meant to establish whether the legal framework that has been put in place for ensuring women empowerment has resulted into their empowerment.

The study aims at examining the law concerned with including women into political areas, examining the achievements of the law and how they have been attained, identifying the challenges, gaps and dilemmas that have been faced in the bid to ensure that women are empowered and giving a conclusion and recommendation on how it can be ensured that women are empowered through politics.

The major findings of the study are that women have been empowered by politics. They have attained the courage to participate in politics and some have even performed better than men. However, it has been found that women have not, as it ought to have been, benefited from being invited in politics. This has been due to mainly lack of political will and the fact that Uganda is a patriarchal society. Therefore, the responsibility bodies are duty bound to ensure the proper implementation of politics, orders to ensure that women are empowered for gender equity.

## CHAPTER ONE

### Introduction

Gender refers to the socially constructed roles of and relations between men and women.

Gender relations are characterized by unequal power. Gender norms assign specific entitlements and responsibilities to men and women for example women might be expected to take on caring on domestic duties and women close to home while men may be expected to be the main breadwinner, working outside the home with greater freedom to move around in public places.

In all countries of the world, women continue to exert in roles and relationships that often make them subordinate to men because they are paid less than men for the same work, because their movements are restricted or because they are not permitted to take on higher status work foot role<sup>1</sup>.

Sex on the other hand refers to biological characteristics which define humans as male or female.

Gender equity is the condition of fairness and equality of opportunity where by gender is no longer a basis for discrimination and inequality between people. In gender equitable societies, both men and women enjoy equal status, rights, level of responsibility

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[www.eldis.org](http://www.eldis.org).



and access to power and resources. This enables them to make their own informed, realizable and free like choices<sup>2</sup>. Empowerment implies individuals acquiring the power to think and act freely, exercise choice and to fulfill their potential as all equal members of the society. It includes the following:

- i) Acquiring knowledge and understanding of gender relations and the way in which these relations may be changed.
- ii) Developing a sense of self worth, a belief in one's ability to secure desired changes and the right to control her life.
- iii) Gaining the ability to generate choices and exercise bargaining power, developing the ability to organize and influence the direction of social change to create a more just social and economic order nationally and internationally<sup>3</sup>

Women's empowerment means "extending the idea of human development to encompass, women's empowerment and justice puts social transformation at the centre of the gender for human development and progress of women

Without a change in relations between men and women as well as in the ideologies and institutions that preserve and produce gender inequality, this does not mean reversing positions so that men become subordinate and women dominant. Rather, it means negotiating new kinds of relations that are based not on power over others but on mutual development of creative human energy. It also

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<sup>2</sup> Internet, Google on women empowerment

<sup>3</sup> ibid

means negotiating new kinds of relations that are based not on power over others but on mutual development of creative human energy. It also means negotiating new kinds of institutions, incorporating new norms and rules that support egalitarian and just relations between men and women<sup>4</sup>.

Women empowerment is therefore, more than simply marginal increase in incomes. It requires a transformation of power relations. This means that enterprise development must put into accounts not only income levels but also power relations within households, markets, communities and national international economies<sup>5</sup>

Women's empowerment from the above implies a process through which women who are currently most discriminated against achieve their gender equality.

Thus, this research is aimed at showing how the nature and structure of politics in Uganda has tried to empower women for gender equity thus affirmative action.

It is also aimed at finding out whether women, by being brought into the main stream of the country's government have been actually empowered.

### **1.1 Background of the study**

The NRM administration became the first post-colonial government in Uganda to take proactive measures to include

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<sup>4</sup> Ibid

<sup>5</sup> Ibid

women in formal politics. In his book *"sowing the mustard seed"* Museveni writes that *"one of the policies the NRM is proud to have initiated is that of bringing women into the main stream of the country's governance ..... Women are represented at all levels of government form LC1 up to parliament .....* "6

Affirmative action for women in politics started in eliminated fashion at the level of popular democracy introduced in the form of a five-tier local council (LC) system<sup>7</sup>, out of nine executive committee members' seats at each was reserved for a woman.

However, this initial attempt at affirmative action for women was only tokenistic. In the overwhelming number of councils, the one seat reserved for women became the upper limits as women were discouraged and or prohibited from offering their candidature for any other position on the executive committee moreover, the role of female councilors who occupied the reserved seats faded to be political and were often limited to organizing entertainment and refreshment for the local functions<sup>8</sup>.

Following the enactment of the Local Government Act<sup>9</sup> of 1979 expanded the women's quota at all LCs to one third.

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Y.K. Museveni, *sowing the mustard seed*, (1997) pg 194

First known as Resistance Council (RC) the LC hierarchal structure consist of the village council (LC1) the parish council (LC11), the sub county.

Council LC111 the county council (LCIV) the district council (LCV)

Ibid

Of 1997 expanded the women's quota at all LCs to one third.

In theory, this improved the situation as it guaranteed the necessary critical mass for women to substantially influence council deliberations and policies. In 1989, government extended affirmative action for women to the parliamentary level when it accorded mandatory seats to at least one woman from every district<sup>10</sup>. Female membership in the national legislature was significantly increased by the new policy. Despite the extension of the affirmative action as indicated above, concerning dominance of patriarchal forms of doing politics has persisted.

