

COMPENDIUM ON GENDER EQUALITY AND WOMEN'S EMPOWERMENT IN UGANDA'S HEALTH SECTOR



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2018

Contents

LIST OF ACRON	YMS AND ABBREVIATIONS	6
FOREWORD		9
INTRODUCTION	V	11
A. INTERNATIO	NAL LEVEL	12
A1.0 TREATIES, V	VITH GENERAL COMMENTS AND CONCLUDING OBSERVATIONS	1
2		
A1.1 The Un	iiversal Declaration of Human Rights , 1948	12
A1.2 Interna	tional Covenant on Civil and Political Rights, 1966	13
A1.3 Interna	tional Covenant on Economic Social and Cultural Rights, 1966	14
A1.4 The Co	nvention on the Political Rights of Women 31 March 1953	15
A1.5 Conver	ntion on the Nationality of a Married Woman (1957) 309 U.N.T.S. 65	15
A1.6 ILO Dis	crimination (Employment and Occupation) Convention, No 111 (1958/1960))16
A1.7 Conver	ntions on the Consent of Marriage, Minimum Age of Marriage and Regist	ration of
Marriage, 19	962	16
A1.8 The Co	nvention on the Elimination of all forms of Discrimination against Women, 1	97917
A1.9 Conver	ntion on the Right of the Child (CRC), 1989	19
A1.10 Intern	ational Convention on the Protection of Rights of all Migrants Workers and N	∕lembers
of their Fam	ilies A/RES/45/158	20
	ention concerning the Prohibition and Immediate Action for the Eliminatic	
	s of Child Labour (C182) 1999 (No. 182)	
	ome Statute 1998(2002)	
	onvention on the Rights of Persons with Disabilities, Dec 2006	
	RATIONS AND SIMILAR DOCUMENTS	
	Charter for Health Promotion (1986)	
	Health Assembly Resolution 41.24 on the Avoidance of Discrimination in re	
	People and People with AIDS (1988)	
	enna Declaration and Programme of Action (VDPA) 1993	
	claration on the Elimination of Violence against Women (DEVAW), 1993	
	Guidelines on HIV Infection and AIDS in Prisons (1993)	
A2.6 Interna	ational Conference on Population and Development and Programme of	f Action,
	ijing Platform for Action (BPfA), 1995	
	R 1325, October 2000	
A2.9 Declara	ation of Commitment of the UN General Assembly Special Session on HI	V /AIDS,
	ommonwealth Plan of Action for Gender Equality 2005-2015 (2004) 30 May	
	R 1820, 2008	
	ustainable Development Goals (SDGs), 2015	
	EVEL	
	Charter on Human and Peoples' Rights 1981	
B1.2 African	Charter on The Rights and Welfare of the Child OAU Doc. CAB/LEG/24.9/49	9 (1990)

	35
B1.3 The Constitutive Act of the African Union 11 July 2000 (CAAU) (OAU Doc. CAB/LEG/23	
amended in 2003	36
B1.4 The Protocol to the African Charter on Human and Peoples' Rights on the Rights of W	Vomen
in Africa (Maputo Protocol), 2003	37
B2.0 POLICIES	38
B2.1 African Union Gender Policy 2009	38
B3.0 DECLARATIONS	39
B3.1 50 th Anniversary Solemn Declaration 26 May 2013	39
B4.0 RESOLUTIONS & GUIDELINES	39
B4.1 The Regional Plan of Action to Accelerate the Implementation of the Dakar and I	Beijing
Platforms for Action for the Advancement of Women (1999) E/ECA/ACW/RC.VI/99/8	39
B4.2 The African Union (AU) Framework and Guidelines on Land Policy in Africa adopted	by the
African Union in July 2009	40
B4.3 Agenda 2063, 2013	41
B4.4 The Addis Ababa Declaration on Accelerating the Implementation of the Beijing Pla	atform
for Action, ECA/SDPD/ACG/BEIJING+20/DEC./2014	42
B4.5 The Maputo Plan of Action (POA) 2016-2030	42
B4.6 The Addis Ababa Declaration on Ending Child Marriage in Africa	43
C. SUB-REGIONAL LEVEL (EASTERN AND SOUTHERN AFRICA)	45
C1.0 TREATIES	45
C1.1 The Treaty establishing Common Market for Eastern and South Africa (COMESA), 199	
C1.2 Treaty for Establishment of the East African Community, 2000	
C2.0 LEGISLATIONS	
C2.1 East African Community HIV & AIDS Prevention and Management Act (2012)	
C3.0 POLICIES	
C3.1 The Common Market for Eastern and Southern Africa (COMESA) Gender Policy 2000	
C3.2 The IGAD Gender Policy 2004	
C4.0 DECLARATIONS	
C4.1 The Goma Declaration on Eradicating Sexual Violence and Ending Impunity in the	
Lakes Region (June 2008)	
D. DOMESTIC LEVEL	
D1.0 DOMESTIC POLICIES	
D1.1 Second National Development Plan (NDP II) 2015/16-2019/20	
D1.2 Second National Health Policy (NHPII)	
D1.3 Health Sector Development Plan (HSDP) 2015/16-2019/20 D1.4 The National Gender Policy	
D1.5 The National Elimination of Gender-Based Violence Policy 2016	
•	
D1.6 The National Adolescent Reproductive Health Policy (2004) D1.7 The Education Policy	
D1.8 The Gender Policy in Education (GEP) 2009	
D1.9 The National Strategy for Girls' Education (NSGE) 2015-2019	
D1.10 Special Needs and Inclusive Education Policy	
D1.11 National Policy on Orphans and other Vulnerable Children (2004)	
D1.12 The National Integrated Early Childhood Policy and Action Plan 2016-2021	
D1.13 The Uganda National Land Policy (2013)	

	D1.14 The Decentralization Policy of 1992	59
	D1.15The Uganda National Local Economic Development (LED) Policy, 2014	60
	D1.16 The Water and Sanitation Sub-Sector Gender Strategy (2010-15)	61
	D1.17 The National Strategy to End Child Marriage and Teenage Pregnancy, 2014/15-20	19/20
		61
[D2.0 DOMESTIC LAWS	62
	D2.1 The Constitution of the Republic of Uganda 1995 As Amended	62
	D2.2 The Penal Code Act CAP 120 as amended	63
	D2.3 The Geneva Conventions Act (1964)Cap 363	64
	D2.4 Local Government Act (1997) Chapter 243	65
	D2.5 Land Act, 1998 (Cap 227) as amended	
	D2.6 The National Council for Disability Act (No. 14), 2003 as amended in 2015	66
	D2.7 Persons with Disabilities Act, 2006	
	D2.8 The Employment Act of 2006 and its Regulations (2012)	67
	D2.9 Equal Opportunities Commission Act of 2007	68
	D2.10 Prevention of Trafficking in Persons Act, 2009	68
	D2.11 Female Genital Mutilation Act (FGM), 2010	69
	D2.12 The International Criminal Court (ICC) Act (2010)	
	D2.13 Domestic Violence Act 2010 and its regulations 2011	70
	D2.14 The HIV and AIDS Prevention and Control Act (2014)	71
	D2.15 The Mortgage Act 2009	
[D3.0 GUIDELINES	
	D3.1 Ministry of Public Service Guidelines for Mainstreaming Gender into Human Resou	rce
	Management	73
	D3.2 Ministry of Education and Sports' Simplified Gender Budgeting Guidelines for Mainstr	_
	in the Education Sector Budget Framework 2013	73
E. I	NSTITUTIONAL MECHANISMS	
	E1.1 The Parliament of Uganda	75
	E1.2 Ministry of Health (MoH)	
	E1.3 Ministry of Gender, Labour and Social Development (MGLSD)	
	E1.4 Ministry of Public Service	76
	E1.5 Ministry of Local Government	77
	E1.6 Health Service Commission	
	E1.7 Public Service Commission	
	E1.8 Uganda Human Rights Commission (UHRC)	78
	E1.9 Uganda Equal Opportunities Commission (EOC)	
	E1.10 Uganda Law Reform Commission (ULRC)	
	E1.11 Uganda Women Parliamentary Association (UWOPA)	
	E1.12 Uganda Police Force- Child and Family Protection	
	E1.13 Civil Society Organizations	80
	CASE LAW/JUDICIAL PRECEDENTS	
F1.	0 INTERNATIONAL CASE LAW	
	F1.1 Prosecutor vs. Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu, C	
	SCSL-2004-16-A(22 February 2008)	
	F1.2 Bragdon v. Abbott 1998 U.S. LEXIS 4212 (1998)	
	F1.3 The Attorney General of the Republic of Botswana v. Unity Dow. 103, I.L.R. 128 (Bots.	Ct App

1992)83
F2.0 DOMESTIC CASE LAW83
F2.1 Elizabeth Nalumansi Wamala vs. Jolly Kasande, Nabukeera Esther and Ronnie M. Lutaaya
SUP-00CV-CL00-102015 (Arising from Court of Appeal Civil Appeal No. 070 of 2014). Civil Suit
No.133 of 2012 (arising out of Probate and Administration Cause No.215 of 2012)83
F2.2 Uganda Women Lawyers Association & 5 others vs. Attorney General-Constitutional Petition
No.2/038 ²
F2.3 Adrian Jjuko vs. Attorney General Constitutional Petition No. 1 of 200984
F2.4 Law & Advocacy for Women in Uganda vs. Attorney General Constitutional, Petitions Nos
13 /05 /& 05 /06 [2007] UGCC 1 (5 April 2007)84
F2.5 MIFUMI (U) Ltd & Ors. vs. Attorney General & Anor, Constitutional Appeal No. 02 of 201485
F2.6 Uganda vs. Hamidu & Others 236, Criminal Session Case No. 0055 of 2002 High Court85
F2.7 Center for Health Human Rights and Development, et al. vs. Nakaseke District Loca
Administration, Civil Suit No. 111 of 201285
F2.8 Seif Mohamed El-Abadan v Rep, (Criminal Appeal No. 320 of 2009) Tanzania Court of Appea
(Tanga); JBB Case 7.6, Page: 139-14086
F2.9 Rosemary Namubiru vs. Uganda (2014), HCT-00-CR-CN 0050-2014(High Court)86
F2.10 Nyeko Okello & Santo Dwoka vs. Centenary Rural Development Bank Limited High Court
of Uganda Civil Suit No 23/2008 (unreported)86
F2.11 Legal Action for Persons with Disabilities vs. Attorney General High Court of Uganda, Misc
App No 146/2011, judgment delivered 20 May 2014 (unreported), case excerpt available at
http://www.ulii.org/ug/judgment/high-court/2014/42 (accessed 23 June 2014)87
CONCLUSION87
GLOSSARY OF TERMS88
Additional Reading List92

ACRONYMS AND ABBREVIATIONS

ACHPR African Commission on Human and Peoples' Rights

AIDS Acquired Immuno Deficiency Syndrome

APRM African Peer Review Mechanism

ASI African Solidarity Initiative

AU African Union

AYC African Youth Charter
BPFA Beijing Platform for Action

CA Constitutive Act of the African Union

Cap Chapter

CAP Common African Position taken by African countries as a Post 2015 Development Agenda
CAT Convention Against Torture, and Other Cruel Inhuman or Degrading Treatment or

Punishment

CEDAW Convention on the Elimination of All Forms of against Women
CERD Convention on the Elimination of All Forms of Racial Discrimination

CFPU Child and Family Protection Unit

COMESA Common Market of Eastern and Southern Africa

CRC Convention on the Rights of the Child

CRPD Convention on the Rights of Persons with Disabilities

Dec Declaration

DPSF Decentralization Policy Strategic Framework

DEVAW United Nations Declaration on Elimination of Violence Against Women

DHS District Health System
DVA Domestic Violence Act
EAC East African Community
FGM Female genital mutilation
GBV Gender Based Violence

GC General Comment

GEWE Gender Equality and Women's Empowerment

GoM Government of Malawi GoZ Government of Zambia

HIV Human Immuno-Deficiency Virus

HRAPF Human Rights Awareness and Promotion Forum IACHR Inter-American Commission on Human Rights

ICC International Criminal Court

ICCPR International Covenant on Civil and Political Rights

ICESCR International Covenant on Economic, Social and Cultural Rights

ICERD International Convention on the Elimination of All Forms of Racial Discrimination

FCPU Family and Child Protection Unit

FIDA Uganda Federation of Women Lawyers

IGAD Intergovernmental Authority on Development

IHP + International Health Partnerships and related Initiatives

ILO International Labour Organisation

LAP Legal Aid Project

LDO Uganda Local Development Outlook

LGA Local Government Act

LGFAR Local Government Financial And Accounting Regulations

LGSSP Local Government Sector Strategic Plan

LSSP Second Land Sector Strategy Plan MDG Millennium Development Goals

MGLSD Ministry of Labour, Gender and Social Development

MOES Ministry of Education and Sports

MOH Ministry of Health
MPA Maputo Plan of Action

MWD Ministry for Women in Development

NAADS Integration of Gender Equality in National Agricultural Adversary Services

NAPW The National Action Plan for Women

NDP National Development PlanNCD National Council for DisabilityNCDs Non-Communicable Diseases

NGP National Gender Policy NWD National Women's Council

OHCHR UN Office of the High Commissioner for Human Rights

OP-CEDAW The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination

Against Women

Res Resolution

PBB Programme-Based Budgeting
PEAP Poverty Eradication Action Plan
PFMA Public Finance Management Act
PMA Plan For Modernization of Agriculture
PTIPA Prevention of Trafficking in Persons Act

PWDA Persons with Disability Act

SADC Southern African Development Community

SDGs Sustainable Development Goals

SDGEA Solemn Declaration on Gender Equality in Africa

SDIP Social Development Investment Plan

SDS Social Development Sector
SNHP Second National Health Policy

SDSSIP Social Development Sector Strategic Investment Plan

SRHR Sexual and Reproductive Health and Rights

SWAp Sector Wide Approaches Programme

TB Tuberculosis

UDHR Universal Declaration of Human Rights

ULP Uganda Land Policy

ULRC Uganda Law Reform Commission

UN United Nations

UNSC United Nations Security Council

UNSCR United Nations Security Council Resolution

UPE Universal Primary Education

UPF Uganda Police Form

USE Universal Secondary Education

UWOPA Uganda Women's Parliamentary Association

VDPA Vienne Declaration and Programmes of Action

WSS Water and Sanitation Sector

FOREWORD

The Government of Uganda has played a proactive role in enhancing gender equality and women's empowerment in line with the National Objectives and Directive Principles of State Policy as set out in the 1995 Constitution (as amended). Specifically, objectives No. VI and XV provide for gender balance and fair representation of marginalised groups and recognition of the significant role that women play in society. The Constitution further under Articles 21, 32 and 33 provides for equality and nondiscrimination of persons based on gender and other grounds; affirmative action in favour of marginalized groups (including women); and women's equal dignity of the person with men among others.

At international level, Uganda is a State Party to International Human Rights Instruments that uphold gender equality and women's empowerment. These instruments have played a critical role in influencing the formulation, development and implementation of national laws and policies on the same subject matter.

To further these commitments, the Ministry of Gender, Labour and Social Development (MGLSD) spearheaded the development of the National Gender Policy, 1997 which was later amended in 2007. This policy addresses gender inequalities at all levels of government and by all stakeholders. The policy is an integral part of the national development process, enshrining the framework for mainstreaming gender into all government policies and development programmes.

The National Gender Policy mandates the MGLSD and other line Ministries (including Ministry of Health) to mainstream gender in all sectors and sets priority areas of action for gender and rights at the national, sectoral, district and community levels. One of the strategies for achieving the policy objectives are, among others, to promote a holistic, integrated approach to development and planning to ensure that gender issues in the various sectors are adequately defined, analysed and addressed.

The Ministry of Health in line with the provisions of the 1995 Constitution; the National Gender Policy; The National Development Plan (NDP) II; the Second National Health Policy; the Health Sector Development Plan (HSDP) and several other laws and policies, has actively come up with different approaches to address gender inequality, promote gender mainstreaming and create women's empowerment in the sector.

Despite the initiatives undertaken in this area, it was noticed that many of our stakeholders, decision and policy makers, health workers and clients lacked adequate knowledge of and access to the laws and policies on gender equality and women's empowerment. Thus, it was found necessary that a Compendium of laws and policies on this matter be put in place to bridge this knowledge gap and enhance effective service delivery.

This compendium is therefore designed to achieve the following objectives: ease the accessibility of knowledge and resources on this issue; enlighten health professionals on their duties and obligations in this regard, as well as their rights under these laws and policies.

The development of this Compendium of Laws and Policies on gender equality and women's empowerment was financially and technically supported by the USAID-funded Strengthening Human Resources for Health (SHRH) Activity implemented by IntraHealth International. I am immensely grateful to Dr. Vincent Oketcho, the Chief of Party, Dr. Susan Wandera, Dr. Lule Haruna, Mr. Mugalu Kamya, Ms. Alice Nayebare and the entire staff of IntraHealth International for the technical support and leadership in producing this product.

I also wish to thank Ms. Leah Goldmann, Dr. James Mugisha, Samson Olum and officials from the Ministry of Health, Ministry of Public Service, Ministry of Local Government, Ministry of Gender, Labour and Social Development for their relentless work, immense participation and contribution towards the development of this compendium. I also recognise the contribution and technical assistance of the Retired Lady Justice Elizabeth Nahamya in adding the judicial precedents and perspectives to this compilation.

Therefore, I implore all managers, decision/policy makers, staff and health workers to make use of this useful tool and improve their personal knowledge and practice in as far as gender equality and women's empowerment in the health sector is concerned.

Dr. Diana Atwine

PERMANENT SECRETARY

INTRODUCTION

The incentive for developing this resource was to compile the legal and policy frameworks pertaining to gender equality and women empowerment initiatives at the international, regional, sub-regional, and national levels applicable in Uganda.

The purpose of this compendium is to:

- Increase the accessibility of knowledge and resources on gender equality and women's empowerment;
- Enlighten health professionals on their duties and obligations, as well as their rights under these laws and policies;
- Expose users about the content under the right to health;
- Identify gaps within the existing laws, policies and institutions.

This resource is intended for:

- Senior Officials, managers, supervisors, decision makers, health workers, human resources managers, service commissions and other staff at Central and Local District levels;
- Clients/patients;
- Gender Equality and Human Rights Advocates; and
- Implementing partners

The Compendium is subdivided into five parts, namely:

Part A: International Level

This entails international policies and legal framework which include UN Treaties, Conventions, Protocols, Declarations, concluding observations and other relevant documents and instruments.

Part B: Regional Level

This comprises of legal and policy documents adopted within various organs and institutions of the African Union on human rights and gender equality, including: concluding observations and resolutions from the African Commission on Human and Peoples' Rights, and other relevant documents.

Part C: Sub-Regional Level

This contains the documents adopted at the sub-regional level. Examples are drawn from the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC) and the Intergovernmental Authority on Development (IGAD).

Part D: Domestic Level

This part consists of pertinent domestic policies and strategies, legislations and institutional mechanisms that have been put in place to ensure that the rights of women, especially regarding the right to health, are realized.

Part E: Case Law

This section discusses how courts of law have interpreted some of the rights related to gender equality and women's empowerment as provided for in the above sections, in Uganda and other selected countries.

A. INTERNATIONAL LEVEL

The Government of Uganda (GoU) is signatory to major international human rights instruments, providing a strong basis for a policy framework that integrates gender into the social, political, economic and legal spheres. The key instruments that are of particular relevance to gender and development include: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural, the Convention on the Elimination of all forms of Discrimination Against Women, the Convention on the Rights of the Child and the African Charter on Human and Peoples' Rights, among others.