Women are still considered intruders in a preserve that was previously almost exclusively male. Some of the limitations associated with relating to actual implementations<sup>11</sup>

## **1.2. Statement of the problem**

Women have for a long time been not empowered by gender equality more adversely than men. For example, in Uganda prior to 1986, female representation in the national assembly's was low<sup>12</sup>, this justifies prioritizing attention to those inequalities which disadvantaged women.

One way through which attention has been given to women's inequality in Uganda has been through affirmative action-by ensuring that they participate in leadership as political leaders at different levels including the parliament. Thus policies such as

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<sup>10</sup> Supra n.3

<sup>11</sup> Supra n. 5 pg 220

<sup>12</sup> Female representation in the national assemblies prior to 1989 was as follows: 1962-197, Florence Lubega and Sarga Visram, 1979-1980: Rhoda Kalema and Geraldine Bitamazire, 1985 Meresa Odongo Oduka.

affirmative action provide the space for women's entry into politics and potential for change. Most aspects of the patriarchal character of national politics remain in fact, and hence there are contradictions of implementing such policies under existing patriarchal structures.

The problem of this study therefore is how to ensure that women are empowered through politics.

### **1.3. Objectives of the study**

#### **1.31. Main objective**

To identify the legal measures that has been taken by the government of Uganda to empower women through politics.

#### **1.312 Specific objectives.**

- i) To determine the level of women participation in politics.
- ii) To evaluate the problems that have hindered women empowered through politics in Uganda.
- iii) To asses and make recommendations.

### **1.4 Research questions**

- i) What are the measures that the government of Uganda has put in place to empower women with regard to politics?
- ii) Have the above measures been a success in empowering women or not?

ii). What can be done to empower women better than it has done through politics?

v). What are the conclusions and recommendations of the study?

### **1.5. Scope of the study.**

#### **1.5.1 Geographical scope**

The geographical scope of study is Uganda and reference will be made to the parliament of Uganda.

#### **1.5.2. Time scope.**

The time scope of this study is 1995 to date. This period is particularly important because is when the government expressly incorporated in the law and the landmark being the constitution of Uganda 1995.

#### **1.5.3. Subject scope.**

The subject matter of the study will be women as political leaders at all levels and mainly at parliamentary level and how being leaders has empowered gender equity.

### **1.6. Synopsis**

The study is divided into four chapters. Chapter is the general introduction to the work which includes introduction, background to the study, statement of the problem, objectives of the study, research questions, scope of the study, synopsis, significance of the

study, literature review, research methodology and research constraints.

Chapter two gives details of the positions that have been reserved for women as political leaders that, these include the local government's seats and parliamentary seats.

Chapter three is the analysis of whether or not the mechanisms for women empowerment by participating in politics as political leaders have actually achieved empowerment for women or not.

Chapter four gives conclusions and recommendations of the study.

**1.7. Significance of the study**

The study is important to show that contrary to what is believed that giving women political powers by including them in political leadership makes them empowered for gender equity, it is not necessary correct. It goes beyond merely including them in politics by granting them political leadership seats.

**1.8 Methodology**

This research proceeded by qualitative approach. Data was collected in form of words and linguistic symbols and by the use of non-numerical and unstructured data. The research questions at the start which the researcher tried to answer as data was being collected as the research went on.

The major method that was employed was desk research or consultation. Primary and secondary data was collected to

investigate and carryout analysis for the study. The study basically relied on secondary data from libraries which include LDC library, KIU library and the internet.

The researcher carried out a detailed search for literature to the subject being examined, critically analyzed it to find out how much relevant material is available on the subject, how much is lacking and thus justifying the purpose of carrying out the study.

### **1.9 Research constraints**

Time was a major hindrance in my entire research process. Time to complete the work from different sources was limited.

Finding research materials was a difficult task which made the work tiresome and hectic for the researcher.

Finances to facilitate Research were limited and had not to attain, therefore Research completed in time.



## CHAPTER TWO

### LITERATURE REVIEW

In her book, *“When hens begin to crow”*<sup>13</sup>, Silvia Tamale explores how women’s participation in Ugandan politics has unfolded and what the impact has been gender equity. The book examines how women have adopted their legislative strategies for empowerment in the light of Uganda’s patriarchal history and social structure. It can be seen that her research was done fifteen (15) years ago which calls for more research as away of finding out whether the findings of that book are still relevant and ensuring that issues of women empowerment are kept in the minds of all stakeholders.

The book, *“promises and realities”*<sup>14</sup>, also leaves a lot to be desired. It only highlights women in Ugandan politics and therefore a need for a comprehensive research into the politics of Uganda and how it has empowered women for gender equity.

Probably, the reason it gives highlights about Uganda is because it covers all the East African countries which could not let writers focus on Uganda only as the work would be too broad, the reason this research is going to focus on Uganda as to grant it a fair coverage.

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<sup>13</sup> S. Tamale: *When Hens Begin to crow*, Tender and parliamentary policies in Uganda 1998.

<sup>14</sup> S.J Ruto, P.K Mbote, J.M Strachan: *Promises Realities*, Talking stock of the 3<sup>rd</sup> UN International Women’s Conference, 2009.

In his book, *"the mustard seed"*<sup>15</sup>, Museveni only makes a mention of how the government has included women in politics by giving them local government and the parliamentary seats without going ahead to analyze whether it will be successful in empowering women for gender equity or not hence the need to analyze whether being political leaders necessary empowers women in Uganda.

In *"constitutionalism"*<sup>16</sup>, Onyango J.O. analyses affirmative action by looking at the contribution of politics to get the equity. This was done in 2001, therefore, there is need to do research and update what probably has been overtaken by events.

In her book, *"gender", politics and constitution making in Uganda*<sup>17</sup>, Miria Matembe documents her struggles in gender, politics and constitutional making in order to achieve equality for women in Uganda.

It is vital to do this research so an analysis of whether or not the struggles which were faced by women in making the constitution that was a landmark in elevating women in politics were really worth it. That is whether having the law in place has translated into women empowerment and what can be done to ensure law gets full force in empowering women.

Whereas Alice Peace Tuyizere<sup>18</sup> addresses this issue relating to regions and cultural concepts and the theories and philosophies

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<sup>15</sup>Ibid n.s

<sup>16</sup>J.O. Onyango: Constitutionalism in Africa, creating opportunities ,facing challenges 2001

<sup>17</sup>M.R.K Matembe, politics and constitution making in Uganda.

<sup>18</sup>A.P Tuyizere; Gender and Development

related to gender and their impact on women in development process and issue of gender.

Empowerment, there is need to carry out research in regard to politics and empowerment of women so that it is given enough attention.

## CHAPTER THREE

### DISCUSSION OF THE LEGAL REGIME REGARDING WOMEN EMPOWERMENT IN UGANDA

#### 3.0. Introduction

This chapter discusses the international and domestic legal framework that is intended to ensure the empowerment of women positions through politics and particularly parliamentary politics.

#### 3.1. International Legal Framework.

The United Nations Charter in the preamble states that the United Nations peoples affirm their faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained.

The Convention on Political Rights of Women (**CEDAW**) opened for signature and ratification by General Assembly Resolution 640 (xii) of 20<sup>th</sup> Dec. 1952 which entered into force on 7<sup>th</sup> July 1954 in **Article 4** provides that state parties shall take in all fields in particular in the political, social and cultural fields, all appropriate measures including legislation to ensure the full development and advancement of women for the purpose of guaranteeing them the

exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

**Article 11** provides that women shall be eligible for elections to all public elected bodies; law on equal terms with men without any discrimination.

The protocol to the African Charter on Human and People's Rights on the rights of women in African, adopted by the second Ordinary Session of the assembly of the union, Maputo, July 11, August 13<sup>th</sup> 2003 provides in **Article 9** for the right to participate in the political and decision making specific positive actions to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that;

Women are represented equally at all levels with men in all electoral processes.

The Universal Declaration of Human Rights (**UDHR**), adopted proclaimed by General Assembly resolution 217 A(111) of December 1948, declares a common standard of achievement for all nations, to the end that every individual and every organ of the society keeping this declaration constantly in mind shall strive by teaching and education to promote respect for those rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the

people of member states themselves and among the people of territories under their jurisdiction.

The **UDHR** recognizes that equity should be promoted in states and that state/nations should strive to promote it. **Article 21** of the Declaration provides that everyone has the right to take part in the government of his country. This implies that everyone women inclusive should be accorded facilities to enjoy the right to take part in the government of his country which will promote empowerment of the people particularly women that will in turn lead to gender equity.

The Beijing Declaration and Platform for Action adopted by the Fourth World Conference on women Action for Equality and Development and Peace Beijing, 15<sup>th</sup> Sept.1995 in its mission statement states that the conference recognizes that the status of women has advance in some important respects but that progress has been uneven, inequalities men and women have persisted and major obstacles remain will serious consequences for the wellbeing of all people.

The states dedicated themselves unreservedly to addressing these constraints and obstacle and thus enhancing further the advancement and empowerment of women all over the world and also agree that this requires agent in the spirit of determination, hope, cooperation and solidarity.

**Article 13** indicates that state were convinced that women's empowerment and their full participation is the basis for equality in all spheres of society, including participation in the decision making process and access to power are fundamental for achievement of equality, development and peace.

**Article 43** in the above declaration provides in essence that empowerment of women and men is a pre-requisite for achieving political, social, economical, cultural and environmental security among all people.

Also, **Article 44** recognizes that barriers to women empowerment remain despite the efforts of government as well as non-governmental organizations and women and men everywhere.

The above Beijing declaration recognizes that women still need to be empowered and that women empowerment is a way for achieving cultural, social, political and environmental security among people.

It is required that governments work towards empowering women and one of the ways to do that is to ensure that they participate in politics, decision making and accessing power so that they develop themselves economically, socially and culturally.

**Article 7** provides that state parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and in particular shall ensure that women are on equal terms with men, regarding the right;

- a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies.
- b) To participate in the formulation of government policy and the implementation thereof and to hold public offices and perform all public functions at all levels of government.
- c) To participate in non- governmental organizations and associations concerned with public and political life of the country.
- d) Article 4 of the above convention recognizes that women need to be empowered to enable them enjoy fundamental human rights and freedoms and **Article 7** gives the ways of empowering them which is allowing them to participate in politics

### **3.2. Domestic Legal Framework**

The constitution of the Republic of Uganda 1995 must be credited for fairly addressing the problem of discrimination against women and thus provide for equality before the law as a way of empowering them for gender equity. The preamble of the constitution provides that the people of Uganda struggle against the force of tyranny, oppression and exploitation and they are committed to building a better future by establishing a social-economic and political order through a popular and durable constitution based on the principles of equality, democracy, freedom and social justice and progress among others.