A1.0 TREATIES, WITH GENERAL COMMENTS AND CONCLUDING OBSERVATIONS

A1.1 The Universal Declaration of Human Rights, 1948

Key Content

The Universal Declaration of Human Rights (UDHR) details all rights that are a basic minimum and necessary to enjoy a dignified human life. The UDHR is binding on all states by custom because the UDHR is the cornerstone for all human rights and is referred to as the International Bill of Rights. All subsequent international human rights treaties and conventions find their roots in this Declaration.

Some of the key rights provided for under the Declaration include prohibition of discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Article 2); equality of all persons before the law without discrimination on the grounds set forth in Article 2 (Article 7); equality of spouses to marriage, during marriage and at its dissolution, including their full consent to marriage (Article16); Equal pay for equal work without discrimination (Article 23); right to special care and assistance for motherhood and childhood (Article 25); and the right to a standard of living adequate for the health and well-being of an individual, his/her family, including food, clothing, housing and medical care and necessary social services, right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control (Article 25).

Full Text

Available at: http://www.un.org/en/universal-declaration-human-rights/

Importance

- Sets common standards that must be put in place for all peoples and all nations;
- Sets out for the first time, fundamental human rights to be universally protected;
- Acts as a foundation for all other International Human Rights Instruments;
- Influences governments in formulation of their constitutions, laws, policies and Bills of Rights world over including Uganda; and
- Establishes a responsibility that extends beyond the provision of essential health services to tackling the determinants the health such as, provision of adequate education, housing, food, and favourable working conditions, and these are human rights themselves and are necessary for health.

Relevance

 Chapter 4 of the Constitution of the Republic of Uganda incorporates most of the UDHR provisions;

- Uganda has ratified other international human rights instruments such as ICCPR and ICESCR whose origins are found in the UDHR;
- Government has passed a range of domestic laws and policies that document the provisions of UDHR and created oversight institutions to monitor implementation and compliance with these obligations; and
 - National courts enforce provisions of UDHR as part of customary international law and good practices.

A1.2 International Covenant on Civil and Political Rights, 1966

Key Content

The International Covenant on Civil and Political Rights (ICCPR) calls for the promotion of full equality between men and women in the exercise of their human rights, particularly as it relates to a wide range of civil and political rights. Civil and political rights include physical integrity, liberty and security of the person, trial rights, freedom of association and assembly, freedom of speech, freedom of religion, right to privacy, right to political participation and the right to a nationality, among others.

Full Text

Available at: http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx

Importance

- Obligates State parties, under Article 2, to respect and ensure that all individuals enjoy their rights without distinction of any kind, including sex; and
- Obligates all State Parties, under Articles 26 and 27, to respect and ensure non-discrimination on any ground, including sex, minority rights and equal protection for and under the law.

Relevance

- Chapter 4 of the Constitution of the Republic of Uganda, 1995 (Bill of Rights) domesticates a whole range of the provisions under ICCPR;
- Provides a foundation for the creation of the Uganda Human Rights Commission (UHRC), Equal Opportunities Commission (EOC), Inspectorate of Government which play an oversight role in realization of these rights;
- Provides a foundation for the function of civil society organisations;
- Provides a foundation for functional electoral laws including the Parliamentary and Presidential Elections Acts.

The First Optional Protocol to the ICCPR

The First Optional Protocol (OP1) to the ICCPR allows individuals whose rights have been violated under the Convention and the Protocol and have exhausted all domestic remedies without success to submit written communications to the UN Human Rights Committee.

The Second Optional Protocol to the ICCPR

The Second Optional Protocol to the ICCPR (OP2) provides for abolition of the death penalty because it enhances human dignity, contributes to the progressive development of human rights, and the enjoyment of the right to life. Uganda is yet to ratify it. OP2 has influenced the global movement on abolition of the death penalty. In Uganda, the judicial practice points to reluctance to issue out death sentences, as well as executing those on death row.

A1.3 International Covenant on Economic Social and Cultural Rights, 1966

Key Content

International Covenant on Economic Social and Cultural Rights (ICESCR) aims at ensuring the protection of economic, social and cultural rights including: non-discrimination, self-determination of all peoples, work, equality between men and women, education, social security, protection and assistance to the family, cultural freedoms, among other. In particular, the right to health (Article 12) is "an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information."

States parties are obliged to undertake steps, in accordance with the maximum of their available resources, to progressively achieve the full realization of the rights Article 2(1).

Article 4 provides for States Parties to limit some rights in certain instances; however, such limitations must be determined by law, compatible with the nature of the rights included in the Convention and imposed to promote the general welfare in a democratic society.

Full Text

Available at: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx

Importance

- Legitimised social, economic, and cultural rights and gave them the full force of law;
- Influenced domestic legislations to provide for these rights;
- Set standards for implementation and realisation of these rights, including the right to health; and
- Citizens can make demands and hold duty-bearers accountable to the realisation of their rights.

Relevance

• Chapter 4 of the Constitution of the Republic of Uganda, 1995 (Bill of Rights) domesticates a whole range of the provisions under ICESCR.

General Comment 14 (2000) On The Right to The Highest Attainable Standard of Health (Article 12)

The Committee on Economic, Social and Cultural Rights in General Comment 14 (that interprets Article 12 of the ICESCR) explains that Parties to the Covenant recognise the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and that health is a fundamental human right indispensable for the exercise of other human rights. The Committee pointed out that every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity.

The Optional Protocol to the International Covenant of Economic, Social and Cultural Rights

The Optional Protocol allows individuals to seek justice for violations of their economic, social and cultural rights (ESCR) at the international level through the communications procedure (individual complaints mechanism), in the same way that the other Optional Protocols to the ICCPR and the CEDAW do. The communications procedure only allows victims of violations of ESCR to present complaints before the Committee on Economic, Social and Cultural Rights under two conditions:

- a) If the complainant's country is a party to OP-ICESCR; and
- b) The individual complainant has exhausted all domestic and regional remedies they can directly take their case to the Committee under OP-ICESCR.

The Committee exercises powers similar to traditional human rights courts when reviewing individual complaints.

A1.4 The Convention on the Political Rights of Women 31 March 1953

Key Content

The purpose of the Convention is to codify a basic international standard for women's political rights. The first three articles are the most crucial and stipulate that: women shall be entitled to vote in all elections on equal terms with men, without any discrimination; prescribes that women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination and that 'Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination."

Full Text

Available at: https://treaties.un.org/doc/Treaties/1954/07/19540707%2000-40%20AM/Ch_XVI_1p. pdf>

Importance

- Protects the equal status of women in exercising their political rights; and
- Precursor to CEDAW and the Beijing Platform for Action (BPfA) in the assurance of political equality between women and men.

Relevance

- Incorporates special seats for women in local government and parliament, increasing the visibility of women in decision-making; and
- Recognises the importance of equal access to positions of influence and responsibility across various sector plans, including the judiciary and health.

A1.5 Convention on the Nationality of a Married Woman (1957) 309 U.N.T.S. 65

Key Content

The Convention is rooted in Article 15 of the Universal Declaration of Human Rights that "everyone has a right to a nationality" and in the view of marriage, if one chooses to change her/his nationality, it should not be arbitrarily denied. The Convention also assures that a spouse may retain her/his nationality of origin upon marriage, should they so choose.

Full Text

Available at: http://hrlibrary.umn.edu/instree/w1cnmw.html.>

Importance

- Recognises the human right to a nationality, as articulated in UDHR;
- Obligates Member States to the United Nations to fulfill the provisions of the Convention and through its universal application, has gained the status of customary international law; and
- Respects women's agency in their decision(s) regarding nationality upon marriage.

Relevance

 Uganda Immigration Citizenship and Immigration Control Act (2006) domesticates some of these provisions.

A1.6 ILO Discrimination (Employment and Occupation) Convention, No 111 (1958/1960)

Key Content

This Convention was adopted by the General Conference of the International Labour Organisation (ILO) on 25th June 1958 and Uganda ratified the Convention on 2nd June 2005. The Convention provides for the elimination of discrimination in employment, irrespective of the grounds on which it is based and/or the form it takes. The Convention further prohibits discrimination on the grounds of sex, race, colour, religion, political opinion, national extraction, social origin, and any other ground that may be determined by Member States. Article 1 of the Convention defines discrimination to include "any distinction, exclusion or preference made on the basis of sex which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation." Article 2 of the Convention calls on Member States to take steps to pursue national policies designed to promote equality of opportunity and treatment in respect of employment and occupation with a view to eliminate any form of discrimination.

Full Text

Available at: http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/ILO_C_111.pdf

Importance

- Influenced domestic legislations to provide for these rights;
- Set standards for equal treatment in employment and occupation; and
- Victims of discrimination are empowered to make demands and hold duty-bearers accountable.

Relevance

- The Constitution of the Republic of Uganda, 1995 provides for women to have the right to
 equal treatment with men and that includes equal opportunities in political, economic and
 social activities and outlaws discrimination on many grounds including sex;
- The Employment Act, prohibits discrimination in employment and opportunities based on sex and other grounds including gender based forms of discrimination such as sexual harassment in workplaces;
- Provides a foundation for the creation of oversight institutions to ensure prevention of discrimination in employment such as the Uganda Human Rights Commission (UHRC), Equal Opportunities Commission (EOC), and Inspectorate of Government;
- Provides a foundation for functioning of civil society organisations;
- Visible steps have been taken by government to put women in key leadership, management and governance position; and
- It brings together representatives of governments, private sector, employers and workers to develop labour laws, policies and programmes.

A1.7 Conventions on the Consent of Marriage, Minimum Age of Marriage and Registration of Marriage, 1962

Key Content

It reaffirms the consensual nature of marriages and requires parties to establish a minimum marriage age by law and to ensure the registration of marriages. It is intended to promote universal respect for and observance of human rights and fundamental freedoms for all, without discrimination and to regulate the institution of marriage by giving men and women equal rights during and dissolution of marriages in order to fight forced marriages.

Articles of importance in other instruments related to consent of marriage, include:

- Article 6 (b) of the Protocol to The African Charter on Human and Peoples' Rights on The Rights of Women in Africa provides for the minimum age of marriage for women as 18 years;
- Article 16 (2) of CEDAW provides the minimum legal age of marriage for girls and boys is established, with or without parental consent, as 18 years;
- Article 2 of The African Charter on the Rights and Welfare of the Child defines a child as a person below the age of 18 years'; and
- Article 16 of CRC protects the child from all forms of child abuse and torture whereby it calls
 upon states to 'take specific legislative, administrative, social and educational measures to
 protect the child from all forms of torture, inhuman or degrading treatment and especially
 physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in
 the care of the child.'

Full Text

Available at: http://www.ohchr.org/EN/ProfessionalInterest/Pages/MinimumAgeForMarriage.aspx

Importance

- Documents the standards on marriage set by UDHR, which has gained the status of customary international law and is therefore binding upon states; and
- Recognises the health implications of child, early, and forced marriage.

Relevance

- Although Uganda has not ratified this convention, its influence is seen in national policies and other documents, such as the Children Act and the National Strategy to End Child Marriage and Teenage Pregnancy;
- Article 31 of Constitution of the Republic of Uganda (1995) recognises the right of consent in marriage for individuals of 18 years and above and guarantees equal rights in marriage and at its dissolution, for both women and men; and
- The Penal Code Act makes any sexual act with someone below the age of 18 a criminal offense in Uganda.

A1.8 The Convention on the Elimination of all forms of Discrimination against Women, 1979

Key Content

Uganda, as a party to The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) has the duty to ensure the equal enjoyment of economic, social, cultural, civil and political rights by men and women. Mainly, CEDAW focuses on the elimination of discrimination against women in all its forms and manifestations, and calls upon all state parties to take appropriate actions to address any form of discrimination against women. Key provisions are on: Elimination of Discrimination (Article 1), Health (Article 12), Economic and social benefits (Article 13), Political and public life (Article 7), Rural women and Girls (Article 14), Nationality (Article 9), and Representation (Article 8).

In particular, CEDAW provides that health services for women should be non-discriminatory, including services related to family planning, and equal legal capacity to that of men (Article 15); emphasises the need for social services - especially childcare facilities for combining family obligations with work responsibilities and participation in public life (Article 11); provides for guarantees of job security in the event of marriage and maternity (Article 11); and underlines the equal responsibilities of men with women in the context of family life (Article 16). CEDAW also requires measures to be taken to: ensure equal rights for women in political and public life (Article 7); equal access to education and

equal choice of curricula (Article 10); and non-discrimination in employment and pay (Article 11). CEDAW allows for temporary special measures ('affirmative action') to accelerate the achievement of equality in practice between men and women (Article 4); requires actions to modify social and cultural patterns that perpetuate discrimination (Article 5); and sets out equal rights for women, regardless of their marital status, in all fields - political, economic, social, cultural and civil; and calls for national legislation banning discrimination (Articles. 15 and 16).

In terms of health, CEDAW focuses on issues of:

- Maternity leave (Article 11(2)(b));
- Protection against harmful work during pregnancy (Article 11(2)(d);and
- Elimination of discrimination against women in the field of health care and access to appropriate health services regarding pregnancy, post-natal period, nutrition etc, including during confinement. (Article 12(1).

Some notable General Recommendations made by the Committee on Elimination of All Forms of Discrimination Against Women:

General Recommendation 15 (1990) - HIV/AIDS

This General Recommendation focuses on the impact of HIV/AIDS on women. State Parties should ensure that women, children and other vulnerable persons are not discriminated on basis of HIV status. State Parties are further obliged to raise awareness on the epidemic in order to educate the public on how to reduce infections.

General Recommendation 19 (1992) – Violence

General Recommendation 19 recognises violence against women as a gross form of discrimination and a human rights violation. It also introduces the principle of due diligence where State Parties regulate violence by private actors and is not restricted to action by or on behalf of Governments. Under general international law and specific human rights covenants, States Parties may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence; and for failure to provide compensation.

General Recommendation 24 (1999), Article 12 - Women and Health

The Committee pointed out that Article 12, obliges States to put in place appropriate measures through legislations and policies in the field of health in order to eliminate discrimination against women. The Committee in its General Recommendation 24, has defined women's health and elaborated that Governments must develop the capacity to deliver services that are cognisant of the differential risk factors for various diseases among women and men on the basis of differential biological and social factors affecting women and men, differential progression in the diseases concerned in women and men and the differential reaction to treatment with drugs in women and men on the basis of the above factors.

Full Text

Available at: <Available at: http://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>

Importance

- Regarded as the International Bill of Rights for Women;
- Influences many pieces of national legislation;
- Offers guidance on the rights detailed in the Convention and sets standards for realisation and implementation of such rights; and
- Obligates States to domesticate provisions in the Convention.

Relevance

- The Constitution of the Republic of Uganda (1995) makes critical provisions on the rights of women such as: affirmative action, equality before and under the law, non-discrimination on basis of sex, equality in marriage and at its dissolution; and
- Uganda has come up with crucial legislations pertaining to the rights of women, including: The Equal Opportunities Commission Act (2007), Domestic Violence Act (2010), Amendment to the Penal Code Act Prohibiting Defilement of Girls and Boys (2007), Prevention of Trafficking in Persons Act (2010), ICC Act (2010).

The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW), 1999

The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW) is an international treaty which establishes complaint and inquiry mechanisms for the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Parties to the Protocol allow the Committee on the Elimination of Discrimination against Women to hear complaints from individuals or inquire into "grave or systematic violations" of the Convention. Uganda is yet to ratify it.

A1.9 Convention on the Right of the Child (CRC), 1989

Key Content

The Convention deals with the child-specific needs and rights with the obligation that States must act in the best interests of the child. The crucial rights contained include: prohibition against discrimination on a whole range of grounds including sex (Article 2); prevention against all forms of violence (including sexual abuse) (Article 19); equality of sexes (Article 29); protection from all forms of sexual exploitation and sexual abuse (Article 34); prevention of abduction of, the sale of or traffic in children for any purpose or in any form(Article 35); the right of the child to the enjoyment of the highest attainable standard of health, access to facilities for the treatment of illness and rehabilitation, and the right of access to such health care services.

State Parties are required to take appropriate measures to: diminish infant and child mortality; (Article 24(2)(a); ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care (Art 24(2); combat disease and malnutrition, including within the framework of primary health care(Article 24(2)(c); ensure appropriate pre-natal and post-natal health care for mothers (Article 24(2) (d); support parents in the use of basic knowledge of child health and nutrition as well as to obtain information on the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents (Article 24(2) (e); develop preventive health care, guidance for parents and family planning education and services (Article 24(2) (f); and abolish traditional practices prejudicial to the health of children (Article 24(3).

Full Text

Available at: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx.

Importance

- Standardised approaches to dealing with children in conflict with the law;
- CRC covers a whole spectrum of CCPR and ESCR rights in one document; and
- Introduces an opportunity for children's participation in matters that affect them.

Relevance

- The Bill of Rights in the Constitution of the Republic of Uganda its makes specific provisions for the rights of the Child;
- The CRC was domesticated in Uganda in 1996 by enacting a law for children (the Children Act (Cap 59), as amended in 2016;

- Passed laws such as the FGM Act to address negative cultural practices which also applies to children;
- Passed the Prevention of Trafficking in Persons Act, 2009 which also targets children;
- The Penal Code Act was amended to address more serious sexual offences that were being committed against children;
- Provides a foundation for functioning of civil society organisations which hold the duty bearers accountable; and
- Influenced the formation of Institutions such as the Family and Children's Court (FCC) in Uganda as well as the Family and Child Protection Unit of the Uganda Police Force as well as Remand Homes for children in conflict with the law (Child Offenders).

A1.10 International Convention on the Protection of Rights of all Migrants Workers and Members of their Families A/RES/45/158

Key Content

The primary objective of the Convention is to foster respect for human rights of migrants. The Convention does not create new rights for migrants but aims at guaranteeing equality of treatment, and the same working conditions, including in cases of temporary work, for migrants and nationals.

Full Text

Available at: http://www.un.org/documents/ga/res/45/a45r158.htm.

Importance

- Recognized migrant workers as a vulnerable group deserving equal protection under the law;
 and
- Outlines the right to health for migrant workers under Article 28 to receive, on the basis of equality of treatment with nationals, any medical care that is urgently required for the preservation of life and avoidance of irreparable harm to their health.

Relevance

- Uganda makes periodical reports on the right to health, among other rights, of migrant workers in the implementation of this treaty;
- Uganda, as a member of the East African Community, ratified the East African Common Market Protocol, which makes provision on free movement of persons, labor, services and goods across the region and provides for rights of such workers; and
- Uganda must formulate strategic migration management to align with broader national development goals, based on the provisions of this treaty.

A1.11 Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (C182) 1999 (No. 182)

Key Content

This Convention calls upon State Parties to take immediate action to abolish the worst forms of child labour. It further calls upon countries to define in their laws the types of work which could damage the health, safety or well-being of children under 18, so that they are protected against these kinds of work.

The Convention defines the worst forms of child labour to include slavery and forced labour, child prostitution and pornography, production and trafficking of drugs and work likely to harm the health, safety or morals of children. Convention No. 182 calls for States to take measures to ensure access to free basic education in order for children removed from the worst forms of child labour.

Note that this Convention may be denounced between 2020 and 2021.

Full Text

Available at: http://blue.lim.ilo.org/cariblex/pdfs/ILO_Convention_182.pdf

Importance

- Recognises the United Nations Convention on the Rights of the Child, which has been ratified by Uganda and almost all countries in the world with provisions that include the right to be protected from economic exploitation and any work that is likely to be hazardous; or to interfere with the child's education; or to be harmful to the child's health or physical, mental, spiritual, moral or social development:
- Urges States to take immediate and effective measures to prohibit and eliminate the worst forms of child labour as a matter of urgency: and
- The principles of non-discrimination, best interests of the child and child participation must be at the fore front.

Relevance

• Incorporates the provisions of the Convention in the national laws like the Constitution of the Republic of Uganda, the Children Act, Employment Act, Penal Code Act among others.

A1.12 The Rome Statute 1998(2002)

Key Content

The Rome Statute for the International Criminal Court created a permanent International Criminal Court (ICC). This Court has the mandate to try those accused of the most serious crimes including genocide, crimes against humanity and war crimes. The Rome Statute provides for non-discrimination on the basis of gender, age, race, colour, language, religion or belief, political or other opinion, national, ethnic or social origin, wealth, birth or other status. Gender-based violence such as "...rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity..." committed "...as part of a widespread or systematic attack directed against any civilian population..." are categorized as crimes against humanity.

Full Text

Available at: http://legal.un.org/icc/statute/99_corr/cstatute.htm

Importance

- Attempts to end impunity;
- Identifies perpetrators who bear the greatest the responsibility by virtue of their leadership roles;
- Recognizes sexual offences as international crimes; and
- Creates a permanent Court to try all persons who commit international crimes where national Courts are unable to try such persons;

Relevance

- Creates a basis for
 - o The Ugandan ICC Act No. 11 of 2010; and
 - A Court in Uganda called International Crimes Division (formerly the War Crimes Division) of the High Court with similar functions.

A1.13 The Convention on the Rights of Persons with Disabilities, Dec 2006

Key Content

Parties are required to promote, protect, and ensure the full enjoyment of human rights by persons with disabilities, including the right to health, like all other citizens. Article 25 specifies that "persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. Article 17 of the Convention provides that every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

Full Text

Available at: https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html

Importance

- Transformed the global perception of persons from objects of charity to be pitied, to full and equal members of society who entitled to the same rights as all other individuals; and
- Explicitly recognises the rights enshrined in UDHR, ICCPR, ICESCR, among others, for persons with disabilities.

Relevance

- Health workers should be trained in sign language, hearing aids should be available, health
 facilities should be wheelchair accessible, Persons with Albinism should be provided with sun
 protection resources, adjustable beds should be provided for women with disabilities, among
 others;
- The Parliament of Uganda is mandated to have at least five seats for persons with disabilities;
 and
- The Convention reinforced the rights of persons with disabilities as illustrated in domestic legislation, including the Constitution of the Republic of Uganda (1995) and the Persons with Disabilities Act (2006), as well as Uganda's recognition of sign language as a national legislation.

First Optional Protocol to the Convention on the Rights of Persons with Disabilities, 2006

Article 1 under OP1 to the CRPD establishes a mechanism for receiving complaints on the violation of provisions outlined in the Convention. Article 2 creates guidelines for submitting such complaints, including the requirement that complainants have exhausted all domestic options for redress.



A2.1 Ottawa Charter for Health Promotion (1986)

Key Content

The Ottawa Charter for Health Promotion defines health promotion as 'the process of enabling people to increase control over their health'. At the core of the process is the empowerment of communities to improve their health and welfare. Its five areas for health promotion include;

- 1. Building healthy public policy,
- 2. Creating supportive environments,
- 3. Strengthening community action,
- 4. Developing personal skills,
- 5. Re-orienting health care services toward prevention of illness and promotion of health.

Full Text:

Available at: https://www.betterhealth.vic.gov.au/health/servicesandsupport/ottawa-charter-for-health-promotion?viewAsPdf=true

Importance

• Gave prominence to the idea of health promotion.

Relevance

 The Health Promotion and Education Unit at the Ministry of Health aims to increase community awareness and health literacy on disease prevention and promotion, promote public participation and involvement in healthcare delivery, and increase demand and utilization of the services provided by the sector.

A2.2 World Health Assembly Resolution 41.24 on the Avoidance of Discrimination in relation to HIV infected People and People with AIDS (1988)

Key Content

World Health Assembly Resolution 41.24, adopted on 13 May 1988 puts human rights at the center of the response to HIV in the 1980s. The document urged Member States to:

- Foster a spirit of understanding and compassion for HIV-infected people and people with AIDS;
- Protect the human rights and dignity of HIV-infected people and people with AIDS and avoid discriminatory action against, and stigmatisation of them in the provision of services, employment and travel; and
- Ensure the confidentiality of HIV testing and to promote the availability of confidential counselling and other support service.

Full Text

Available at: http://apps.who.int/iris/handle/10665/164520

Importance

- Recognizes discrimination as a threat to public health; and
- Provides basis for 2016 United Nations Political Declaration on Ending AIDS, which further emphasizes the right to health for everyone, everywhere.

Relevance

- East Africa Community HIV/AIDS Prevention and Management Act 2012, accented to by the President of Uganda prohibits compulsory HIV testing as a requirement for employment, marriage and health care;
- HIV and AIDS Prevention and Control Act, 2014; and
- Establishment of the AIDS Trust Fund.

A2.3 The Vienna Declaration and Programme of Action (VDPA) 1993

Key Content

Among its provisions are the fact that the human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. It also provides that the full and equal participation of women in the political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community. It declares that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking are incompatible with the dignity and worth of the human person, and must be eliminated. Further, national action and international cooperation in such fields as economic and social development, education, safe maternity and health care, and social support are essential.

The Declaration urges governments, institutions, intergovernmental and non-governmental organizations to intensify their efforts for the protection and promotion of human rights of women and the girl-child. The Declaration urges for special attention needs to be paid to ensure non-discrimination, and the equal enjoyment of all human rights and fundamental freedoms by disabled persons, including their active participation in all aspects of society.

Full Text:

Available at: http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx

Importance:

- Created the position of the High Commissioner for Human Rights whose office spearheads the UN's human rights efforts, offers leadership, educates, takes action to empower individuals, assists States in upholding human rights.
- Entrenched "women's rights are human rights" to affirm reproductive and health rights and to reinforce women's socio-economic rights;
- Led to the adoption by the UN General Assembly of the DEVAW and the Human Rights Commission appointed the first Special Rapporteur on Violence Against Women (VAW).

Relevance:

- Initiated a process of integration of women and gender based abuses into policies and laws pertaining to human rights theory and practice which is still on-going;
- Spurred human activists to hold governments accountable through human rights instruments and to demand better national legislation as part of their compliance;
- Influenced Laws on violence against women or their improvement.

A2.4 The Declaration on the Elimination of Violence against Women (DEVAW), 1993

Key Content

The Declaration defines "violence against women" (VAW) as being any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women,

including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.(Article 1). DEVAW provides that women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field, as enshrined under UDHR, ICCPR, ICESCR, CEDAW, etc.

DEVAW obliges States to condemn violence against women, and stipulates that nations should not use custom, traditional or religious considerations as an excuse to avoid such obligations.

Further, under Article 4(e), States are mandated to immediately create a policy framework to eliminate violence against women. Article 4 (j) requires that nations eliminate prejudices, customary practices, and all other practices based on sexism, through education and sensitisation.

Full text:

Available at: http://www.un.org/documents/ga/res/48/a48r104.htm

Importance

- Recognises VAW as a phenomenon entrenched in unequal power relations between women and men;
- Strengthens provisions under CEDAW requiring Member States to realize the full equality between women and men;
- Set international standards for addressing VAW; and
- Led to the creation of the International Day for the Elimination of Violence Against Women which is celebrated annually on November 25.

Relevance

- Put pressure on national administrative efforts to expedite cases of VAW;
- Led to creation of legal, policy and institutional frameworks for ending violence against women in Uganda, including SGBV safety centers, the National GBV Policy, Domestic Violence Act (2010), the Child and Family Protection Unit(CFPU) of the Uganda Police Force (UPF), the Family and Children Court (FCC), ICC Act (2010); and
- Created an environment for CSOs to increase efforts in addressing VAW.

A2.5 WHO Guidelines on HIV Infection and AIDS in Prisons (1993)

Key Content

The guidelines provide standards for prison authorities in their efforts to prevent HIV transmission in prisons, and to provide care to those affected by HIV/AIDS. The general principles governing these guidelines are that:

- All prisoners have the right to receive health care, including preventive measures, equivalent
 to that available in the community without discrimination, in particular with respect to their
 legal status or nationality;
- The general principles adopted by national AIDS programmes should apply equally to prisoners and to the community; and
- Preventive measures for HIV/AIDS in prison should be complementary to and compatible with those in the community.

Full Text

Available at: http://www.who.int/hiv/idu/WHO-Guidel-Prisons_en.pdf

Importance

 Provides guidance on assuring prisoners with HIV are afforded the same rights as nonprisoners with HIV; and Gives special attention to women prisoners with HIV.

Relevance

- Uganda's HIV and AIDS Prevention and Control Act 2014 prioritizes the most at-risk populations, including those in prisons and prostitutes; and
- National HIV and AIDS Strategic Plan 2015/16 2019/2020.

A2.6 International Conference on Population and Development and Programme of Action, 1994

Key Content

The Programme of Action developed at the International Conference on Population and Development affirmed that sexual and reproductive health are a human right, and the empowerment of women and girls is crucial for the well-being of individuals, communities, and societies. The Conference outlined the interrelationship between population, sustained economic growth, and sustainable development and covered other issues such as international migration, urbanization, technology, and education in the context of population and development. Governments were also encouraged to adopt national policies and plans of action. In 2014, the UNGA adopted a new Framework of Actions for the follow-up of ICPD.

Full Text

Available at: https://www.unfpa.org/sites/default/files/event-pdf/PoA_en.pdf

Importance

- Recognized sexual and reproductive health as a fundament human right; and
- Linked gender equality and women's empowerment to sustainable development.

Relevance

• Provides for rights in Constitution of the Republic of Uganda, 1995, the National Gender Policy, 2007 and the Gender-Based Violence Policy, 2016.

A2.7 The Beijing Platform for Action (BPfA), 1995

Key Content

The Platform for Action is an agenda for women's empowerment. It aims at removing all obstacles to women's active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making. It recognises equality between women and men is a matter of human rights, a condition for social justice, and a necessary and fundamental prerequisite for equality, development and peace.

It identifies actions to be taken by Government to accelerate achievement for gender equality. The Platform for Action obligates State Parties to put in place gender responsive interventions including policies, plans, services and information on women's health.

It also established 12 critical areas of concern that need to be addressed in order to achieve political, social, economic, cultural and environmental security among all people. The critical areas related to women are: poverty, education, health, violence, armed conflict, the economy, power and decision making, mechanisms for women's advancement, women's human rights, mass media, the environment, and the girl child.

Specifically on health, women have the right to enjoyment of highest attainable standards of mental and physical health. It was pointed out that a major impediment to the realisation of this right is inequality and women's health is affected by poverty, violence, negative attitudes towards women and girls, discrimination, lack of access to health services, inadequate research on women's health

and limited power women have on their sexual and reproductive lives and lack of influence in decision making.

Some of the proposed actions to be taken by the governments in enhancing women's health rights include: aaccessibility and affordability of health services; strengthening preventive programmes that promote women's health; putting in place gender sensitive interventions especially on addressing reproductive health issues; gender sensitive and evidence based research and monitoring interventions; increasing budgetary allocations for health care and formulating policies to increase investment in health.

Full Text

Available at: http://www.un.org/womenwatch/daw/beijing/index.html

Importance

- Marked remarkable political will and worldwide visibility, connected and reinforced the activism of women's movements on a global scale;
- Supported the UN Decade for Women (1976-1985) which was a worldwide effort to examine the status and rights of women and to bring women into decision-making at all levels;
- Provided a platform for the full realization of all human rights and fundamental freedoms of all women thereby support efforts for the empowerment of women;
- Forms one of the most important instruments together with the CEDAW as tools to achieve Gender Equality and to Close the Gender Gap in Decision Making; and
- Impacted on important Instruments relating to women's rights such as the Maputo Protocol.

Relevance

- Uganda adopted the National Gender Policy (1997) and created the National Action Plan on Women in 1999;
- Mainstreamed gender into the Constitution of the Republic of Uganda (1995); and
- 1997 Local Government Act and 1998 Land Act includes provisions on gender equality.

Uganda's Implementation of the Beijing Platform

From 1990-2000, Uganda embarked on an aggressive implementation of the Beijing Platform. The Ministry of Gender, Labour and Social Development (MGLSD) coordinates and oversees the implementation of gender equality and women's advancement programmes nationally.

- A National Gender Policy (1997) was adopted by Government. Its main objective is to mainstream gender concerns in national development processes through guiding resource allocation in all sectors to address gender inequality. The Policy has in effect influenced the adoption of gender mainstreaming as a cardinal principle in all sectorial and district development programmes. The main outcome of this has been the increased attention to the involvement of and benefits to both women and men at all levels across the different sectors including health, education, and water.
- The Uganda Law Reform Commission has embarked on a process of reviewing laws to ensure equality between women and men. A Domestic Relations Bill and Sexual Offences Bill are in place and awaiting Parliamentary debates before approval.
- Laws that have already been revised to promote gender equality in legislation include-
 - The 1997 Local Government Act, which provides for a minimum of one third representation of women on all Local Council (leadership) structures.

- The 1998 Land Act which protects women's land rights;
- The 1999 National Action Plan on Women in 1999

The National Action Plan on Women in 1999 focused on 5 (out of 12) BPfA critical areas of concern. Below are some achievements across the five dimensions:

1) Poverty, income generation and economic empowerment;

Some achievements include the Poverty Eradication Plan (PEAP) 2004/2005-2007/2008, The Plan for Modernisation of Agriculture (PMA) 2000.

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2) Reproductive health and rights;

The National Health Policy and Health Sector Development Plan includes guiding principles related to gender equality and equity, and provides for:

- Ensuring safe pregnancy and delivery, improved management of complications of pregnancy and childbirth including spontaneous or induced abortion, and reduction in the high rates of maternal and prenatal deaths through timely and effective emergency obstetric care provided at strategic and accessible locations;
- Provision of information and services for appropriate modern family planning methods and reduction in the gap between desired and actual use of family planning services;

3) The Girl child and education;

• The government introduced universal primary education in 1997 to offer free education to four children per family at least two of whom where to be girls, funding of special need education among others. Later 1.5 additional free points were given to girls whilst being admitted at public universities and tertiary institutions was introduced. Strategies were laid to address this by providing legal assistance through a number of organizations to help women in desperate situation and these include Uganda Association for Women Lawyer (FIDA), Legal Aid Project of Uganda, among others.

4) Legal framework and decision making;

The Constitution of the Republic of Uganda (1995) mandates a quota for women in parliament, and Uganda's Gender Policy of 2007 commits to strengthening women's capacities and presence in decision making for their meaningful participation in administrative and political processes. The 1993 Decentralisation policy and 1997 Local Government Act include several gender responsive acts, and the 2001 Presidential Election manifesto guarantees a commitment of women's advancement through economic empowerment. The Uganda Gender Forum was established as the central coordinating mechanism for gender mainstreaming.

5) Violence against females and peace building (added after the 23rd special session of the General Assembly in 2000)

• GoU developed the National Action Plan for the national implementation of UNSCRs 1325 and 1820, and the Goma Declaration in 2008.

There are still various challenges in promoting gender equality and women's advancement in Uganda. Salient among these are increasing the levels funding for institutions and programmes that promote gender equality, including the National Women's Machinery; comprehensive capacity building for planners and implementers in all sectors and at all levels in order to diffuse responsibility for gender mainstreaming from a single gender focal point officer; strengthening the existing monitoring and evaluation systems at all levels; and reforming the personal laws in line with the international bill of rights for women.

A2.8 UNSCR 1325, October 2000

Key Content

The United Nations Security Council Resolution (UNSCR) 1325 on Women, Peace, and Security recognises the "need to implement fully, international humanitarian and human rights law that protects the rights of women and girls during and after conflicts" and calls "upon all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse." SC Res.

1325 specified the IHL basis of protection and human rights law basis of rights to be extended to women during armed conflict and in the immediate aftermath of armed conflict. Its four pillars are "Participation, Protection, Prevention, and Relief and Recovery."

The Resolution also urges Member States to increase representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict, as well as demand a gender perspective in peacekeeping and field operations.

Full Text

Available at: http://www.un.org/womenwatch/osagi/wps/">

Importance

- First UNSC formal, legal document to mention women specifically;
- Primary framework for the women, peace, and security agenda;
- Recognizes women's active participation in decision-making processes as greatly contributing to peace and stability; and
- Identifies the heightened risk of violence for women and girls in conflict.

Relevance

- Uganda developed a National Action Plan for the national implementation of UNSCRs 1325 and 1820, and the Goma Declaration in 2008 and its respective Monitoring Report in 2015. The NAP includes access to health facilities, medical treatment and psychosocial support services for GBV survivors; improving coordination among different acts in Society in the Elimination of GBV; handling and management of GBV at different levels; and women's participation in leadership and decision-making positions in Uganda;
- Uganda developed the National Elimination of Gender-Based Violence Policy in 2016, the Domestic Violence Act in 2010, and the ICC Act in 2010;
- Transitional justice emerged as a key thematic issue for the Justice, Law, and Order sector to address justice and reconciliation issues in the aftermath of the conflict in Northern Uganda. Among other things, it aims to enhance access to justice and basic services for victims, with emphasis on the rights of vulnerable groups especially women and children; and

• Informed the development of the 2007 Juba Agreement on Accountability and Reconciliation (which was never signed).

A2.9 Declaration of Commitment of the UN General Assembly Special Session on HIV /AIDS, JUNE 2001

Key Content

The Declaration recognises that the full realization of human rights and fundamental freedoms for all is an essential element in a global response to the HIV/AIDS pandemic, including in the areas of prevention, care, support and treatment. It also acknowledges the urgency to reduce vulnerability to HIV/AIDS and to prevent stigma and related discrimination against people living with or at risk of HIV/AIDS. The Declaration stresses that gender equality and the empowerment of women are fundamental in reducing the vulnerability of women and girls to HIV/AIDS, including the elimination of all forms of discrimination, as well as all forms of violence against women and girls.

Full Text

Available at: http://www.unaids.org/en/aboutunaids unitednationsdeclarationsandgoals /2001decla ration of commitment on hivaids >

Importance

- Mandated State Parties to develop and accelerate the implementation of national strategies that:
 - o Promote the advancement of women and women's full enjoyment of all human rights; promote shared responsibility of men and women to ensure safe sex;
 - Empower women to have control over and decide freely and responsibly on matters related to their sexuality to increase their ability to protect themselves from HIV infection; and
 - o Increase capacities of women and adolescent girls to protect themselves from the risk of HIV infection, principally through the provision of health care and health services, including sexual and reproductive health, and through prevention education that promotes gender equality within a culturally and gender sensitive framework.
- Provides basis for 2016 United Nations Political Declaration on Ending AIDS, which further emphasises the right to health for everyone, everywhere.

Relevance

- East Africa Community HIV/AIDS Prevention and Management Act 2012, assented to by the President of Uganda prohibits compulsory HIV testing as a requirement for employment, marriage and health care;
- Uganda HIV and AIDS Prevention and Control Act, 2014;
- FGM Act of 2010 is in place to cub all forms of harmful practices against women;
- Domestic Violence Act of 2010 is also in place to regulate all forms of violence;
- Prevention of Trafficking in Persons Act 2009 which prohibit trafficking in persons for sexual purposes, forced marriages among others; and
- Provides framework for many other domestic strategies, including the National HIV and AIDS Strategic Plan 2015/2016 – 2019/2020 and the National HIV and AIDS Priority Action Plan 2015/16 – 2017/18.

A2.10 The Commonwealth Plan of Action for Gender Equality 2005-2015 (2004) 30 May- 2 June 2004)

Key Content

Uganda has been a member of the Commonwealth since it gained independence on 9th October 1962 and thus is enjoined to implement this Plan of Action. This is a 10-year Plan of Action and it focuses on the following critical areas and calls upon governments to take action on:

Gender, democracy, peace and conflict

- Mainstream gender equality, human rights, HIV/AIDS into the training of peacekeepers, disciplined forces, and law enforcement personnel and their partners to ensure appropriate codes of conduct.
- Develop peace and citizenship education programmes (including conflict situations) that promote respect for individual rights and freedoms, gender equality, diversity including religious and cultural diversity, and pluralism.