Under Objective VI, of the constitution the state shall ensure gender balance and fair representation of marginalized groups on all constitutional and other bodies and under objective XV, the state shall recognize the significant role that women play in a society.

**Article 21** guarantees equality of all persons under the law in all sphere of political, social, and cultural life and the enjoyment of equal protection by the law in all aspects.

In the case of Best **Kemigisa Vs Bob Kasango** Hall & partners Advocates<sup>19</sup> court held that the widow was the best person to administer the property of her deceased husband. This has encouraged women to fight for their rights in courts of law so as to save their property from being snatched away by their relatives.

The constitution further provides for property ownership of the citizens. This has helped most women in a sense that with property one has finances to help her compete in politics and other spheres of life like education and even agriculture.

Under article 26 every person has a right to own property either individually or in association with others. It further stipulates that no person shall be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied.

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<sup>19</sup> HCT-00-CV-CS-0261-2010.

- a) Where the acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health.
- b) Where the compulsory taking of possession or acquisition of property is made under a law which makes provision for prompt payment of fair and adequate compensation prior to the taking of acquisition of the property and a right of access to a court of law by any person who has an interest or right over the property. On the other hand some women have successfully protected their property after the loss of their husbands.

**Article 32(1)** provides that the state shall take affirmative action in favour of marginalized groups on the basis of gender, age, disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them. The Article is the basis of the creation of political positions in Uganda the parliament inclusive.

**Article 33(2)** provides that the state shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them realize their full potential and advancement.

Also **Article 33 (4)** provides that women shall have the right to equal treatment with men and the right shall include equal opportunities in political, economic and social activities.

And **article 33(5)** provides that without prejudice to article 32 of the constitution women shall have the right to action for the purpose of redressing the imbalances created by history, tradition or custom.

**Article 78(1)(b)** provides that parliament shall consist of one women representative for every district.

All the above provisions in the constitution indicate that the government of Uganda is committed to empowering women through ensuring that they participate in policies and particularly parliamentary policies.

The parliamentary elections Act, 2005 (as amended in 2006) reinforces the provisions of the constitution and it provides in section 8(1) that, “as required by **article 78(1)(b)** of the constitution, there shall be one women representative of special interest groups in parliament goes ahead to require that even the representatives of special interest group should include women. It provides in sub section 2 (a) that there shall be ten representative of the Uganda people defense forces and at least two of whom shall be women; b) provides that for workers, c) provides that for the government, there shall be five representatives at least one of whom shall be a command and d) provides for persons with disabilities and that there shall be five representatives at least of whom shall be a women.

Under the Local Government Act cap 243, women councilors are supposed to form one third of both district council and the lower government councils. Even for councilors representing the youth at the district council, one of them is supposed to be a female. One of the councilors representing people with disabilities shall also be a woman. Section 23 has similar provisions in relation to representation of youths and persons with disabilities at the local councils.

The above provisions in the Local Government Act are intended to ensure that women participate in decision making at political level and through that, they can be able to empower themselves as individuals and their fellow women.

Uganda has also put in place other gender policies aimed at neutralizing environment by extreme social and political inequality. The national gender policy was adopted in 1997 in redressing an equal gender imbalance in access to and control over resources. The national gender policy also seeks to mainstream gender concerns in the development process. One of the activities the ministry of gender, labor and social development is mandated to carry out is to "liaise with other actors in identifying and throwing attention to key gender concerns and related needs for example property ownership, land tenure, credit, for addressing them as constitutional guarantees law reforms and literacy campaigns.

The education policy is one way Uganda has used to help women be empowered for example; Uganda introduced a 1.5 points addition at

Makerere admission for women. Through education, women have been empowered to gain education and knowledge that has been used to fight against being sabotaged by men.

Another policy that has been adopted in Uganda is the poverty eradication policy which started in 1995 as a process of developing a comprehensive and sustainable development strategy. With an overall objective of wiping out poverty in Uganda, this process culminated in the formulation of the draft poverty Eradication Action Plan (PEAP) in 1997, which aims at reducing the population living in absolute poverty. Since women have long been living without economic means for survival, the policy was intended for women.

The maternity protection Act 1994 and the maternity protection (Amendment) Act 2004 provide for statutory minimum entitlements in relation to maternity at work including maternity leave.

Since 1<sup>st</sup> march 2007, a woman is entitled to 26 weeks, maternity leave together with 16 weeks additional unpaid maternity leave under the Act<sup>20</sup> at least 2 weeks have to be taken before the end of the week of your baby's expected birth and at least 4 weeks after.

A woman can then decide how to deal with the remaining weeks.

Generally, employees take 2 weeks before the birth and the remaining weeks after. If a woman qualifies for maternity benefit, at

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<sup>23</sup> Maternity protection (Amendment) Act 2004

least 2 and no more than 16 weeks must be taken before the end of the week the baby is due<sup>21</sup>.