• Gender, human rights and law

This emphasizes removing obstacles related to: lack of political will, lack of awareness in the public service and justice systems at all levels, lack of enforcement capacity, traditional or customary systems of law that discriminate against women, women's inadequate awareness or legal illiteracy concerning their rights and recourse to justice, limited human and financial resources for monitoring and enforcement at national, local and community levels, and inadequate evidence based data collection. It is in this context that violations of human rights of women and girls including elderly women and women with disabilities, occur and actions to redress these issues such as human rights education, remain urgent priorities.

Full text

Available at: "> http://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/3TheCommonwealthPlanofActionforGenderEquality2005-2015(2004).aspx>"> http://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/3TheCommonwealthPlanofActionforGenderEquality2005-2015(2004).aspx>"> http://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/3TheCommonwealthPlanofActionforGenderEquality2005-2015(2004).aspx>"> https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/3TheCommonwealthPlanofActionforGenderEquality2005-2015(2004).aspx>"> https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/3TheCommonwealthPlanofActionforGenderEquality2005-2015(2004).aspx>"> https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/STheCommonwealthPlanofActionforGenderEquality2005-2015(2004).aspx>"> https://www.ohchr.org/EN/Issues/EducationForGenderEquality2005-2015(2004).aspx>"> https://www.ohchr.org/EN/Issues/EducationForGenderEquality2005-2015(2004).aspx>"> https://www.ohchr.org/EN/Issues/EducationForGenderEquality2005-2015(2004).aspx>"> https://www.ohchr.org/EN/Issues/EducationForGenderEquality2005-2015(2004).aspx>"> https://www.ohchr.org/EN/Issues/EducationForGenderEquality2005-2015(2004).aspx>"> https://www.ohchr.org/EN/Issues/EducationForGenderEquality2005-2015(2004).aspx>"> https://www.ohchr.org/EN/Issues/EducationForGenderEquality2005-2015(2004).aspx>"> https://www.ohchr.org/EN/Issues/EducationForGenderEquality2005-2015(2004).aspx>"> https://www.ohchr.org/EN/Issues/EducationForGenderEquality2005-2015(2004).aspx<"> https://www.ohchr.org/EN/Issues/EducationForGenderEquality2005-2015(2004).aspx<"> https://www.ohchr.org/EN/Issues/EducationForGenderEquality2005-2015(2004).aspx<"> https://www.ohchr.org/EN/Issues/EducationForGenderEquality2005-2015(2004).aspx

Importance

- Given the crucial roles played by the law enforcement agencies in promotion of gender and human rights, the governments are enjoined to prioritize them for purposes of mainstreaming gender and human rights issues; and
- Capacity building through education/training programmes of key actors is recognised as important aspect for promotion of gender equality and human rights.

Relevance

- Efforts especially through development partners' initiatives have been put in place to mainstream gender and human rights in Uganda Police Force, Uganda Peoples Defense Forces, Uganda Prison Service and other law enforcement agencies; and
- Capacities of security agencies have been built through training on the subject and as a result, they have established desks on gender and human rights in their respective sectors.

A2.11 UNSCR 1820, 2008

Key Content

This Resolution, unanimously adopted in 2008, recognizes rape and other forms of sexual violence as crimes against humanity and underpins its centrality in the maintenance of international peace and security. The resolution maintains that sexual violence can be a war crime, a crime against humanity or a constitutive act with respect to genocide. Like UNSCR 1325, UNSCR 1820 calls for increased

the participation of women in conflict prevention and resolution processes. It also demands the immediate and complete cessation of all acts of sexual violence against civilians by all parties to armed conflict, urges sanctions for perpetrators, and requires that sexual violence be disqualified from all forms of amnesty.

The UNSCR 1820 underscores the UN commitment in the BPfA to identify and condemn the systematic practice of rape and other forms of inhumane and degrading treatment of women. Government is also called upon to comply with their obligation to prosecute persons responsible for such acts and to ensure that all victims of sexual violence, particularly women and girls, have equal protection under the law and equal access to justice.

Full Text

Available at: http://www.unwomen.org/en/docs/2008/6/un-security-council-resolution-1820

Importance

- Explicitly recognises sexual violence as a weapon of war;
- Recognises sexual violence as a security issue, demanding a security response;
- Demands Parties adopt concrete prevention strategies, including training troops on violence prevention;
- Emphasises the importance of women's participation in conflict resolution; and
- Complements UNSCR 1325, UNSCR 1612 (Children and Armed Conflict), UNSCR 1674 (Protection of Civilians in Armed Conflict)

Relevance

- Uganda developed a National Action Plan for the national implementation of UNSCRs 1325 and 1820, and the Goma Declaration in 2008 and its respective Monitoring Report in 2015. The National Action Plan includes:
 - Access to health facilities, medical treatment and psychosocial support services for GBV survivors;
 - o Improving coordination among different acts in society in the Elimination of GBV;
 - o Handling and management of GBV at different levels; and
 - o Participation of women in leadership and decision-making positions in Uganda.
- Uganda developed the National Elimination of Gender-Based Violence Policy in 2016 and passed the Domestic Violence Act in 2010.

A2.12 UN Sustainable Development Goals (SDGs), 2015

Key Content

The 17 Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development, which were adopted by world leaders in September 2015 provide that over the next fifteen years, countries will mobilize efforts to end all forms of poverty, fight inequalities and tackle climate change, while ensuring that no one is left behind. The SDGs, also known as Global Goals, build on the success of the Millennium Development Goals (MDGs) and aim to go further to end all forms of poverty. The new Goals are unique in that they call for action by all countries, poor, rich and middle-income to promote prosperity while protecting the planet. There are 169 targets across the 17 goals, and 304 indicators to measure progress. In particular, the following goals are pertinent:

Goal 3: Ensure healthy lives and promote well-being for all at all ages

This goal essentially promotes that concept that all persons live healthy lives and that there should be promotion of the well-being for all at all ages in order to achieve sustainable development. Focus is still placed on fully eradicating a wide range of diseases and addressing many different persistent and emerging health issues, especially regarding family planning, maternal mortality, and achieving universal health coverage.

Goal 5: Achieve gender equality and empower all women and girls

This goal promotes the concept that gender equality is not only a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world. It encourages the provision of women and girls with equal access to education, health care, decent work, and representation in political and economic decision-making processes, which will fuel sustainable economies and benefit societies and humanity at large.

Full Text:

Available at: http://www.un.org/sustainabledevelopment/health/

Importance:

- Sets a global development agenda rooted in human rights standards; and
- Includes standalone goals on gender equality and health.

Relevance:

- Government developed its 2015/16-2019/20 Second National Development Plan in line with the SDGs;
- Government conducted a national review of its implementation of the 2030 Agenda in July 2016 at the UN High-level Political Forum;
- MDGs influenced the National Education Policy, including the 2007 Universal Secondary Education (USE); and
- Forum for Women in Democracy (FOWODE) launched "Voice to Action: Advancing Gender Equality in the SDGs" to domesticate women's critical issues and indicators for Ugandan Women.

B. REGIONAL LEVEL

At the regional level, Uganda's commitments include: the East African Community (EAC) and Treaty (2000); Common Market for Eastern and Southern Africa (COMESA) Gender Policy (May 2002); the Protocol on the Rights of Women in Africa (July 2003); the Inter Government Authority on Development (IGAD), Gender Policy and Strategy (July 2004); the New Partnership for African Development (NEPAD) through programmes aimed at enhancing women's human rights through the application of Social Development indicators; and the AU Heads of State Solemn Declaration on Gender Equality (July 2004).

Uganda is also signatory to: the African Charter on Human and People's Rights (1981); the Protocol to the African Charter on Human and People's Rights of Women in Africa (2003); the Protocol on the Prevention and Suppression of Sexual Violence against Women and Children of the International Conference on the Great Lakes Region (30 November 2006) and the Goma Declaration on Eradicating Sexual Violence and Ending Impunity in the Great Lakes Region (2008).

B1.0 TREATIES

B1.1 African Charter on Human and Peoples' Rights 1981

Key Content

The African Charter on Human and Peoples' Rights (the Banjul Charter) is unique in that it provides for "peoples' rights," and several rights not found in other instruments, such as: "third-generation" or collective rights such as the right to development; the right to a satisfactory environment; the right to peace; and the right of people to dispose of their wealth and natural resources. It promotes many vital principles in UDHR, ICCPR, and ICESCR including that of freedom, equality, justice and the dignity of the human person, non-discrimination.

Additionally, Banjul Charter obligates States parties to take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick. (Article 16(2).

Full Text

Available at: http://www.humanrights.se/wp-content/uploads/2012/01/African-Charter-on-Human-and-Peoples-Rights.pdf

Importance

- Created an African Commission on Human and Peoples' Rights to oversee charter implementation and an African Court on Human and Peoples' Rights, which is now housed under the African Court of Justice;
- Enshrines rights provided for by ICCPR and ICESCR, in addition to peoples' rights and thirdgeneration human rights; and
- Article 18 (3) contains one of the most comprehensive clauses concerning the prohibition of discrimination against women by providing that the State eliminates all discrimination against women and also ensure the protection of the rights of women and the child as stipulated in International Declarations and Conventions.

Relevance

 Certain provisions are domesticated in the Constitution of the Republic of Uganda, 1995, including a section on foreign policy objectives, and the active participation of Uganda in international and regional organizations that stand for peace and wellbeing and progress of humanity, as well as the human rights detailed under Chapter 4;

- Uganda has amended a series of laws and policies in response to recommendations from the African Commission such as the Access to Information Regulations 2011, Prohibition and Prevention Against Torture Act 2012, Anti-Money Laundering Act of 2013, National Development Plan and Uganda Health Policy; and
- Influenced Gender Policy (2007), Domestic Violence Act (2010) and FGM Act (2010).

B1.2 African Charter on The Rights and Welfare of the Child OAU Doc. CAB/LEG/24.9/49 (1990)

Key Content

The African Charter on The Rights and Welfare of the Child (The Children's Charter) was adopted by the AU in order to address issues which are peculiar to Africa that the CRC had omitted. The Charter recognizes that the child occupies a unique and privileged position in the society. It enshrines the traditional rights such as the right to life (Article 5); right of every mentally or physically disabled child to receive special measures of protection (Article 13); the right to health (Article 14); freedom from torture (Article 16 &17).

The Children's Charter also addresses specific issues of particular concern to children such as the right to a name, nationality and to be registered at birth (Article 6); economic and sexual exploitation of children (Articles 15 & 27); elimination of harmful, social and cultural practices affecting the welfare and normal growth and development of the child (Article 21); the prevention of abduction, sale or trafficking in children (Article 29). On the other hand, every child has some duties and obligations, such as respect his/her parents and preserve and strengthen the African values.

To implement Article 14, State Parties must take measures to:

- · Reduce infant and child mortality rates;
- Provide necessary medical assistance and healthcare to all children;
- Develop primary health care;
- Ensure the provision of adequate nutrition and safe drinking water;
- Ensure appropriate healthcare for expectant and nursing mothers;
- Develop preventative healthcare and family life education; and
- Integrate basic health service programmes into national development plans.

Full Text

Available at: http://www.ifrc.org/docs/idrl/N971EN.pdf>

Importance

- Protects the right to health under Article 14 of every child to enjoy the best attainable state
 of physical, mental and spiritual health; and
- Links the right to health to the protection and implementation of other provisions including, but not limited to: freedom from economic exploitation, freedom from torture, freedom from forms of sexual exploitation and sexual abuse, freedom from the trafficking.

Relevance

- Provisions in the Children's Charter are domesticated in The Constitution of the Republic of Uganda, The Children Act (Cap 59), the Uganda Human Rights Commission (UHRC), and the Local Government Act (LGA); and
- Informed the creation of the Family and Children's Courts and Family Protection Units of police and the Remand Homes.

B1.3 The Constitutive Act of the African Union 11 July 2000 (CAAU) (OAU Doc. CAB/LEG/23.15) as amended in 2003

Key Content

The Constitutive Act of the African Union (CAAU) emphasises the common need to build a partnership between governments and all segments of civil society, in particular "women, youth and the private sector" in order to strengthen solidarity and cohesion among their peoples.

The functioning of the AU is to be guided by the principles stated in Article 4 including

- The promotion of gender equality; upholding democratic principles, human rights, the rule of law and good governance.
- In terms of Article 13.1, the Executive Council of the AU must coordinate and take decisions on policies in areas of common interest to the Member States including social security, which incorporates policies relating to the disabled and handicapped; and
- The effective participation of women in decision-making, particularly in the political, economic and socio-cultural areas.

Full Text

Available at: http://www1.uneca.org/Portals/ngm/Documents/Conventions%20and%20 Resolutions/constitution.pdf>

Importance

- Calls for working with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent;
- Creates a permanent Committee on Health, Labour and Social Affairs;
- Principles contain "promotion of gender equality" and "respect for democratic principles, human rights, the rule of law and good governance"; and
- Creates AU Agenda 2063.

Relevance

• Uganda has been a member of the AU since April 2001, and prior, was a member of OAU beginning in 1963.

Common African Position (CAP) of the AU

- Seeks to embrace opportunities and honour obligations presented by emerging development at national, regional (EAC), the Common African Position of the AU (CAP) and the Global levels (Post 2015 Development Agenda).
- Sets out Africa's priorities for the post-2015 agenda under six pillars including: Human Development comprising, inter alia, universal and equitable access to quality healthcare (Paragraph 42(c) of CAP) which include amongst others:-
 - Improvement of the health status of people living in vulnerable situation for instance mothers, newborns, the elderly and people with disabilities, the reduction of the incidence of communicable diseases, non-communicable diseases (such as mental health) and emerging diseases; ending the epidemics of HIV and AIDS, tuberculosis and malaria; reducing malnutrition; and improving hygiene and sanitation; ensure universal and equitable access to quality healthcare, including universal access to comprehensive sexual reproductive health and reproductive rights (such as family planning); improving health systems and health financing, and medical infrastructure, the local manufacturing of health equipment, (such as commitment to the Abuja Declaration); and setting up monitoring and evaluation, and quality assurance systems;

- Gender equality and women's empowerment through on enhancement of women's occupational mobility and elimination of gender-based wage inequality; eradication of all forms of VAW and children, and harmful practices such as female genital mutilation (FGM) and early marriage; and elimination of gender-based discrimination in political, economic and public decision-making processes; and
- o **Provision of adequate resources** to strengthen women's voices, and ensure full and equal participation of women in all decision-making bodies at the highest levels of government.

B1.4 The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), 2003

Key Content

The Maputo Protocol guarantees comprehensive rights to women including the right to take part in the political process, to social and political equality with men, improved autonomy in their reproductive health decisions, and an end to female genital mutilation.

Some provisions, among others, include prohibition of harmful traditional practices such as. FGM (Article 5(b); equal rights in marriage (Article 6); protection of women in armed conflict (Article 11); protection of economic, social and cultural rights of women (Article 13); health and reproductive rights (Article 14); protection of widows from inhuman, humiliating or degrading treatment (Article 20); rights of women to inherit property (Article 21); protection of elderly women regarding their physical, economic and social needs and especially to ensure their right to freedom from violence (Article 22); and protection of women with disabilities and adopt measures to facilitate their access to employment, professional and vocational training (Article 23).

Full Text

Available at: http://www.achpr.org/instruments/women-protocol/

ARTICLE 14 Health and Reproductive Rights

States Parties shall ensure that the right to health of women, including sexual and reproductive health is respected and promoted. This includes:

- The right to control their fertility;
- The right to decide whether to have children, the number of children and the spacing of children;
- The right to choose any method of contraception;
- The right to self-protection and to be protected against sexually transmitted infections, including HIV/AIDS;
- The right to be informed on one's health status and on the health status of one's partner, particularly if affected with sexually transmitted infections, for instance HIV/AIDS, in accordance in accordance with internationally recognized best practices with internationally recognised standard best practices; and
- The right to have family planning education.

Appropriate Measures to be Taken by States

States Parties shall take all appropriate measures to:

- Provide adequate, affordable and accessible health services, including information, education and communication programmes to women especially those in rural areas; and
- Establish and strengthen existing pre-natal, delivery and post-natal health and nutritional services for women during pregnancy and while they are breast-feeding.

Importance

- Enhances the Banjul Charter with commitments explicitly addressing gender equality;
- Provides basis for Solemn Declaration on Gender Equality in Africa (SDGEA) and AU Gender Policy; and
- Informs the African Gender and Development index, and its simplified Gender African Score Card, which measures member States' performance against key ratified gender equality committees across the following sectors: access to credit, parliament and decision-making, employment, business sector, access to land, education, and health.

Relevance

- Informs Uganda's National Gender Policy, 2007;
- Uganda's Equal Opportunities Act, 2007 incorporates provisions of the protocol;
- Article5 of the Protocol is incorporated in Uganda's Female Genital Mutilation Act (FGM), 2009, which provides for legislation necessary to criminalize FGM, prosecute offenders, and protect survivors; and
- Prevention of Trafficking in Persons Act, 2009.



B2.0 POLICIES

B2.1 African Union Gender Policy 2009

Key Content

This Policy provides a framework to accelerate the realization of gender equality, fairness between men and women, non-discrimination and fundamental rights in Africa and provides a mandate for the operationalization of Assembly commitments. It is accompanied by a comprehensive Gender Action Plan (GAP) to guide the implementation of these commitments by AU Organs and is reviewed periodically. The mandate for this gender equality and women empowerment policy derives from the strong AU commitment to gender equality as established in the various AU basic documents, such as the AU Constitutive Act 2000 (Article 4L).

Full Text

Available at: http://www.humanrights.se/wp-content/uploads/2012/01/African-Charter-on-Human-and-Peoples-Rights.pdf

Importance

- Reinforces international human rights instruments such as UDHR, ICCPR, ICESCR, CEDAW, among others;
- Created by the Directorate of Women, Gender, and Development to promote gender equality in Africa and within the AU to support the design of programmes and projects based on policies adopted by AU Member States; and
- Launched the Fund for African Woman, a program designed to invest in a more gender equal economic future.

Relevance

• Many provisions are reinforced in Uganda's National Gender Policy, 2007 and the National Elimination of Gender-Based Violence Policy, 2016.

B3.0 DECLARATIONS

B3.1 50th Anniversary Solemn Declaration 26 May 2013

Key Content

The Declaration on gender equality in Africa reaffirmed commitment to the principle of gender equality as enshrined in Article 4 (I) of the Constitutive Act of the African Union, as well as in other continental and international instruments on human and women's rights. In the 50th Anniversary Solemn Declaration, the Heads of States and Government made a commitment to eradicate disease especially HIV/AIDS, Malaria, TB, ensure that no African woman dies while giving life, address maternal, infant and child mortality as well as provide universal health care service to the citizens.

Full Text

Available at: https://au.int/documents/20130613/50th-anniversary-solemn-declaration-2013

Importance

- Prevention of Mother to Child Transmission (PMTCT) Strategy; and
- Elimination of Mother to Child Transmission (EMTCT) Strategy.

Relevance

- Influential in many government (especially MoH) strategies and guidelines, such as the Roadmap for accelerating Reduction and Neo-natal Mortality and Morbidity in Uganda 2007– 2015, Strategy on Intermittent presumptive treatment of malaria among pregnant mothers, Sexual and reproductive health guidelines, 2015 – 2020, Reproductive Health Commodity Strategy, 2015 – 2020, The Family Planning Costed Implementation Plan, 2015 – 2020, Family planning strategy, Emergency Obstetric Care Strategy;
- Influenced Adolescent Health Policy 2015 2020; and
- Influenced health sector standards such as: HPV for girls under 14 years of age, Cervical Cancer Screening, Provision of Mother Kits to pregnant mothers, distribution of mosquitoes nets for pregnant mothers, massive recruitment of midwives, increased remuneration for doctors working in Health Centre IVs.

B4.0 RESOLUTIONS & GUIDELINES

B4.1 The Regional Plan of Action to Accelerate the Implementation of the Dakar and Beijing Platforms for Action for the Advancement of Women (1999) E/ECA/ACW/RC.VI/99/8

Key Content

This Regional Plan of Action was proposed to help implement the Dakar and Beijing Platforms for Action (BPFA) through national, sub-regional and regional plans of action. This Regional Plan focused on the following critical areas: women and poverty, education and training of women, women and health, violence against women, women and armed conflict, women and the economy, women in power and decision-making, institutional mechanisms for the advancement of women, human rights of women, women and the media, women and the environment, and the girl-child.

Full Text

Available at: http://repository.uneca.org/handle/10855/3752

Importance

 Outlines an implementation plan for Dakar and BPfA through national, sub-regional and regional plans of action; and Identified six main constraints to implementing Dakar and BPfA including few countrydefined concrete strategies for coordinating activities, omission of M&E mechanisms, silence on accountability, few national gender policies in place to coordinate gender mainstreaming, insufficient resources, and HIV and poverty.

Relevance

• Many provisions are reinforced in Uganda's National Gender Policy, 2007 and the National Elimination Gender-Based Violence Policy, 2016.

B4.2 The African Union (AU) Framework and Guidelines on Land Policy in Africa adopted by the African Union in July 2009.

Key content

Most importantly, the AU Framework and Guidelines recognise that women's land rights need to be strengthened through specific mechanisms. Land rights issues usually underpin gender based violence. These Guidelines recommend that the government takes adequate measures to ensure that market driven policies do not marginalize already vulnerable groups. The guidelines also acknowledge the role that national land law has played in fortifying the system of patriarchy for instance by conferring title and inheritance rights along male lines on the assumption that women can and should access land through their husbands or male children. Lastly, the Framework and Guidelines also explicitly recognize the repossession of women's land rights through subordination of equality provisions in Statute to customary and religious law contained in many African Constitutions.

Full text

Available at: https://www.uneca.org/sites/default/files/PublicationFiles/fg_on_land_policy_eng. pdf>

Importance

- Provides mechanism through which African States express their commitments pertaining to women's land rights;
- Acted as a catalyst for the adoption and implementation of provisions of the AU framework and Guidelines at the National level such as Binding Commitments in the Constitutive Act to
- Gender Equality and AU Protocol on the Rights of Women in Africa (2003) Maputo Protocol), which Uganda has ratified; Binding commitments in sub-regional Protocols/Declarations; commitments in National Constitutions and Policies; and International Conventions such as CEDAW, BPfA; and
- Provide an opportunity for activists to lobby their governments to remove age—old rigidities
 in traditional structures and systems which discriminate against women, and also critically
 examining the interface between State and indigenous systems—certification, documentation,
 codification and the impact of these systems on women's rights.

- Ensures agricultural investment and promotes economic growth without weakening development of different groups;
- Recognizes the need for land policies that support a wide range of economic, social and political objectives;
- Sets out a series of best practices and recommendations that includes the need for government to develop comprehensive land policies; and
- Recognises the role of local and community land administration; harmonization of local and national land administrative structures and laws.

B4.3 Agenda 2063, 2013

Key Content

In 2013, African heads of government agreed to form an agenda that would guide national development frameworks of the member states in achieving certain development aspirations that the continent is aiming to attain over the next 50 years. The agenda contains 2 key aspirations on gender and human rights:

- 1. An Africa of good governance, democracy, respect for human rights, justice and the rule of law.
- 2. An Africa where development is people-driven, unleashing the potential of its women and youth.

Agenda 2063 laid a firm foundation for the National Planning Authority (NPA), the government entity that handles the design and implementation of development frameworks. The NPA contextualized the Agenda 2063 within the context of national and international development frameworks like the SDGs, the Vision 2040 and the NDPII which identifies gender inequality as one of the most binding constraints that needs to be unlocked and addressed by the country if the Vision is to be achieved.

NPA has achieved incredible milestones in aligning the Vision 2040 to international frameworks like the SDGs. Uganda has achieved a 76% SDGs to NDPII alignment rate. However, the alignment rate between Agenda 2063 and Uganda's national development plans still remains a subject of debate as neither the government nor the AU have undertaken deliberate studies to establish it.

The biggest challenge to achieving development progress in Uganda is "jobless growth," which is when a macroeconomy experiences growth while maintain or decreasing its employment level. Agenda 2063 further faces institutional, financial and other challenges that are likely to slow the rate of realizing the agenda. The other challenge is lack of commitment on the part of member states to self-regulate, fund and implement the proposals that are central to the sustainability of the framework. It was highly recommended that African member states take responsibility to fund what the continent considers its agenda as one of the biggest steps towards an independent Africa.

Full Text

Available at: http://www.un.org/en/africa/osaa/pdf/au/agenda2063.pdf

Importance

- African ownership of human rights and empowerment of women agenda in all socioeconomic and political sectors and keeps the issues alive at the highest political level in Africa; and
- Commitment of the AU leadership to respect for respect of human rights and people driven development that relies on the potential offered by people especially women and youth.

- Uganda Women Empowerment Programme (UWEP) created in 2015 and implementation started in FY 2016/2017;
- The youth Livelihood Programme (YLP), 2013/2014 targeting the poor and unemployed youth; and
- At the sub regional level, the regional economic communities (RECs) have complemented
 the global and regional frameworks by integrating various resolutions and commitments
 into their policies and programmes of action as demonstrated by IGAD, ECOWAS, and EAC
 instruments to which Uganda is a party.

B4.4 The Addis Ababa Declaration on Accelerating the Implementation of the Beijing Platform for Action, ECA/SDPD/ACG/BEIJING+20/DEC./2014

Key Content

The African Ministers responsible for Gender and Women's Affairs, at their Ninth African Regional Conference on Women for the twenty-year review of the implementation of the Beijing Declaration and Platform for Action, reaffirmed their commitment to the BPfA and its importance and objectives as well as the need to accelerate its implementation. The member states were called upon to achieve gender equality and women's and girl's empowerment, as spelled out in the African Union's Agenda 2063, by 2030. Some of the implementing actions/steps proposed, among others, are:

- Education and training to be guided by a comprehensive review and gender analysis of the education curriculum to make it more gender-responsive and remove stereotypes;
- Scaling up efforts to address maternal mortality, investing in sexual and reproductive health rights, and implement programmes that ensure men's shared responsibility among others;
- Legislative, awareness and conducting empirical research steps to address violence against women and girls; and
- The girl child rights through ending early marriages, elimination of FGM, sexual slavery, child trafficking and aligning national laws and policies to the international human rights instruments including CRC.

Full text

Available at: https://www.uneca.org/sites/default/files/uploaded-documents/Beijing20/acg14-0009-ore-_declaration_addis_regional_conference_beijing_20_14-01567_.pdf

Importance

- Takes note of Africa's positive development landscape and its structural transformation agenda spelled out in the AU's Agenda 2063, which has the potential to scale up investments for the advancement of women and gender equality;
- Adheres to AU's 2009 Campaign on Accelerated Reduction of Maternal Mortality in Africa;
 and
- Enjoins African countries to take pertinent actions to achieve gender equality and women's and girl's empowerment by 2030.

Relevance

- Enlists women's reproductive health and HIV/AIDs as an area of action; and
- Ensures that investment in coordinated, integrated and multi-sectoral interventions in Uganda scale up the ratio of medical doctors, midwives and nurses to the population, expand obstetric care services, especially in rural and remote areas, using retired health professionals and community volunteers.

B4.5 The Maputo Plan of Action (POA) 2016-2030

Key Content

The revised Maputo Plan of Action 2016-2030 provides a framework to achieve universal access to comprehensive sexual and reproductive health rights (SRHR) and services in African in the post-2015 period. It was developed by the African Union Commission and follows on from the Maputo Plan of Action 2007-2015. This revised Plan of Action aligns with the strategic pillars of the Agenda 2063 and the Common African Position.

The ultimate goal is for African Governments, civil society, the private sector, and all multisector development partners to work together in order to end preventable maternal, newborn, child, and adolescent deaths, expand contraceptive use, reduce levels of unsafe abortion, end child marriage, eradicate harmful traditional practices including female genital mutilation and eliminate all forms of violence and discrimination against women and girls and ensure access to services by young people. The plan builds on ten action areas and key in the context of gender equality and human rights include:

- Instituting health legislation and policies for improved access to reproductive, maternal, newborn, child, and adolescent services (RMNCAH);
- Increasing health financing and investments;
- Ensuring gender equality, women and girls empowerment and respect of human rights;
- Investing in SRHR needs of adolescents, youth and other vulnerable and marginalized populations; and
- Ensuring universal health coverage.

Full Text

Available at: https://au.int/en/documents/30358/maputo-plan-action-2016-2030

Importance

- Promotes investment in family planning and fully integrates HIV/AIDS services, post-abortion care, and maternal and newborn care into primary health services;
- Strengthens health systems, prioritising sexual and reproductive health through targeted policies, programs, and budgeting;
- Helps to engage the private sector in promoting and financing initiatives focused on improving sexual and reproductive health outcomes;
- Establishes systems to measure progress, accessibility, and service quality and to ensure accountability by government on its commitments;
- Helps to engage parliamentarians to generate increased political and financial support and raise awareness through media campaigns; and
- Reinforces efforts to achieve the MDG5 targets.

Relevance

- Has bearing on the National Planning Nutrition Guidelines for Uganda, 2015 which among other things targets women and children of reproductive age;
- Has a bearing on the Ministry of Health launched the Uganda Family Planning Costed Implementation Plan, 2015–2020 (FP-CIP);
- Many development partners, CSOs and private sector actors are involved in offering family planning services; and
- Family Planning is viewed as a tool for national development, social transformation and attainment of vision 2040.

B4.6 The Addis Ababa Declaration on Ending Child Marriage in Africa

Key Content

This Declaration on ending child marriage calls upon the AU provide the necessary budgetary and technical support to integrate the Declaration into existing national plans of action, take child marriage as a policy priority and support policy actin in addressing the rights of children, promote the

monitoring and evaluation of progress made by Member States in implementing laws an policies on child marriage, and facilitate awareness raising on child marriage by engaging with CSOs, grassroots organizations, traditional and religious leaders the private sector, including the media.

Full Text

Available at: http://srsg.violenceagainstchildren.org/document/_985

Importance

- Recognises child marriage as a multi-faceted socio-cultural and endemic harmful practice in most parts of Africa;
- Recognises that children have fundamental human rights, including the right to non-discrimination, survival, development, education, health and welfare, and participation;
- Recognises that some groups of girls, such as those in conflict and disaster situations, face a higher risk of child marriage.

Relevance

• Informed Uganda's National Strategy on Ending Child Marriage and Teenage Pregnancy.

C. SUB-REGIONAL LEVEL (EASTERN AND SOUTHERN AFRICA)

C1.0 TREATIES

C1.1 The Treaty establishing Common Market for Eastern and South Africa (COMESA), 1993

Key Content

In this Treaty, COMESA Member States agreed to adhere to the principle of recognition, promotion and protection of human and people's rights in accordance with the provisions of the African Charter on Human and People's Rights among many others.

Full Text

Available at: http://www.comesa.int/wp-content/uploads/2016/06/COMESA-Treaty.pdf

Importance

• Developed the COMESA Gender Policy 2000.

Relevance

- Uganda is a member of COMESA; and
- Influences NDPII and UWEP.

C1.2 Treaty for Establishment of the East African Community, 2000

Key Content

The Treaty makes important provisions on human rights and gender equality issue including that:

- Membership into the community is to be guided among other things adherence to universally acceptable principles of good governance, democracy, the rule of law, promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights;
- Calls upon the members of the Community to ensure the mainstreaming of gender in all its endeavors and the enhancement of the role of women in cultural, social, political, economic and technological development;
- Gender balance shall be considered in the appointment of staff and composition of the organs and institutions of the Community; and
- Recognises the role of women in social economic development and calls upon member states to take such other measures that shall eliminate prejudices against women and promote the equality of the female gender with that of the male gender in every respect.

Full Text

Available at: http://eacj.org//wp-content/uploads/2012/08/EACJ-Treaty.pdf

Importance

- Takes recognition of the African Human Rights system that must be adhered to by the member states;
- Makes it a requirement for the members wishing to join the community to be compliant with human rights standards;
- Sets standards for equitable representation of all sexes in the development activities of the community; and
- Brings home the spirit and intention of the CEDAW and BPFA on women's participation in decision making/political representation.

Relevance

- Gender sensitive selection of the members of the East African Legislative Assembly (EALA) making women actively involved in policy making issues; and
- Influenced Uganda Election laws, DVA, FGM, Trafficking in Persons Act.

C2.0 LEGISLATIONS

C2.1 East African Community HIV & AIDS Prevention and Management Act (2012)

Key Content

The Act harmonises and strengthens the national responses to HIV and AIDS in the EAC Partner States by providing a regional legal framework that brings together synergies and enables a more coordinated response which is aimed at contributing to the overall reduction in HIV incidence and prevalence rates in the EAC Region. The Act takes a progressive approach by emphasising prevention whilst embracing the other key aspects of the response to the pandemic, namely, treatment, care and support. It provides for the application of the Rights Based Approach in HIV & AIDS programming in the region. It further fosters the promotion, actualisation and protection of human rights of all in the context of HIV & AIDS.

Full text

Available at: http://www.kelinkenya.org/wp-content/uploads/2017/04/EAC-HIV-ACT-2012.pdf

Importance

- Response to HIV/AIDS should be carried out in a manner that is respectful of human rights;
 and
- Standardises approaches that should be taken by partner states in addressing HIV/AIDS in their respective countries.

Relevance

Influenced the passing of the Ugandan HIV Prevention and Control Act, 2014

C3.0 POLICIES

C3.1 The Common Market for Eastern and Southern Africa (COMESA) Gender Policy 2000

Key Content

The overall goal of the COMESA Gender Policy is to foster gender equality and equity at all levels of regional integration and cooperation in order to achieve sustainable socio-economic development and in the region. Among others , the policy commits governments in the region to fulfilling their gender obligations under the various international and regional instruments and institutions including CEDAW, Social Summit for Sustainable Development, the African and Beijing Platforms for Action, the Millennium Goals and the new commitments under NEPAD. Specifically, the COMESA is committed, among others, to promoting the full, effective, equal and meaningful participation and benefit of women and men in all areas of regional integration and cooperation with emphasis on trade and investment.

Full Text

Available at: http://www.chr.up.ac.za/undp/subregional/docs/comesa2.pdf.

Importance

- Brings international and regional human rights commitment to sub-regional level and makes it more immediate for the member States to prioritise them; and
- Has a bearing to Uganda National Gender policy of 2007.

Relevance

- Mainstreams gender perspectives in the conceptualization, formulation of all policies, planning, programming, implementation, monitoring and evaluation of all programmes and activities; promoting the full, effective, equal and meaningful participation and benefit of women and men in all areas; ensuring that policies, programmes and activities aimed at eradicating poverty are gender responsive; elimination of gender biases and inequalities; ensure women's economic empowerment and equal access to and control of resources and opportunities;
- Gives special attention to positive and affirmative action to redress all gender inequalities;
- Ensures that gender analysis is mainstreamed at the macro-, meso- and micro-levels;
- Ensures the equal representation of women and men in the decision-making; and
- Addresses cross-cutting socio-economic issues such as: HIV/AIDS, human rights, environment, drug abuse, peace and security within all policies, plans, strategies and programmes from a gender perspective.

C3.2 The IGAD Gender Policy 2004

Key Content

The policy has articulated its specific objectives as follows:

- Generate and hold itself accountable to creating an enabling environment for gender mainstreaming for purpose of achieving gender equity and equality goals;
- Strengthen and secure IGAD institutional framework for upholding equality and equity principles and goals;
- Facilitate a harmonized way of achieving gender mainstreaming at all levels within IGAD;
- Mainstream gender into IGAD structures, organs, sect oral programs and themes; and
- Develop IGAD Gender and Development Indicators that will enhance its implementation.

Full Text

Available at: http://www.makeeverywomancount.org/index.php/community/monitoring-african-regional-organisations/3374-intergovernmental-authority-for-development-igad

Importance

• Provides a sub-regional framework for mainstreaming gender.

Relevance

• Informed Uganda Gender Policy, 2007.

C4.0 DECLARATIONS

C4.1 The Goma Declaration on Eradicating Sexual Violence and Ending Impunity in the Great Lakes Region (June 2008)

Key Content

Government committed itself to eradicate all forms of gender-based violence, in particular sexual violence, and to take appropriate measures for empowerment and equal representation of women and girls.

The Goma Declaration builds from the International Conference on the Great Lakes Region (ICGLR) Protocol on the Prevention and Suppression of Sexual Violence against Women and Children and the

ICGLR Project on Prevention and Fight Against Sexual Exploitation, Abuse and Gender-Based Violence and Assistance to the Victims. The ICGLR project provides an efficient and adequate framework for the prevention and fight against SGBV, and the prosecution and punishment of the perpetrators of sexual violence in the region.

Full text

Available at: http://www.eassi.org/new/sites/default/files/GOMA%20DECLARATION.pdf

Importance

- Commitment to eradicate all forms of gender-based violence, in particular sexual violence;
- Adequate representation of women and girls in decision making position is viewed as an important tool to address GBV;
- Provides for judicial and legal redress for violations;
- Commits the heads of states to strengthen their response systems in addressing GBV and implement the provisions of UN Security Council Resolutions 1325 &1820, CEDAW, DVAW;
- Mandates the government to particularly treat GBV as a peace and security issue including recognising its role in propagating HIV/AIDS which must be addressed it during the armed conflict situations; and
- Makes it an obligation not only of the government, CSOs but also men and boys to combat GBV.

- The Uganda Action Plan on UN Security Council Resolutions 1325 &1820 and The Goma Declaration, 2008. This Action Plan for implementation of UNSCR 1325&1820 together with Goma Declaration defines a systematic framework for national actions and monitoring systems to assess progress and impact of interventions at all levels; and
- Lays firm foundation for domestic laws and policies such as the Domestic Violence Act (2010), National GBV Policy.

D. DOMESTIC LEVEL

D1.0 POLICIES

The Government of Uganda (GoU) has adopted numerous sectoral policies and strategic plans to remove obstacles that hinder women's full attainment of their legal status; enjoyment of human rights and gender equality., Government adopted the Sector wide approach to development planning in 1997 when the Poverty Eradication Action Plan (PEAP) was first adopted. Since then, most sectors such as the Justice Law and Order Sector (JLOS) have collectively set priorities for the sector in order to coordinate planning, budgeting and resource allocation processes. The National Gender Policy and the National Action Plan on Women have also served as a foundation for the empowerment of women, and reform has been initiated to strengthen the country's legal and policy framework.

D1.1 Second National Development Plan (NDP II) 2015/16-2019/20

Key Content

The Plan prioritises investment in five areas with the greatest multiplier effect on the economy; which include the human capital development priority area. Uganda is to prioritise investment in developing a strong human capital, the components of which are health, nutrition education and skills developments. In order to realise these investments, the key development strategies include; introducing universal Early Childhood Development (ECD) and harnessing of the demographic dividend.