The law also provides for paternity leave. The law states that in case of child birth or miscarriage of a spousa

### **3.3. Conclusion**

The legal framework at the international and domestic level has helped women become empowered. However, the legal framework lacks specificity on what should be done by women once they get into politics which then limits their performance. The legal framework should be more specific in that women's role should be clearly laid out and once a policy is put in place, it should be clear on what it is intended to do.

The implementation of the law and other policies should be emphasized and more good will is needed to ensure the yields of its fruits.

A term limit should be set for women stating an affirmative ticket and the credentials.

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<sup>21</sup> [www.citizensinformation](http://www.citizensinformation)

## CHAPTER FOUR

### **FACTORS THAT HAVE HINDERED WOMEN FROM ATTAINING EMPOWERMENT THROUGH POLITICS IN UGANDA, WHAT HAS BEEN ACHIEVED AND WHY?**

#### **4.0. Introduction**

This chapter analyses whether or not involving women in politics has empowered them.

The essential question is determining the value and success of the efforts by the government is whether the lives of women have been improved by the efforts in question, two issues must be considered;

One, how changes in law and policies enacted pursuant to or independently of constitutional guarantees can be evaluated to determine whether they advance equality and these guarantees of equality are enforced<sup>22</sup>.

The existence of constitutional guarantees of equality and the degree to which they are enforced depends on several factors; including historical circumstances, political sophistication of women and most importantly political will<sup>23</sup>.

No constitutional guarantee is effective unless the citizens and the leadership of the country determine that enforcement is priority and

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<sup>22</sup> Ibid

<sup>23</sup> Ibid

commit personal and government resources of fulfilling constitutional promises<sup>24</sup>.

**4.1. Achievement and gains for women's equality and empowerment through politics.**

The existence of women in politics and decision making particularly in parliament has been witnessed by the transformative work that has occurred in legal systems, organizations run by women have grown and have been successful at empowering women to be present in politics and decision making bodies.

The above can be attributed to the fact that government of Uganda has continued to pledge its support for women emancipation and empowerment. This can be seen from the provisions of the constitution that guarantee that women must be part of the parliament. There have been positive effects of affirmative action at parliamentary levels as discussed below.

The presence of such numbers of female in the institutions that were traditionally manned (dominated) by the men has for example introduced a gendered perspective to the law making process.

The women's caucus in parliament often makes its business to analyze bills and policies of gender sensitivity and policies of gender sensitivity or otherwise. Therefore, more and more women have been exposed to the public sphere, thus empowering themselves in the face of patriarchy and under development. Moreover, the

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<sup>24</sup> Ibid



increased visibility of women in positions of leadership is slowly changing the attitudes of Ugandans (both men and women) towards women's presence in the political area for example in the 9<sup>th</sup> parliament there is over four ministries headed by women, not forgetting the fact that parliament is headed by a women- Hon. Rebecca Kadaga.

This new consciousness forms the crucial basis for a new kind of political self organization for women and for a more radical transformation of gender relations in Uganda society<sup>25</sup>.

The affirmative action in relation to women being represented in parliament has increased interest of women to participate in the public affairs than it was before. For example, whereas women occupied 51 seats out of 226 in parliament in 1998<sup>26</sup> and occupied 101 out of 333 seats 2009<sup>27</sup>, they currently occupy 50% of the parliamentary seats.

And whereas a woman successfully competed for constituency seats during the 1996 parliamentary elections, the 8<sup>th</sup> parliament had 18 women who were directly elected MPs, for constituencies<sup>28</sup>. The current 9<sup>th</sup> parliament has over 30 directly elected MPs. This indicates that the affirmative action has continually empowered women to participate in public affairs which are an indication of empowerment.

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<sup>25</sup> Supra n.16 pg 220

<sup>26</sup> Supra n. 16 pg 220

<sup>27</sup> <http://www.ugpulse.com/articles/dailyaboutwomen>.

<sup>28</sup> Ibid n.14

The fact that some women are ranked among the best performing MPs by the African Leadership Institute (AFLI)<sup>29</sup> indicates that some women have been empowered not only to be representatives, but also to deliver. For example in 2009, among the top best performing ministers according to the score were Janat Mukwya and Beatrice Wabudeya, a top performer in parliament session was Florence Adong and one of the top best performers at constitutional levels was the late Vicky Kyohairwe, former MP of Isingiro district<sup>30</sup>.

The above are some of the advances that have been made by affirmative action through politics in the empowerment of women struggles.

The constitution further provides for property ownership of the citizens. This has helped most women in a sense that with property one has finances to help her compete in politics and other spheres of life like education and even agriculture.

Under article 26 every person has a right to own property stipulates that no person shall be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied.

- a) Where the acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health.

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<sup>29</sup> Launched on May 28<sup>th</sup> 2009

<sup>30</sup> Ibid

- b) Where the compulsory taking of possession or acquisition of property is made under a law which makes provision for prompt payment of fair and adequate compensation prior to the taking of acquisition of the property and a right of access to account of law by any person who has an interest on right over the property.

#### **4.2. The gaps, challenges and dilemma to women empowerment.**

A comprehensive measure of equality rests on the theory of legal capacity. Capacity has a specific gender meaning. However, one who defines it to mean the ability to undertake enforceable legal obligations and to enforce one's right without aids of a guardian. Capacity in its more general sense refers to the ability to accept and exercise the rights and responsibility (ies) of an adult is one's society. This concept implies both personal commitment to adult responsibilities and perception of others than one is capable of living up to them.