The ECD strategy will focus on cognitive development of a child, and provide a firm foundation for good health and education. In respect of Health, the Plan emphasises mass management of malaria (mass malaria treatment for prevention); establishing a National Health Insurance scheme; universal access to family planning services; health infrastructure development; reducing maternal, neonatal and child morbidity and mortality; scaling up HIV prevention and treatment; and developing a center of excellence in cancer treatment and related services. In pursuit of Uganda Vision 2040, the health sector aims at producing a healthy and productive population that effectively contributes to socio-economic growth through the provision of accessible and qualitative health care to all people in Uganda. This is to be achieved through delivery of promotive, preventive, curative, palliative and rehabilitative health care. The roles and contributions of all health care players; government, non-governmental and private players including indigenous traditional and complimentary health practitioners remain pertinent in the implementation of this Plan.

Full Text

Available at: : http://library.health.go.ug/publications/leadership-and-governance/second-national-development-plan-ii-201516-201920

Importance

- Intended to achieve the relevant SDGs including SDG3 on Health and SG5 on Gender Equality;
 and
- It is in line with the AU Agenda 2063 and East African Region Integration protocols.

- Aims to achieve the Uganda Vision 2040, which is designed to propel Uganda towards middle income status by 2020, in line with the aspirations of Uganda's Vision 2040. This Plan aims at strengthening Uganda's competitiveness for sustainable wealth creation, employment and inclusive growth;
- Aligns with the Constitution of the Republic of Uganda; and
- Includes a subsection to achieve gender equality and empower all women and girls including through ending all forms of discrimination against women and girls, ensuring equal access to and representation in decision- making, enhancing use of enabling technologies for women's empowerment, and working toward equal access to resources.

D1.2 Second National Health Policy (NHPII)

Key content

The Policy envisions a productive healthy population that can contribute to socio-economic growth and national development. The aim of the policy is to deliver promotive, preventive, curative, palliative and rehabilitative health services at all levels to the highest possible standard. The NHPII focuses on health promotion, disease prevention, early diagnosis and treatment of diseases with emphasis on vulnerable populations. NHPII targets gender inequalities in health, establishing that access to health for women is compounded by decision-making processes in families.

It mandates GoU to practice equity, ensuring equal access to the same health services for individuals with the same health condition. Among its guiding principles is gender-sensitive and responsive healthcare. It recognises the provision of Primary Health Care (PHC) as the major strategy for the delivery of health services in Uganda based on the District Health System (DHS) and the hospital as an essential part in a National Health System, to be supported by equitable and sustainable financing mechanisms. The Policy provides direction for the Health Sector in the next medium- to- long term period and envisions, among others, strengthening the DHS including Community Healthcare Initiatives.

Full text

Available at: <a href="http://library.health.go.ug/publications/leadership-and-governance-governance/policy-documents/second-national-health-national-health-n

Importance

- Reflects the international initiatives to which Uganda is a signatory such as the International Conference on Nutrition 1992 (a global assessment on nutritional problems); the CRC; The UN Convention on the Rights of PWDs; the International Conference on Population and Development 1994 (as revised annually) and SDGs (previously MDGs);
- Aligns with existing and new regional health sector frameworks such the NEPAD, the Paris
 Declaration on Harmonisation and Alignment 2005; the Abuja Declaration e.g. on HIV AIDS,
 MALARIA and Tuberculosis 2001; the International Health Partnerships and related initiatives
 (IHP+); and
- Works as mechanism through which GoU delivers the universal health care package, which includes an increase in funding in reproductive health delivery.

- Focuses GoU's commitment and efforts towards the achievement of Primary Health Care (PHC), including the strengthening of health systems and reducing health inequities;
- Directs GoU to scale up investments in health promotion, disease prevention and increase aid effectiveness;
- Espouses the objectives and policy in the Constitution of Uganda pertaining to health whereby all Ugandans enjoy rights, opportunities and access to, among other things, health services, clean and safe water;
- Endorses tenets based on modern health principles;
- Details the Uganda National Minimum Healthcare Package (UNMCHP), which includes a maternal and child health cluster; and
- Provides guidance for the formulation of Health Action Plans, such as the Health Sector Development Plan (HSDP) 2015/16 2019/20.

D1.3 Health Sector Development Plan (HSDP) 2015/16-2019/20

Key content

The Health Sector Development Plan provides for technical health programs and support services, as aligned with the National Health Policy. All the on- going efforts are geared towards increasing women's access to adequate and affordable health services. It aims at ensuring safe pregnancy and delivery, improved management of complications of pregnancy and child birth including induced abortion and reduction in the high rate of maternal and prenatal death through timely and effective emergency obstetric care provided at strategic and accessible locations. It also focuses on provision of information and services for appropriate family planning, Aids control among others.

The Health Sector Development Plan is aimed at accelerating movement towards Universal Health Coverage with essential health services for the promotion of a healthy and productive life. It sets out to invest in human capital for wealth creation through equitable, safe, sustainable health services. The plan endeavours to strengthen the NHS through governance, disease prevention, mitigation and health infrastructure development among others. It is an Investing tool in seven health systems including health governance, health financing and health infrastructure.

Full text

Available at: http://health.go.ug/content/health-sector-development-plan-201516-201920>

Importance

- Seeks to embrace opportunities and honour obligations presented by emerging development at national, regional (EAC), the Common African Position of the AU (CAP) and the Global levels (Post 2015 Development Agenda);
- Embraces the Post-2015 Development Agenda, particularly the CAP which recognizes that Africa will not achieve the MDGs;
- Sets out Africa's priorities for the post-2015 agenda under six pillars including: Human Development comprising, inter alia, universal and equitable access to quality healthcare which include amongst others:-
 - To improve the health status of people living in vulnerable situation such as mothers, newborns, the elderly and people with disabilities;
- Reduce the incidence of communicable diseases, non-communicable diseases (such as mental health) and emerging diseases;
- End epidemics of HIV and AIDS, tuberculosis and malaria; reducing malnutrition;
- Improve hygiene and sanitation;
- Ensure universal and equitable access to quality healthcare, including universal access to comprehensive sexual reproductive health and reproductive rights (such as family planning);
- Improve health systems and health financing, and medical infrastructure, the local manufacturing of health equipment, (such a commitment to the Abuja Declaration); and
- set up monitoring and evaluation, and quality assurance systems;
- Enhances women's occupational mobility and elimination of gender-based wage inequality; eradicates all forms of VAW and children, and harmful practices such as female genital mutilation (FGM) and early marriage; and eliminates gender-based discrimination in political, economic and public decision-making processes; and

• Provides adequate resources to strengthen women's voices, and ensure full and equal participation of women in all decision-making bodies at the highest levels of government.

Relevance

- Provides overall strategic direction to the stakeholders in the health sector; and
- Specifies how it will contribute within the constitutional and legal framework to ND II and SHNP in order to achieve the 5th SDG on health and contributes to Uganda's Vision 2040.

D1.4 The National Gender Policy

Key Content

The National Gender Policy of 2007 addresses gender inequalities at all levels of government and by all stakeholders. The policy is an integral part of the national development process, enshrining the framework for mainstreaming gender into all government policies and development programmes. The ultimate objective of this policy is to evolve a society that is both informed and conscious of gender and development issues. In particular, its objective is "to reduce gender inequalities so that all women and men, girls and boys, are able to move out of poverty and to achieve improved and sustainable livelihoods."

The National Gender Policy mandates the MoGLSD and other line Ministries to mainstream gender in all sectors and sets priority areas of action for gender and rights at the national, sectoral, district and community levels. It also provides a mechanism through which GoU enacts and reforms laws to address gender discriminatory practices, cultural norms and implement measures to address all forms of GBV at all levels. The strategies for achieving the policy objectives are, among others, to promote a holistic, integrated approach to development and planning in order to ensure that gender issues in the various sectors are adequately defined, analysed and addressed.

Full Text

Available at: http://www.mglsd.go.ug/policies/Uganda-Gender-Policy.pdf

Importance

- Includes principles enunciated in the Global level Instruments including the UDHR, CEDAW and its Optional Protocol; the BPfA; the Commonwealth Plan of Action on Gender and Development advancing the Commonwealth Agenda into the New Millennium (2005-2010); The International Conference on Population and Development and the DEVAW; The Millennium Declaration, and the CRC; and
- Conforms to the Regional obligations on gender equality and women's empowerment that Uganda is party to such as the EAC Treaty; the COMESA Gender Policy; Maputo Protocol; the IGAD Gender Policy and Strategy; NEPAD and the AU Heads of State's Solemn Declaration on Gender Equality.

- Highlights critical areas of intervention including aspects of inequality, particularly gender differences in livelihoods, inequalities in access to justice and control over productive resources; the non-visibility of women's contribution in care provision; the imbalance in agricultural division of labour and the high incidence of gender based violence;
- Aligns with the Constitution of the Republic of Uganda (1995), particularly in the provisions on equality between and women;
- Seeks to improve the social, legal, political, economic and cultural conditions of Ugandans, particularly women and girls;
- Provides foundation for the implementation of development policies and plans such as PEAP

and other policies, all of which have the potential to enhance gender- focused programming; and

• Contributes to the fulfilment of the national vision and aspirations in Uganda's Vision 2040.

D1.5 The National Elimination of Gender-Based Violence Policy 2016

Key content

The passing of the GBV Policy mandates the government to allocate resources for the implementation of many GBV laws including the Domestic Violence Act 2010, Anti-Female Genital Mutilation Act 2010, and the Prevention of Trafficking in Persons Act. The policy also calls for:

- The Ministry of Finance and Economic Planning to mobilize, allocate and release resources for GBV related activities:
- Strengthened national coordinating mechanism by MGLSD with sufficient authority and budget to develop, implement and monitor actions to address VAW/G;
- Sector ministries to translate the national GBV policy into sector specific strategies; and
- All stakeholders to address IPV and VAW/G through tackling the root cause of violencepower imbalance between men and women.

Full text

Not available

Importance

- Fulfills GoU 's obligations under a spectrum of Treaties such as the UDHR, CEDAW, DEVAW, BPfA, the AU Charter on the Rights and Welfare of the Child; The African Union Charter on Human and Peoples' Rights, The Protocol to the African Union Charter on Human and Peoples' Rights on the Rights of Women in Africa, UN Convention on the Rights of Persons with Disabilities 2006; and
- Effects/enforces the constitutional provisions addressing gender inequalities.

- Ensures that MFEP mobilizes, allocates and releases resources for GBV related activities;
- Enables strengthened coordination among key actors at national and local government level for effective prevention and response to GBV;
- Positions line ministries and sectors such as MOH, MOLG, MOI and JLOS to embark on the translation of the NGBV Policy into sectoral specific strategies and activities on matters relating to GBV;
- Enables MGLSD to establish a strengthened national co-coordinating mechanism with sufficient budgetary support and sufficient authority to develop, implement and monitor actions to address GBV;
- Ensures that all stakeholders address the specific problem of intimate partner violence and the general problem of VAW/G by through tackling the issue of power imbalance between men and women:
- Assists stakeholders in the country to improve and expand their programmatic efforts to prevent and respond to GBV; and
- Champions human rights, gender equality, male involvement, community participation, among other principles.

D1.6 The National Adolescent Reproductive Health Policy (2004)

Key content

The objectives of the policy is to provide policy makers and other key actors in the social and development fields, reference guidelines for addressing adolescent health concerns. The overall goal of the policy is to mainstream adolescent health concerns in the national development process to improve the quality of life and standard of living of young people. This policy addresses the need to provide direction and focus in provision of adolescent health services by different stakeholders in Uganda.

It contains provisions for the development of responsible health related positive behaviour amongst adolescents including relations based on equity and mutual respect between genders and also to sensitise them to such gender issues as they grow into adulthood.

Additionally, it provides legal and social protections of young people especially the girl child against harmful traditional practices and all forms of abuse including sexual abuse, exploitation, trafficking and violence.

Among other things, it is intended to advocate for increased resource commitment for the health of adolescents in conformity with their age, numbers, gender, needs and requirements at all levels. Further, it promotes co-ordination and networking between different sectors and among Non-Government Organisation/Youth Serving NGOs working in the field of adolescent health among other things.

Importance

• Aligns with the International Conference on Population and Development (ICPD) 1994; Maputo Protocol.

Relevance

- Forms an integral part of the National Development process and reinforces the commitment of the Government to integrate young people in the development process.;
- Complements all sectoral policies and programmes and defines structures and key target areas for ensuring that adolescent health concerns are mainstreamed in all planning activities;
- Highlights adolescent health issues and bring them into the mainstream of health and other social services as a result the MOH has identified Reproductive Health as a priority programme and increasing access to quality adolescent Health services is one of the strategies to reduce the high maternal mortality in Uganda; and
- Provides healthy environment for CSOs and NGOs involved in reproductive health to take lead in providing RH information and care for young people. This effort has included media campaigns, advocacy, training of health workers, and provision of condoms and other methods of pregnancy prevention.

D1.7 The Education Policy

Key Content

The Education Policy aims at expanding the functional capacity of educational structures and reduce on the inequities of access to education between sexes, geographical areas, and social classes in Uganda. The policy aims to redress the existing imbalances such as gender, geographical, social, or otherwise as well as the disparities in education standards and performance throughout the education system, in general and primary and secondary education in particular.

Full text

Available at: http://chet.org.za/manual/media/files/chet_hernana_docs/Uganda/Other/Education_Policy Overview Uganda.pdf

Importance

• Includes the right to education is enshrined in the UDHR and the African Charter of Human and Peoples Rights; and the CRC, ICESCR; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention on the Rights of Persons with Disabilities; and, the UNESCO International Charter of Physical Education and Sport.

Relevance

- Led to the creation of a range of policies on access to education for the girl child e.g. UPE(1997), which led to a number of achievements regarding gender parity and more resources have been allocated to the lower educational public sector through the UPE programme. The policies include USE (2007);
- Aligns with the policy of awarding the 1.5 bonus points for females that has raised female enrolment at Makerere University to 41% in 2002;
- The National Strategy for Girls Education (NSGE) (2015 2019) fosters gender parity in education
- Impacted other policies and strategies: The Promotion of Girls' Education (PGE) scheme; The Equity in the Classroom (EIC); The Complementary Opportunity for Primary Education (COPE) programme and the Alternative Basic Education for Karamoja (ABEK); National Policy on Orphans and other Vulnerable Children (2004); and
- Influenced the establishment of the Gender Desk in the MoES headquarters.

D1.8 The Gender Policy in Education (GEP) 2009

Key content

The main purpose is to guide effective mainstreaming of gender throughout the education and Sports sector. One of the guiding principles is gender equality and non-discrimination in order for both male and female to have equal opportunities to education. The specific objectives include: the enhancement of equal access and participation for girls and women, boys and men in the education sector. It targets gender parity in access to education across all sub-sectors and promotes an enabling protection and gender responsible learning environment for all.

Full Text

Available at: https://www.education.go.ug/files/downloads/GENDER%20IN%20EDUCATION%20 SECTOR%20POLICY.pdf>

Importance

- Fulfills international treaties and Protocols Uganda had signed such as the CRC, CEDAW; and
- Adopts the Education For All (EFA) Goals, the BPfA; and SDG No. 4 which express strong grounds for the delivery of gender equality in education on and sports.

- Adopts the provisions of the Constitutional of the Republic of Uganda especially those which enshrine the rights of women, children and persons with disability; and
- Reflects national the provisions of the Equal Opportunity Act (2010) and the Public Finance Management Act (PFMA) of 2015 that requires all Ministries, Agencies and Local Governments to allocate resources for the delivery of gender equality and equity in Uganda.

D1.9 The National Strategy for Girls' Education (NSGE) 2015-2019

Key Content

The goal of the National Strategy for Girls' Education (NSGE) is to promote girls' education as an integral part of Government's efforts to create gender equity and equality in the education system. The priority areas of focus are: the effective Policy Implementation Framework for Girls' Education; harmonisation of Education Sector Programmes on Girls' Education; commitment of requisite resources to girls education; institutionalised/routine research in the area of Girls' Education; and Capacity enhancement and involvement for all critical actors in Girls' Education.

Full text

Available at: https://www.unicef.org/uganda/NSGE_Strategy_FINAL_January_2015.pdf

Importance

- Complies with the global commitments to eradicate gender inequalities in education, such
 as, The CEDAW (Article 10) explicitly enshrines the right to equality in education, the BPfA (
 Recommendation 80(d); the Sustainable Development Goals (SDG-4); and
- Fulfills the CEDAW provisions, particularly Article 10, which enjoins State Parties to take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women.

Relevance

- Demonstrates GoU's commitment to girls' education as reflected in (Article 33(4) of the Constitution of the Republic of Uganda (1995) that provides for all Ugandans to enjoy rights and opportunities and access to education without any form of discrimination;
- Implements the constitutional provisions on the need for affirmative action in favour of groups marginalised on the basis of gender in order to correct existing imbalances;
- Fosters the application of the Uganda Gender Policy (2007) as a guiding framework for gender mainstreaming in Uganda; and
- Enables the gradual setting up of the gendered classrooms to enable girls feel confident to participate in class instead of taking a back seat in classroom.

D1.10 Special Needs and Inclusive Education Policy

Key content

The Policy aims at widening opportunity for all children to interact, play, learn, experience the feeling of belonging and develop in accordance with their potentials and difficulties so that they can obtain good quality of life within their respective environments. The Policy emphasises a change in attitude, behaviour, teaching methods, curriculum, environment and allocation of human, material and financial resources to meet the educational needs of All Learners. The challenged child learner is at the center of the teaching method which is flexible and adjustable to the individual needs and potential of every child. This approach takes into consideration and seeks to lessen factors that create barriers to children's participation in learning and development.

Full Text

Not available

Importance

- Resonates with the Convention on the Rights of Persons with Disabilities (2008);
- Abides by the UNESCO's Guidelines for Inclusion and Access to Education for All; and

• Fulfills GoU's obligation to the International Agreements/Commitments that provide for Learners with Special Needs such the Salamanca Statement and Framework for Action on Special Needs Education (1994).

Relevance

- Aligns with the Constitution of Uganda (1995); the Persons with Disability Act (2006); and
- Puts in place a MOE Special Needs and Inclusive Education Department.

D1.11 National Policy on Orphans and other Vulnerable Children (2004)

Key content

The policy targets education as one of the areas for intervention in as far as orphans and vulnerable children are concerned. It focuses on the most vulnerable children who have no families and may not be orphans, with the intention of re-integrating them back into the family. Attention ia also placed on the most needy households of adults and children that may or may not contain an orphan, with the purpose of mitigating the impact of vulnerability in Uganda's current context of HIV/AIDS, poverty, gender among others.

In order to reduce vulnerability, a special focus is put on the alleviation of poverty of vulnerable children and households, maintaining children in school over the long term, providing for their health, particularly HIV/AIDS prevention, care and support activities. Priority is given to providing preventive health care and psychosocial support to orphans, other vulnerable children and their care-givers. During planning, programming, monitoring and evaluation, a special focus on the most vulnerable children and communities is envisaged to ensure that there is gender parity and neither gender is being marginalised nor disadvantaged.

Full Text

Available at: https://www.unicef.org/uganda/National_OVC_Policy.pdf

Importance

- Fulfills the requirements of the CRS, African Charter on the Rights and Welfare of the Child (1990); CEDAW, The ILO Convention No.138 on the Minimum Age for Admission to Employment (1973) and the ILO Convention No.182 on the Prohibition of the Worst Forms of Child Labour (1999); and
- Adheres also to other international instruments regarding orphans and other vulnerable children such as the Declaration of Commitment on HIV/AIDS, UNGASS on HIV/AIDS (2001), a World Fit for Children Declaration (2001), the SDGs.