Even where women have been emancipated by law both the classic sense of judicial personality and in the broader sense of legal recognition of adult, for example, even where women have been entering the professions in record numbers and making significant

political gains, they have remained subject to stereotypical thinking about their liabilities and interests<sup>31</sup>.

Through the social process of gender construction, one's body can be read as sign or signifier on encountering a person, an observer makes immediate assumption about him or her which are based solely on what the observer knows, thinks or expects such a body to do, hence a first time acquaintance will weigh up or label people consciously or unconsciously in terms of skin color, sex, age, level of education or wealth. And it's from the above that the society holds a negative stereotyping of women like they lack training for profession and financial responsibilities which hence holds them to doubt their own capacity since gender stereotypes are generally often exaggerated and inaccurate about males and females are like and send a message that we must perform the appropriate gender roles in order to fit in society and be accepted. This deprives females of the chances to make their own decisions about what they can do especially participation in politics as it is viewed as a role of males and once the woman stands out of the crowd for any position, she is viewed as an irresponsible women and unruly at home and society at large.

The other challenge is socialization which simply means a process whereby we are indoctrinated into a particular belief system of what is appropriate feminine behaviour for women and appropriate

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<sup>31</sup> Supra n. 25

masculine behaviour for men, this medium in turn creates and sustains gender differences.

Socialization per se would not be a challenge but the problem lies in the fact that one gender is considered more privileged than the other. Society rewards aggressive, domineering, submissive, passive and sexually chaste women. They are both expected to view their status as a right, moral and appropriate to view it as normal and natural. Our communities set double standards for women and men, boys are taught that they will inherit the privileges and prestige of manhood and girls are taught that they are less socially valued than boys. Thus with such ideologies and teachings, a woman fears to make political decisions thus leaving it in the domain of men<sup>32</sup>.

Ignorance, lack of education, poverty, low income and subordination are the major factors hindering women from realizing their equal potential with men. For a long time, women in Uganda were excluded from participating in politics and democracy. They were marginalized in the electoral process as voters. Ugandan women would not vote because they were uneducated, had no jobs and owned no property.

Political violence contributes to deter women from participating in politics at equal footing with men<sup>33</sup>.

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<sup>32</sup> Ibid

<sup>33</sup> Supra n. 18 pg 222

Women in the 19<sup>th</sup> and 20<sup>th</sup> centuries were not permitted to participate in politics because they were regarded as weak, inferior, of low intelligence and because they owned no property and land. Women's roles were interrupted in terms of their reproductive function, caring for children, biological and intellectual make up was not fit for politics.

National statistics<sup>34</sup> reveal that women continue to be grossly underrepresented in decision making, policy formulation and implementation relating to various function of Local Government. The number of women participation overall is less than twenty percent (20%).

According to Prof. Kwesiga<sup>35</sup>, women's power to take decisions is reduced if they do not own property or land. Some men prohibit their wives from tilling their land or selling or marketing the agricultural products raised on it<sup>36</sup>.

Through the Ugandan Constitution provides for equal ownership of property for women and men most societies do not recognize that women can own property because they are considered transient citizens. The patriarchal society in which we live has only worsened matters. The eneffective mechanisms for the enforcement of women's rights have also resulted in the denial of basic rights for millions of women in the country.

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<sup>34</sup> National Statistics, Women and Men in Uganda.

<sup>35</sup> J.C Kwesiga, Women Access of Higher Education in Africa.

<sup>36</sup> Ibid n. 18 pg 222

Statistics show that 97% of women have access to land, but only 8% of women own land and only 7% have property rights.

At family levels girls and women are not given property as inheritance because of the belief that they will leave home and get married in other families where they will have access to property but this is not true. Usually once these women are married off; they are only allocated pieces of land for cultivation strictly.

The United Nations<sup>37</sup> agrees that law representation of women in political decision making process can be attributed to factors such as lack of employment, low salaries, social cultural perception, illiteracy, lack of finance, confidence and political commitment and negative social attitudes towards women.

Kwoba and Kashagire evaluated civic education and found that most women are unwilling to participate in politics because of domestic responsibilities. Their husbands may also refuse to give them permission or support them financially. Those women who try to find their way out are neglected by their fellow women who are reluctant to vote for them. Many women still believe in superiority of men. Many women may lack confidence and skills and some are unwilling to participate in local council politics because they cannot read or write well.

The 1972 succession identifies the persons eligible for inheritance and their respective share entitlements in Uganda. The

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<sup>37</sup> United Nations Equality, Development and Peace.

administrator general's office (AGO) is responsible for implementing the succession Act and is mandated to manage and distribute properties of the deceased. However, the majority of women in rural communities are not aware of this office and its function, nor do understand Uganda's legal provisions for inheritance.

Women have a challenge of property ownership in Uganda and this has also hindered the active participation of women in politics.

A combination of statutory and customary laws favoring male ownership of property disadvantage women's Right to own land in Uganda, where women make up over 80% of the agricultural labour force and yet only 70% of all women own land<sup>38</sup>.

Under customary law, women's Right to land is usually "access-based" meaning women can cultivate land, but do not own it, and access is usually given through a male relative.

Therefore where one loses her husband, she loses the Right to land. Those who stay in their homes as widows still hold that property in trust of their children and it does not belong to them.

This therefore makes women inferior and they lose courage to aspire for such political positions.

**Note.** Those who own property are the few literate yet most Ugandan women are illiterate and can't fight for their rights in courts of law.

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<sup>38</sup> [En.wikipedia.org/wiki/women-in-Uganda](https://en.wikipedia.org/wiki/women-in-Uganda)



The other issue pertains lack of labour Rights.

Some employees deny their employees Rights to join associations such as trade Unions where they would acquire knowledge and skill to fight for their rights.

This has led to denial of some and important Rights such as maternal leave which makes women frustrated and even abandon their jobs.

Other women are sexually harassed before and after they are given these jobs which further makes women to resort to domestic work rather than competing with the men in the employment sector.

Thus women lose Self esteem and confidence and resort to being house wives other than career women.

The main practice of acquiring land is through inheritance, however, the current practice and law on inheritance favours males over females.

The provisions of the Succession Act, sections 2n(i) & (ii), 14,15,23,26,27,29,43 & 44, which dealt with the distribution of property of the deceased persons who die without leaving a will, were pronounced unconstitutional under the constitutional petition No, 5 of 2006<sup>39</sup>.

These provisions provided for only male intestacy and thus constitutional court ruled against the sections, as being

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<sup>39</sup> Laws & Advocacy for women in Uganda Vs the Attorney General.

inconsistent with the provisions of the 1995 constitution ie articles 20,21,24,26,31,33,& 44 of the 1995 constitution which deal with equality land ownerships and affirmative Action in favour of women.

Meanwhile, there were no measures taken to make saving provisions of the law for usage in the interim period, while awaiting parliament to amend the succession Act or make succession laws that conform to the constitutional provisions.

The major effect of this is that there is no law to guide the distribution of the estate of persons dying with no written wills. This is left to the decision of the beneficiaries and a beneficiary who is aggrieved by the distribution only has the option of going to courts of law for a remedy.

#### **4.3. Conclusion.**

From the above study, there is no doubt that the increased visibility and effectiveness of women in politics have many challenges which include patriarchal beliefs and practices thus making the future brightness for many women in Uganda difficult.

Nevertheless, it is difficult to activate the gains of affirmative action in improving lives of women and even having more women welding power in the country. Availing women positions in parliament has not been matched by improving lives of women in rural Uganda with regard to domestic violence, disinheritance and related issues.

## CHAPTER FIVE

### 5.1 Introduction

From the above study, there is no doubt that the increased visibility and effectiveness of women in politics have challenged widespread patriarchal beliefs and practices, thus making the future brighter for many women in the future.

Nevertheless, it is difficult to articulate the gains of affirmative action in improving lives of women or even having more women wielding power in the country. Availing women in rural Uganda with regard to domestic violence, disinheritance and related issues.

The work of female MPs in Uganda is so many ways a reflection of the constraints and contradictions arising out of a patriarchal socio-political setting existing in peripheral areas of the global economy.

On the one hand, traditional gender roles and basic issues related to daily survival give shape to their political work. Their contradictory status as marginalized women positions of power sets them apart from the masses of Ugandan women. Luckily, it is these very contradictions that are likely to foster further action for social change by female legislators, the sense of incongruities for these women is bound to precipitate into a particular form of political consciousness.

Therefore, the current add- women and sub- conception of affirmative action persists, then the policy shall lose its transient

nature and become a permanent fixture of the Ugandan political scene. In other words, redistributing positions of leadership with the same patriarchal structure will not change the status quo. That is no recipe for the evolution of a genuinely progressive and gender sensitive culture of constitutionalism. As it has been discussed in the previous chapters as seen above, there is clear need for a way to solve these challenges and uplift ways of living of Ugandan women.

Therefore this chapter will bring to light the proposed strategy of how to overcome these challenges as discussed below.

A strong women's movement is needed to back up women public office holders and to raise their awareness in order to reconceptualize and reconstruct political structures according to feminist principles. Linking women's strategic needs to the practical ones will permit an increased level of consciousness among female politicians of the wider emancipator agenda.

A limit of five year terms should be set for women standing on affirmative action ticket, allowing for many more women to become involved in national decision making. The ultimate goals, however should be to attract more ordinary women and this can be achieved by whittling back the formalism and credentials associated with Uganda's parliamentary system today.

As a long term goal, Uganda women inside and outside parliament, must engage in prolonged struggles against under-development and patriarchy. The agenda for achieving this is multilayered and

complex and involves an altering of gender relations. It will take a total transformation in prevailing ideologies as well as social and political structures to confer subsistence and power to women's participation in politics, redefining of power and equality. This can be accomplished through the state acknowledging and gainfully rewarding the productive and reproductive labour of Ugandan women, promoting gender awareness for men and women through education (formal and informal) the media, popular theater and soon, legal reform that scraps all forms of male oppression and dominances and most importantly, by establishing and consolidating links among women in policy making, feminists (male and female) activists, women in academic and grass root women.

Uganda still faces the enormous burden of introducing affirmative action in employment/economic sector. Currently the workforce is gendered with women occupying the lowest ranking and least paying positions such as secretaries etc. As the people who shoulder the greatest responsibility for the country and food production, women must be empowered to contribute to the national economy in a more significant and dignified manner.