- Ensured that the rights of children and the general population are protected as under the Constitution of the Republic of Uganda (1995);
- Led to the development of the National Strategic Programme plan of interventions on orphans and vulnerable children in the periods 2005-6 and 2009-201 by GoU;
- Informed programmes, legal and administrative actions that affect the safety, well-being and development of orphans, vulnerable children and their care-givers; and
- Formed an essential part of the Social Development Sector Strategic Investment Plan (SDI)

D1.12 The National Integrated Early Childhood Policy and Action Plan 2016-2021

Key Content

The National Integrated Early Childhood (IECD) policy of Uganda is overarching in guiding and governing the delivery of ECD services in Uganda along a life cycle. Essential ECD services include prenatal and postnatal care, early infant stimulation and education, parent education, health and nutrition education and care, sanitation, and protection against abuse, exploitation and violence. The policy has the family and community strengthening as a core program area and prioritises engaging parents and families in their children's development and promotion of ownership programs. Specifically, the NIECD policy Action Plan of Uganda provides guidance and elaborates strategies that government and partners will employ to undertake the execution of the NIECD policy of Uganda. Its mission is to ensure equitable access to quality and relevant ECD services for holistic development of all Children from conception to 8 years.

Full Text

Available at: https://www.unicef.org/uganda/FINAL NIECD POLICY FINAL BOOK.pdf>

Importance

- Anchored in the CRPD (2007), CRC (1989) (ratified 1990) and its two Protocols both of which were passed in 2000; the World Declaration on Education for All (1990); the UN Convention for the Suppression of the Trafficking in Persons and of the Exploitation of Prostitution of Others (1949) and the Palermo Protocol, 2000), the CEDAW (1979), the ILO Convention No. 138 on the minimum Age of Admission to Employment (1973) and the ILO Convention No. 182 on the Prohibition of the Worst Forms of Child Labour (1999), among others;
- Fulfils Regional Frameworks including the African Charter on the Rights and Welfare of Children (ACRWC-1990); the Maputo Protocol;
- Adheres to the relevant SDGs notably No. 1, 3, 4, 5, 10.

Relevance

- Provides an overarching policy targeting all children, including the vulnerable and marginalised, from conception to eight years of age that takes care of their holistic needs including their nutrition, health, nurture, protection;
- Forges a strategy for GoU to launch a massive up-front investment in integrated ECD services ranging from the Government, Private Sector, Development partners, and the Media;
- Enables the relevant Ministry to embrace Programme Based Budgeting (PBB) and fully integrate comprehensive ECD in the new national budget architecture;
- Strengthens national data and evidence generation on ECD to improve the delivery of ECD programmes; and
- Supports sustainable finance for ECD services, including supporting the Government's imminent transition towards Programme-Based Budgeting (PBB) in order to fully integrate comprehensive ECD in the new national budget architecture.

D1.13 The Uganda National Land Policy (2013)

Key Content

This policy places emphasis on both ownership of land and land development. Among the objectives are redressing historical injustice to protect the land rights of groups and communities marginalised by history or on the basis of gender, religion, ethnicity and other forms of vulnerability to achieve balanced growth and social equity; reform and streamlining land rights administration to ensure the efficient, effective and equitable delivery of land services.

Full Text

Available at: http://www.landnet.ug/landwatch/wp-content/uploads/2017/01/FINAL-UGANDA-NATIONAL-LAND-POLICY-OF-2013.pdf

Importance

- Adheres to a large body of international and regional conventions, treaties and declarations dealing with human rights issues, human settlement governance, environmental governance which require adherence to specific principles in land sector management;
- Implements the CEDAW provisions, which specifically require protection of the rights of rural women and those where States Parties are enjoined to take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families;
- Gives effect to the Maputo Protocol, particularly as the latter's provisions gives recognition
 to women's rights to equal benefit and protection before and under the law and the rights
 of married women to acquire their own property and administer and manage it freely; and
- Implements the African Union (AU) Framework and Guidelines on Land Policy in Africa, which were adopted by the African Union in July 2009.

Relevance:

- Gives effect to the provisions of the Constitution of the Republic of Uganda 1995;
- Introduces essential reforms regarding stemming off escalating land conflicts and land evictions including re-institution of administrative Land Tribunals, creation of a special division in the Magistrates Courts and the High Court, and recognition of the dual operation of both customary and statutory system in land rights administration, land management and land dispute resolution.
- Creates a National Land Policy Implementation to coordinate the planning and implementation of the proposed measures and strategies.

D1.14 The Decentralization Policy of 1992

Key content

The rationale for decentralization in Uganda was the need to restore democracy and return power to the people. The main objectives of decentralization in Uganda is to ensure that Districts achieve financial decentralization and manage their areas.

It was meant to provide a mechanism through which the gradual transfer of powers could be made to empower and encourage the active participation of all citizens at every level of society including public, private and civic institutions. Further, it was aimed at improving access to basic services and provides for gender-responsive planning.

Full Text

Available at: http://unpan1.un.org/intradoc/groups/public/documents/UN/UNPAN029080.pdf

Importance

• Fulfills World Bank requirements of re-structuring and joins other countries in the world to use one of the major institutional frameworks which is vital to industrial growth.

- Influenced the inclusion of decentralization and devolution as constitutional principles applicable to the local government system in Uganda, which are fundamental and crucial to the nurturing of good governance;
- Enhanced governments' responsiveness at all levels of the District and ensured increased local democratic control and participation in decision-making;

- Guided by the Constitution, the Local Government Act (cap 243), the Decentralization Policy Strategic Framework (DPSF), the Fiscal Decentralization Strategy (FDS), the Local Government Sector Strategic Plan (LGSSP), the Public Sector Management Strategic Investment Plan (PSM-SIP) and the NDP; and
- Stabilised governance, empowering the population through decision-making and participation in democratic governance, especially by women and other disadvantaged groups as well as overall improvement in service delivery.

D1.15 The Uganda National Local Economic Development (LED) Policy, 2014

Key content

The Uganda National Local Economic Development Policy (LED) establishes a framework for promoting partnerships in local economic development to increase household incomes, generate more revenues for Local Governments and offer improved service delivery to local communities. It is also intended to mainstream cross cutting issues such Gender, HIV/AIDS, and the Environment . Furthermore, it is aimed at ensuring concerns of special interest groups like women, youth and people with disabilities are addressed at the initiation, design and implementation of the local community projects. It also enables Local Governments to improve the business environment particularly developing local entrepreneurship skills for SMEs, especially those operated by women and other vulnerable segments to increase their capacity for innovation and business growth.

Full Text

Available at: https://www.molg.go.ug/sites/default/files/National-LED-Policy.Final-Feb-2014-ver2signed.pdf

Importance

- Complements and conforms to the global and regional protocols such as the SDGs especially goal number one (poverty reduction and food security) and goal number 3 (gender equality); the NEPAD, especially decentralization, governance and growth and the Protocol on Economic Rights; the COMESA and the EAC Treaty (2000), IGAD, and The CEDAW; and
- Fulfils the East African Community (EAC) Industrialization Policy and Strategy which covers, among other things, business diversification; value addition; strengthening institutions for policy design implementation and management; strengthening research and development; technology and innovation.

- Formulated in line with The Constitution of Uganda which, among others, provides for the establishment of a sound financial base with reliable sources of revenue by Local Governments;
- Presented an opportunity for Uganda to realise its objective of transforming itself from a low to a middle-income country;
- Aligned with other national policies, laws and strategies such as: The LGA; the Local Government Financial And Accounting Regulations (LGFAR); Financial Institutions Act And Micro Deposit-Taking Institutions Act; The National Trade Policy; The National Land Policy; The National Local Capacity Building Policy; The NEMA Policy; The National Gender Policy; The National Industrial Policy; The National Industrial Park Policy; The Micro, Small and Medium Enterprises (MSMEs) Policy; National Tourism Policy; The National Cooperative Policy; The National ICT Policy; The National Agricultural Investment Strategy; The Rural Development Strategy; The National Policy on Energy; and The Draft Public Private Partnership (PPP) Policy; and
- Provided base for vital economic policies related to decentralisation and was consequently incorporated in the Decentralization Policy Strategic Framework (DPSF) and the Local

Government Sector Strategic Plan 2013-2023(LGSSP), the Uganda Local Development Outlook (LDO) 2014 as well as being included as a chapter on sub-national and rural development within the National Development Plan (NDP).

D1.16 The Water and Sanitation Sub-Sector Gender Strategy (2010-15)

Key Content

The Water and Sanitation Sub-Sector Gender Strategy (2010-15) identifies, achievements, challenges and ways forward to create a more gender-responsive water and sanitation sector (WSS). Achievements from the first Strategy, among others, are increased accessed to safe water, increased capacity for implementing software activities including gender, and the development of a WSS gender indicator. Challenges include integrating a gender perspective in all water and sanitation policies, enhancing capacity of all water and sanitation stakeholders and improving opportunities for men, women and other disadvantaged groups to access and participate in management of water and sanitation facilities/ resources. The WSS's overall goal is to empower women, men, and vulnerable groups through ensuring equity in access and control of resource in the water and sanitation sector, leading to poverty reduction.

Full Text

Available at: http://extwprlegs1.fao.org/docs/pdf/uga152829.pdf

Importance

- Recognizes the gendered aspects of the WSS.
- Identifies challenges and opportunities to create a gender-responsive WSS.

Relevance

- Guided by the National Water Policy (1999), the Uganda Gender Policy (2007), The Environmental Health Policy (2005), The National Environmental Management Policy (1994), The Poverty Eradication Act (2004), The Plan for Modernisation of Agriculture;
- Aligns with the Constitution of the Republic of Uganda (1996), the Water Statute (1995), The Land Act (1998), and the Local Government Act (1998).

D1.17 The National Strategy to End Child Marriage and Teenage Pregnancy, 2014/15-2019/20

Key Content

The Nation Strategy to End Child Marriage and Teenage Pregnancy (NSCM&TP) is a comprehensive framework that demonstrate GoU's commitment to end child marriage and other forms of violence against girls including teenage pregnancy. The strategic focus areas are: improved policy and legal environment to protect children and promotion of the girl child's rights; improved access to quality sexual and reproductive health services, education, child protection services and other opportunities; changing dominant thinking and social norms related to child marriage in the communities; empowerment of both girls and boys with correct information to enable them to recognize child marriage and early pregnancy as a gross violation of their rights and take mitigating actions; and coordination, monitoring and evaluation mechanisms for the effective implementation of the strategy.

Full Text

Available at: https://www.unicef.org/uganda/resources_17214.html

Importance

- Provides a multisectoral framework for ending child marriage and teenage pregnancy in Uganda;
- Identifies strategy for both prevention and response of child marriage and teenage pregnancy.

Relevance

• Linked to many national policies including: NDP 2010-2014/15, The Gender in Education Policy, The National Population Policy 2008, The National Adolescent Reproductive Health Policy (2004), the Uganda Gender Policy (2007).

D2.0 DOMESTIC LAWS

D2.1 The Constitution of the Republic of Uganda 1995 As Amended

Key Content

As the supreme law of the land, the 1995 Constitution provides a strong legal foundation for the formulation of the elimination of discriminatory policies and laws in Uganda. Article 2 of the Constitution enshrines the supremacy of the constitution by providing that if any other law or custom is inconsistent with any constitutional provision, the constitution shall prevail, and that other law or custom shall, to the extent of the inconsistency, be void. The Constitution is gender-inclusive and creates a strong legal basis for addressing gender issues by explicitly prescribing equality between women and men under the law as well as the right to equal opportunity.

Objective XIV of the Constitution mandates the State to fulfill the fundamental rights of all Ugandans to social justice and economic development and in particular to ensure that all development efforts are directed at guaranteeing maximum social and cultural well -of the people. Under chapter four, in the Bill of rights are provided for. They include:

- Objective VI Gender balance and fair representation of marginalized groups;
- Objective XV Recognition of the Role of Women in Society;
- Objective XVI(Recognition of the dignity of persons with disabilities;
- The Bill of Rights (Chapter Four);
- Article 21 -Equality and freedom from discrimination including on the ground of sex, race, color;
- Article 31 -Rights of the Family;
- Article 32 Affirmative action to address any imbalance;
- Article 33 Rights of Women;
- Article 34 Rights of Children;
- Article 35 Rights of Persons with Disabilities;
- Article 36 Protection of Rights of Minorities;
- Article78(1) (b) (provides for one women representative for every District in Parliament); and
- Article 180(2)(b) (provides for Local government under which it clearly stipulates that one third of the membership of each Local Council shall be reserved for women).

Full Text

Available at: https://www.ulii.org/node/23824

Importance

 Adheres to international instruments such as CEDAW, ICCPR, ICESCR, DEVAW, Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa among others by putting in place Policies, Legislations and other appropriate measures that respect and ensure non-discrimination on any ground of men and women on any ground.

Relevance

- Chapter 4 of the Constitution of the Republic of Uganda, 1995 (Bill of Rights) domesticates a whole range of the provisions under UDHR, CEDAW, ICCPR, ICESCR;
- The Constitution advocates for protection and promotion of fundamental rights;
- Creates oversight mechanisms that promote gender equality and non-discrimination like Uganda Human Rights Commission (UHRC), Equal Opportunities Commission (EOC), Inspectorate of Government;
- Used as a strong advocacy tool for strategic litigation through the use of its provisions.
 Courts have pronounced themselves on discriminatory provisions of some legislations by declaring such provisions null and void for failing to uphold the principles of equality and non-discrimination; and
- Creates a basis for amendment/ repealing of the legislations whose provisions contravene the principle of non -discrimination.

D2.2 The Penal Code Act CAP 120 as amended

Key Content

The Penal Code Act Cap 120 criminalizes several acts of gender based and sexual violence. In Uganda many forms of SGBV constitute criminal offences under the Penal Code which prescribes harsh punishments for offences such as defilement, rape, indecent assault, insulting the modesty of women among others. The Penal Code Act in addition creates the offence of aggravated defilement in circumstances where the Offender is infected with HIV. Section 129B provides for compensation and reparations of SGBV victims where convicts of aggravated defilement or defilement may in addition to their sentences, be ordered to pay compensation to the survivor. The Penal Code provides discretion to the Court to determine the amount to award taking into consideration the extent of harm, degree of force used by the offender, medical and other expenses incurred by the victim as a result of the offence. Other laws like DVA, Magistrates Court Act, Cap 16 and The Trail on Indictment Act, Cap 23 also provide for compensation.

Full Text

Available at: http://www.ulrc.go.ug/system/files_force/ulrc_resources/penal-code-amendment-act-2007.pdf

Importance

• Enforces the international legal instruments like UDHR, ICCPR, ICESCR, UNCAT among others especially on the right to be free from torture, protection from slavery, servitude or forced labour, protection from torture or cruel, inhuman or degrading treatment or punishment among other rights.

- The key legislation containing a number of offences and their penalties prescribed;
- Enhances justice to the victims by ensuring that perpetrators are prosecuted for the offences committed;
- Has been used as a tool for judicial precedence by repealing some discriminatory provisions
 and
- Strengthens collaboration among different stakeholders in the criminal justice system such as the Director of Public Prosecutions, Courts of law, Police, Prisons among others.

D2.3 The Geneva Conventions Act (1964)Cap 363

Key Content

Under the Geneva Conventions Act, Uganda has a duty to prosecute grave breaches of the Geneva Conventions of 1949, which are now universally ratified; and an obligation to prosecute genocide exists under treaty and customary law.

Concerning gender equality, Uganda ratified and domesticated the Geneva Conventions and its Additional Protocol 1 which stipulates that women must be '...treated humanely [...] without any adverse distinction founded on sex...', at the same time as being '...treated with all the regard due to their sex...' (Article 14, Geneva Convention (III) Relative to the Treatment of Prisoners of War). General protection is accorded to both women and men whether they are combatants or civilians although women have specific protections which tend to respond to their particular needs like protection against sexual assault, women deprived of their liberty, maternity cases being prioritized in medical assistance to the wounded and sick, irrespective of whether there are military personnel or civilian.

Article 14 of the Fourth Geneva Convention recognises expectant mothers and mothers of children under seven as a specific category that may require special protection along with the wounded, sick, children under fifteen and the aged. However, indirectly these provisions make women as mothers and caregivers, failing to deal with broader issues of how gender-based social constructions often exacerbate social, economic and structural inequalities that heavily influence physical violence and conflict.

Full Text

Available at: https://ulii.org/ug/legislation/consolidated-act/363

Importance

Uganda has incorporated the Geneva Conventions into domestic law and has granted Ugandan courts the jurisdiction through the ICC Act 2010 to try crimes set out in the Rome Statute of the International Criminal Court (ICC), to which Uganda is a State Party.

- Enhanced the establishment of the International Crimes Division of the High Court in 2008.
 The division has the authority to try genocide, crimes against humanity, war crimes, terrorism, human trafficking, piracy and any other international crime defined in Uganda's Penal Code Act, Cap 120 as amended, the 1964 Geneva Conventions Act, the 2010 International Criminal Court Act (ICCA), or any other criminal law;
- This law protects both women and men whether they are combatants or civilians in times of war although extra protection is given to women because of their special needs;
- It influenced the domestication of the Rome Statute (the ICC Act of 2010);
- Led to the enactment of Amnesty Act of 2000 which was intended to grant amnesty from prosecution to all Ugandans who had engaged in war or armed rebellion against the government;
- Provided a leeway for the Peace Recovery and Development Plan (PRDP) which began in 2007 to assist regions recovering from conflict. The intention of the PRDP was to:-
 - 1. Strengthen coordination of recovery interventions in the region;
 - 2. Enhance monitoring of nationally and internationally supported recovery programs and activities in the north;
 - 3. Enhance resource mobilization for affirmative interventions in northern Uganda;
 - 4. Improve social welfare gaps in the north; and
 - 5. Enhance peace and reconciliation.

D2.4 Local Government Act (1997) Chapter 243

Key Content

Objective (c) of the Local Government Act (LGA) provides for affirmative action in favor of groups marginalised on the basis of gender, age disability or any other reason created by history, tradition, or custom, for the purpose of addressing imbalances which exist against them. Section 10 (1) provides for the composition of the District Council and thus takes recognition of gender equality. Specifically, it provides that the District Council shall be composed of two Councilors, one of whom is to be female youth; two Councilors with disabilities, one of whom to be a female; women councilors to form one third of the Council; and two elderly persons, a male and a female above the age of 18 years.

Full Text

Available at: http://www.usig.org/countryinfo/laws/Uganda/TheLocalGovernmentActCap243_1997. pdf>

Importance

• Reflects the gender equality provisions enunciated in the international legal instruments.

Relevance

- Gives effect to the Constitutional provisions on decentralisation and devolution of functions, powers and services at all levels of local governments in order to ensure good governance and democratic participation in Local Government for purposes of improving local democracy, accountability, efficiency, effectiveness, equity and sustainability in the provision of devolved social services country-wide; and
- Recognises gender equality as a key tool in leadership and advocates for affirmative action in favor of groups marginalised on the basis of gender, age disability or any other reason created by history, tradition, or custom, for the purpose of addressing imbalances which exist against them.

D2.5 Land Act, 1998 (Cap 227) as amended

Key Content

The Land Act recognises customary rights to property, while also strengthening formal protections for women's land rights. The Land Act directly address gender, land and property rights. The 2004 Land Amendment improved women's rights by giving them the right to consent to land transaction of household property. Protection of women's land rights has been addressed through the 2004 and 2010 amendments to the Land Act which provides for security of occupancy of a spouse on family land by giving them the right to security of occupancy on family land (Section 38A). Section 39 in addition requires spousal consent prior to entering into any land transaction concerning land on which the spouse resides on and uses for sustenance. It prohibits the sale, transfer, exchange, pledge, mortgage or lease of family land except with prior consent of the spouse.

Section 27 of the Land Act, 1998 specifically states that "any decision that denies women, children, or persons with a disability access to ownership, occupation, or use of any land," shall be invalid. The Act also requires land management bodies and institutions to have female representation.