The government should establish the goals of gender balance with government bodies. The number of women in all political sectors must be increased to achieve equal representation of women and men through affirmative action where necessary.

## **5.2. Way forward**

It is required that efforts are made to ensure that what has been achieved is consolidated. For more improvement to be achieved, this can be done through ensuring that women in politics incorporate with other organizations like mothers union so that women are empowered the more.

Women should also be sensitized. Since most women in Uganda are not literate they can't fight for their Rights in courts of law. Once they are sensitized they will learn about their Rights and how to fight for them.

Sensitization will help most women also to know their land Rights so as to own property.

The government should also formulate policies which will help women like giving them loans with less interest rate or exempt them from paying taxes for a given period of time (grace period).

The government should find any other appropriate solution to encourage women to become business oriented so as to make money to sponsor them while persuing political positions.

Current policy on the implementation of women's legal rights must be revised to address the problem of property inheritance. Action needs to be taken to educate and sensitize the community as well as women their legal entitlement to land inheritance and property<sup>10</sup>

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<sup>10</sup> [www.landcoahitor.org](http://www.landcoahitor.org)

Legislation should prohibit discrimination against women and girls in inheritance and explicitly allow females to inherit property and land on an equal basis with males. Laws governing lines of succession should ensure equality of rank between mothers and fathers, between brother and sisters, daughters and sons, between spouses. Legislation should state that civil laws shall have supremacy over customary laws and practices that discriminate against women and girls.

Legislation should state that, upon remarrying a surviving spouse retains the full rights in any property she inherited from the deceased's estate.

Drafters should repeal any laws that terminate interests upon remarriage for the widow, but not the widower. The Uganda government should borrow a leaf from Nigeria as was held in the case of **Mojekwu & ors Vs Ejikeme & ors**<sup>41</sup>

The two great grandsons and the daughter of Reben Mojekus, who died intestate, appealed the ruling of a lower court in favour of five male members of Reuben's family with regard to the inheritance of Reuben's property. The litigation began with the appellants, request for a restraining order against, respondents, who had trespassed by entering Reuben's compound where the appellants' were living.

This case involved the practice of "Nnewi" where a man dies without sons but has daughters. A daughter must remain unmarried and

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<sup>41</sup> 5 NwLR 402, Nigerian Court of Appeal: December 9, (1999).

bear children who effectively become her dead father's heirs to inherit and carry on the male lineage. The appellants claimed that Nnewi had been performed for Virginia, Reuben's daughter and the appellant's mother and grand mother which entitled her and her children to inherit Reuben's property. The respondents, on the other hand, claimed that the custom of Nnewi "had been performed for Reuben's other daughter, comfort, entitling her and her children to inherit the property, but since comfort had died childless, Reuben is considered under customary law as having died without a surviving male heir, thereby causing the property to pass to Reuben's brother or the brother's male issue.

On appeal none of these arguments, all of which were based on Nigerian customs, prevailed finding that these customs were discriminatory against women and repugnant to the principles of natural justice, equity and good sense, the court concluded that the appellants, as Reuben's blood relations were entitled to inherit his estate and that it would be inequitable to throw them out of their home. While not explicitly stated, the court based its ruling on the fundamental rights guaranteed to women under the Nigerian constitution and an international convention to which Nigeria was party.

Women legislators need to build upon the strength that they have already exhibited. The best way to do this would be revitalize and reconstitute the Uganda Women Parliamentarians Associations



(UWOPA) with a new vision and a fresh agenda and to collaborate with women's organization (NGOs) as well as government agencies such as the Ministry of Gender in realizing their redefined goals. The National Association of Women's Organization in Uganda (MAWA) and the Uganda Women's Network (UWNET) are two umbrella organizations that play a networking role for women's organizations in Uganda have a great potential to link women with grass roots women. The Forum for Women in Democracy (FOWODE) is an extremely useful resource not only for equipping female MPs with empowering skills but also providing linkages to vital regional, international networks. UWOPA should open its membership to all female legislators past and present as a permanent caucus to be at the fore front of the struggle for women's political emancipation.

In addition, UWOPA has great potential as a support group for women politicians to compare notes, discuss their problems and take collective to alleviate them.

Women legislators must take a conscious effort to construct a common program as a basis of unity solidified by their shared gender inequality. This will entail a reconfiguration of their consciousness as well as their demands and claims. It will also require a good deal of commitment, sacrifice and compromises. Instead of romanticizing unity, women parliamentarians need to work hard towards off outside precious and detractors that constantly threaten them.

Also the available judicial contest put in place by the 1995 constitution, women legislators have the anonymous task of spearheading legal reform that will match with its spirit. Systematically, the rights won in the 1995 have to be brought inline with the day to day lives of Uganda women. Priority should be given to ones that endorse the patriarchal control of land and their forms of property.

Restructuring recruitment and career development programs to ensure that women have equal access to managerial entrepreneurial and technical and leadership training should be done.

Solidarity should be built and strengthened among women through education, information and sensitization activities. Advocacy at all levels will enable women influence political, economic and social decision making processes and systems and seek accountability from elected representatives regarding their commitment to gender concerns.

The two complementary concepts shall be emphasized, the concept of parity that recognize that persons are sexually different but equal and that of partnership which shows that a creative synergy can be created between men and women so that they can solve community effectively.

The images and models of men and women should be transmitted through education in the family, formal education, and the media

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