Full Text

Available at: http://landwise.resourceequity.org/record/912

Importance

• Implements the rights embedded in international and regional legal instruments that guarantee women's equal rights related to access, use and control over land like the UDHR, ICCPR, ICESCR, CEDAW and Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

Relevance

- Recognises and promotes women's land rights;
- Protects the land rights of the women, persons with disabilities and children;
- Makes a provision for spousal consent when dealing with family land; and
- Nullifies transactions that contravene the provisions of the Constitution that are carried out on family land.

D2.6 The National Council for Disability Act (No. 14), 2003 as amended in 2015

Key content

The National Council for Disability Act was enacted for to provide for the establishment of a National Council for Disability (NCD) whose functions is to monitor, promote and evaluate the rights of persons with disabilities at all levels. The aim of the Council is to ensure the inclusion of the perspective of PwDs and comply with the CRPD and the 1995 Constitution of Uganda in relation to the protection and promotion of the rights of PwDs. The NCD is decentralised with District and Sub-county Councils for Disability which monitor programmes at their respective levels. Finally, the NCD carries out research and documentation on issues relating to all categories of PWDs.

Full text

Available at: https://ulii.org/ug/legislation/act/2003/2003/nationalcouncilfordisabilityAct202003. pdf>

Importance

• Fulfils the obligation under international instruments to advocate for the enactment of laws and the reviewing of existing laws .

Relevance

- Monitors and evaluates the impact of policies and programmes designed for equality and full participation of persons with disabilities;
- Advocates for and promotes effective service delivery and collaboration between service providers and persons with disability;
- Acts as a medium of communication between the Government departments, other service providers and PWDs;
- Monitors and evaluates the extent to which Government, NGOs and the private sector include and meet the needs of persons with disabilities in their planning and service delivery;
- Advocates for the promotion of and encourages activities undertaken by institutions, organisations and individuals for the promotion and development of programmes and projects designed to improve the lives and situation of persons with disabilities; and
- Carries out surveys and investigations in matters or incidents relating to PwDs.

D2.7 Persons with Disabilities Act, 2006

Key content

The Disability Act gives effect to Article 21 of the Constitution of the Republic of Uganda, 1995. The Act aims to eliminate all forms of discrimination of persons with disabilities on grounds of their disabilities by encouraging the government and community to promote and include disability issues in all economic, political and social development policies and programmes; and by promoting a positive attitude and an image of persons with disabilities as capable and contributing members of society, sharing the same rights and freedoms as other members of society. Some of the provisions include:

- Equal rights in all health (Section 7);
- Right to Education (Section 5);
- Right to special health services (Section 8) to PWD's through;
 - Providing access to reproductive health services which are favourable to women with disabilities.
 - o Provision of health-care materials easy to use by PWDs.
 - o Promotion of community health awareness campaigns in a way favourable to PWDs.
- Prohibition of discrimination in employment on grounds of disability (Sec 12).

Full Text

Available at: http://www.usicd.org/doc/wcms_232181.pdf

Importance

- Domesticated the International Labour Organization (ILO) Convention Concerning Discrimination in Respect of Employment and Occupation, 1958, (No. 111), United Nations Convention on the Rights of Persons with Disabilities (2006) and its Optional Protocol which aims to promote opportunities for everyone, including people with disabilities in all spheres of life.; and
- Domesticated the rights enshrined in both CRC and CRPD.

Relevance

- Creates the National Council for Disability whose functions is to monitor, promote and evaluate the rights of persons with disabilities;
- Promotes the implementation and the equalisation of opportunities for persons with disabilities; and
- Recognises the rights of PWD's as stipulated in the Constitution by urging institutions to incorporate programmes that are geared towards safeguarding the rights of disabled persons.

D2.8 The Employment Act of 2006 and its Regulations (2012)

Key Content

The Employment Act provides for the duty of all parties to seek to promote equal opportunity, with a view to eliminating discrimination in employment (Section 6(1). Discrimination under the Act includes any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, the HIV status or in disability which has the effect of nullifying or impairing the treatment of a person in employment or occupation, or of preventing an employee from obtaining any benefit under a contract of service.

Section 7(1) of the Employment Act, defines sexual harassment when '...his/her employer, or a representative of his/ her employer directly or indirectly asks an employee for sexual intercourse, sexual contact or any form of sexual activity...' Section 7(4) outlaws sexual harassment. Under the Employment Act, a work place with 25 employees or more in his/her establishment must have measures in place to prevent sexual harassment.. Section 39 of the Employment Act 2006 provides for maternity leave, sick leave and paternity leave.

Full Text

Available at: http://www.ulrc.go.ug/system/files_force/ulrc_resources/employment-act-2006.pdf

Importance

• Domesticated the ILO Convention which advocates for productive opportunities with a fair wage, rights and recognition, personal development, fairness and gender equality.

Relevance

- Gives effect to the Constitutional provisions in relation to employment especially Article 40
 that provides for equal payment for equal work without discrimination based on race or
 skin color, national origin, genetic information (such as family medical history), gender or
 pregnancy, religion, disability, age, marital status, political affiliation, among others, a right to
 practice one' profession and a right to be accorded protection during and after pregnancy for
 the sake of the female employees;
- Consolidates the laws governing individual employment relationships (employer/employee) and discourages all forms of sexual harassments at work; and
- Necessitates to the establishment of the Industrial Court whose functions are to arbitrate labour disputes; to adjudicate questions of law arising from references to it by any other law; and dispose of the labour disputes without undue delay.

D2.9 Equal Opportunities Commission Act of 2007

Key Content

This Act was enacted in accordance with Article 32 of the Constitution of the Republic of Uganda. It aims at ensuring that the Commission promotes gender equality among persons. According to the long title of the Act, it is meant to among others, provide for the composition and functions of the Commission; to give effect to the State's constitutional mandate to eliminate discrimination and inequalities against any individual or group of persons on the ground of sex, age, race, colour, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability, and take affirmative action in favour of groups marginalised 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; and to provide for other related matters.

Full Text:

Available at: http://www.africanchildforum.org/clr/LegislationPerCountry/Uganda/uganda_equality_2007_en.pdf

Importance

Recognizes the international and regional instruments that address all forms of discrimination which Uganda is a signatory to. These include; Convention on Elimination of all forms of Discrimination against Women (CEDAW), Convention of the Rights of Child (CRC), The Beijing Platform for Action (1995) and The Declaration on Elimination of Violence Against Women (DEVAW, 1993). Others are; UN Security Council Resolution 1325 on Women, Peace and Security, UN SCR 1820 on Sexual Violence in situations of armed conflict and the International Conference on Great Lakes Region Protocol (ICGLR, 2006) (which aims to provide protection for women and children against the impunity of sexual violence in the Great Lakes region).

Relevance

• Gives effect to Chapter 4 of the Constitution of the Republic of Uganda.

D2.10 Prevention of Trafficking in Persons Act, 2009

Key Content

The Act provides for prosecution and punishment of offenders, prevention of TIP and protection of victims of TIP. The TIP Act created the offence of Aggravated Trafficking under Section 4 (j) where "the victim dies, becomes a person of unsound mind, suffers mutilation, gets infected with HIV/AIDS or any other life threatening illnesses.

Full Text

Available at: http://www.ulrc.go.ug/content/prevention-trafficking-persons-act-2009>

Importance

• Implements the UN Palermo protocol of 2000 and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, particularly, Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, supports action to prevent and combat trafficking, protect and assist the victims of such trafficking.

Relevance

- Prohibits trafficking in persons for sexual purposes, forced marriages among others;
- Led to the formation of the Uganda Coalition of Civil Societies against Trafficking in Persons (UCATIP) working group whose aim is to monitor, coordinate and oversee implementation of the Prevention of Trafficking in Persons Act;
- Influenced the creation of the Counter Human Trafficking National Task Force Desk at the Ministry of Internal Affairs to deal with cases of trafficking;
- Led to the enhancement of capacity of stake holders with appropriate skills and capabilities for effective detection, investigations and prosecution of the crime of trafficking in persons; and
- Acknowledges 30th of July of every year as the World Day against Trafficking in Persons to empower people to stand up for their rights.

D2.11 Female Genital Mutilation Act (FGM), 2010

Key content

The Prohibition of the Female Genital Mutilation Act (2010) criminalizes female genital mutilation (FGM). This Act prohibits and criminalizes the cultural practice of female genital mutilation and any other harmful cultural practices that undermine the dignity of a woman and a girl. A person who commits FGM is liable to imprisonment for a period not exceeding ten years. The offence of FGM becomes aggravated where death occurs, the victim develops a disability or becomes infected with HIV/AIDS, the offender is a parent, guardian or a person in authority; or where it is carried out by a health worker. In such cases, the act is punishable by life imprisonment. Carrying out FGM on oneself; attempting to commit the offence of FGM; procuring, aiding and abetting, counseling or threatening; and participation in events leading to FGM are all punishable under the Act and are punishable by a period not exceeding five years. The consent of the victim; culture or religion is not a defense to FGM.

Full Text

Available at: https://ulii.org/ug/legislation/act/2015/5-5

Importance

• Implements the international legal instruments which obligates State Parties to enact Policies and legislations that prohibit all forms of bad cultural practices that affect women.

- FGM Act of 2010 is in place to cub all forms of harmful practices against women; and
- The penalty for Aggravated FGM is life imprisonment when the victim develops a disability, the offender is a parent, guardian or a person in authority; or where it is carried out by a health worker.

D2.12 The International Criminal Court (ICC) Act (2010)

Key Content

The Act domesticates the Rome Statute and seeks to address the '...prosecution of accused for international crimes in Uganda and also deals with issues of cooperation between Uganda and the ICC...' Its purpose is to "...give effect to the Rome Statute of the International Criminal Court; to provide for offences under the law of Uganda corresponding to offences within the jurisdiction of that court; and for connected matters..."

More specifically, the objectives of the Act include to:

- Implement Uganda's obligations under the Rome Statute of the ICC;
- Make further provision in Uganda's law for the punishment of the international crimes of genocide, crimes against humanity and war crimes;
- Enable Ugandan courts to try, convict and sentence persons who have committed crimes referred to in the Statute; and
- Just like the Rome Statute, the Act criminalises offences of genocide, crimes against humanity and war crimes as defined by the Rome Statute of the ICC. The ICC Act allows for the prosecution of war crimes, crimes against humanity and genocide within national courts. Since the Act is a replica of the Rome Statute, the expounding of sexual and gender based crimes as indicated above applies.

Full Text

Available at: http://sgbv.ihrda.org/doc/92598-2010-06-25/

Relevance

- Just like the Rome Statute of the International Criminal Court, July 17, 1998, the ICC Act criminalizes rape, other forms of sexual violence and gender crimes as both war and crime against humanity; and
- Ensure that it applies and interprets the Act in line with internationally recognised human rights including those relating to women's human rights and gender equality like CEDAW, among others and also to ensure consistency with internationally recognized human rights without any adverse distinction founded, among others, on gender considering not only acts of violence and discrimination based on sex, but also those related to socially constructed gender roles by applying an understanding of the intersection of factors such as sex, gender, race, colour, class, age, ethnicity, nationality, disability and other factors which may give rise to multiple forms of discrimination and social inequalities.

Importance

Replicates the Rome Statute, therefore incorporates the provisions on gender equality.

D2.13 Domestic Violence Act 2010 and its regulations 2011

Key Content

The Domestic Violence Act (DVA) commenced on April 9, 2010. It originates from the "Domestic Relations Bill" which was split in three parts during the parliamentary examination process. The DVA provides for the protection of victims of domestic violence and seeks to punish the perpetrators of crime. The Act provides for 3 different Courts with jurisdiction to try domestic violence cases notably: Local Courts, (Section 6); Magistrates Courts (Section 9); Family and Children Courts (Section 17).

Section 6 (ii) provides for the Local Courts may hear cases of domestic violence on days which are not ordinarily working days. Under Section 10 (6) of the Act, an Application for protection order may be

brought outside ordinary Court hours or on any day not on ordinary Court day, where the Court is satisfied that the victim may suffer undue hardship if application is not handled immediately. Under the law, Local Councils do not issue protection orders. These are issued by either family and children's Court or Magistrate's Court. The Act also provides that consent of a victim is not a defence to the charge of domestic violence (Section 5).

Full Text

Available at: /https://www.ulii.org/ug/legislation/act/2015/2010;>/https://www.ulii.org/ug/legislation/act/2015/2010;

Relevance

 Gives force to the international legal instruments by enacting a law to end violence against women.

Importance

• The Act is a tool of regulating all forms of violence.

D2.14 The HIV and AIDS Prevention and Control Act (2014)

Key Content

The HIV and AIDS Prevention and Control Act provides for the prevention and control of HIV and Aids including enunciating the rights and obligations of persons living with and affected by Aids. Section 32 (1) (a) (b) prohibits a person from being denied access to any employment for which he or she is qualified or denied a promotion unless it is a matter of competence, which has to be proved by the employer. Section 34 prohibits a person from being denied the right to seek elective or other public office just because he has HIV and Aids. The Act stipulated for categories of persons to be subjected to HIV Aids testing such as suspects of sexual offences, victims of sexual offences, pregnant and her partner(s). There is however contention concerning mandatory testing that contradicts the requirement of consent under international human rights law and violates guarantees of non-discrimination set out in various international and regional conventions.

Full Text

Available at: http://chapterfouruganda.com/resources/acts-bills/hiv-and-aids-prevention-and-control-act-2014>

Importance

- Reinforces the international and regional instruments like UDHR, CEDAW, ICCPR, ICESCR, ACHPR, Maputo Protocol among others that promote the realization of human rights on a non- discriminatory basis; and
- Implements the Declaration of Commitment of the UN General Assembly Special Session on HIV/ AIDS, June 2001 which calls State Parties to develop strategies that promote gender equality and empowerment of women which are fundamental elements in the reduction of the vulnerability of women and girls to HIV/AIDS in order to enjoy their full enjoyment of all human rights.

Relevance

Enforces the constitutional provisions especially the National Objective and Directive Principles
of State Policy, XX (the State to ensure provision of basic medical services to the population),
XXII (the state to ensure proper nutrition in order to build a healthy State), XIV(b) (the State to
ensure that all Ugandans inter alia access health services) and Article 39 of the Constitution
on the right to a clean and healthy environment;

- Provides for the prevention and control of HIV and AIDS, including protection, counseling, testing, care of persons living with and affected by HIV and AIDS;
- Obliges the State to ensure universal HIV treatment and access to equitable distribution of health facilities, goods and services to all persons;
- Addresses most human rights affected by HIV and AIDs includes the right to equality and freedom from discrimination, right to privacy of a person, right to health, right to access of information, right to life;
- Provides pre, post and continuous counseling services to people testing for HIV;
- Entitles a pregnant woman tested and found with HIV to proper treatment, care and support, and routine medication to prevent transmission of HIV to the child; and
- Stresses the exercise of reasonable care in all the HIV related tests by the medical practitioners
 and attaches a penalty to those who may act negligently. The Act goes further to provide for
 a fund under sections 25 to 28 from which money is to be sought to ensure that the medical
 needs of the people living with HIV and AIDs are adequately covered.

The HIV and AIDS Prevention and Control Act 2014

This law has shortcomings as discussed below:

- Provides for routine HIV testing for pregnant women and their partners and victims of sexual offences. This mandatory testing violates the fundamental rights concerning security of the person;
- It is also discriminative against women contrary to human rights standards. Section 18 allows medical personnel to disclose the results of the person living with HIV/AIDS to a third party. The mandatory disclosure and testing of partners potentially exposes women to the risk of intimate partner violence and abandonment. This violates Article 21 of the 1995 Constitution of Uganda, as amended; Article 2 of the ACHPR, Article 2 of the African Charter on the Rights and Welfare of the Child; Article 2-3 of the Maputo Protocol, Article 3 of ICCPR; Article 2 and 3 of the ICESCR; Article 2 of the CRC; Article 1 of the UDHR and Article 1 of CEDAW;
- Criminalising HIV/Aids under Section 41 and prescribing penalties on attempted transmission that calls for imprisonment of up to five (5) years and transmission for up to ten (10) years is not called for because people might use this law to take advantage of others. This reverts the attention from measures that are more urgently needed to combat the epidemic. Such a law discriminates against individuals who have HIV, exacerbating existing stigma. It also criminalises women, who, as a result of pregnancy related medical care, usually know their HIV status, thus exposing them to a higher risk of criminal prosecution;
- It is discriminatory and non-inclusive especially for persons with hearing impairments living with HIV/ AIDS with regard to voluntary testing and counseling. This law does not have designated sign language interpreters to interpret information provided by medical personnel hence, excluding them from access to information and knowledge on sexual and reproductive health; and
- The law gives wide discretion to the medical personnel when it comes to disclosure yet this may have grave consequences. If the third party to be disclosed to is an employer, the persons living with HIV/Aids might lose their job because of the stigma associated with HIV/AIDS in the workplace. If the results of a child are disclosed by a medical professional to the class teacher, this child might be marginalised in school by the same teacher and discriminated against by other children after knowing his/her HIV status.

D2.15 The Mortgage Act 2009

Key Content

The Mortgage Act provides for spousal consent in instances of mortgaging of a matrimonial home thus strengthening protection of female spouses. In the event a husband mortgaged such a property without the consent of the wife the transaction is a nullity. Financial institutions or banks require that a man declares if he is married or not .In the event that a man is married, he is required to produce a marriage certificate and thereafter the couple will be referred to a lawyer to get independent advice on the end result of mortgaging their matrimonial property.

Full Text

Available at: http://www.ulrc.go.ug/system/files_force/ulrc_resources/mortgage-act-2009.pdf

Importance

 Implements (CEDAW), UDHR, ICCP, ICESCR and Sustainable Development Goal 5(SDG 5) on Gender Equality which aims at empowering all women and girls by ensuring that women have equal access to economic resources.

Relevance

- Protects women land rights; and
- Seeks for spousal consent before making any transaction on the family land.

D3.0 Guidelines

D3.1 MoPS Guidelines for Mainstreaming Gender in Human Resource Management in the Public

Key content

These guidelines provide a mechanism for gender mainstreaming in the human resources function. They provide for structures and processes to put in place within the existing organizational framework to guide the planning, monitoring and evaluation of the processes of gender mainstreaming into key areas of human resource management.

Importance

 Recognize the role of gender mainstreaming in the public sector to address gender issues in human resource management through a variety of strategies, including: usage of gendersensitive language, equal participation in decision-making, developing capacity building programmes to improve knowledge, skills, and attitudes in gender mainstreaming, and promoting an efficient Gender Focal Point Network, among others.

Relevance

 Complement and reinforce existing tools and guidance for gender mainstreaming such as: Gender and Equity Budgeting Guidelines, the Guidelines for Auditing Gender Mainstreaming in Local Governments, and the Local Government Gender Assessment and Planning Guidelines

D3.2 MOE & S's Simplified Gender Budgeting Guidelines for Mainstreaming in the Education Sector Budget Framework 2013

Key content

Clause 2.1 of the Gender Budgeting Guidelines identify the lack of adequate skills to promote gender budgeting among the key actors as one of the constraints on gender mainstreaming for the departments in the sector. They noted that budgets were not adequately responding to the needs, constraints and interests of men, women, boys, girls and the disadvantaged groups. Hence, the gender budgeting guidelines have been designed to help the sector staff get involved in the process

of planning and budgeting in recognizing and addressing gender in their plans and budgets Clause 2.2 provide for the aim and objectives of the guidelines as being the provision of a guiding framework for the sub sectors and staff to undertake gender budgeting during their budgeting process in order to formulate and implement budgets that address the needs, interests of and constraints faced by men and women, boys and girls.

Full Text

Available at: http://www.education.go.ug/files/downloads/gender_booklet%20for%20sample%20guidelines_2_pdf

Importance

- Enables the collection of data for purposes of medical management and operational research;
 and
- Meet the reporting requirements of CEDAW, DEVAW and the Istanbul Convention relating to the prevention, protection, punishment and compensation of victims/survivor.

Relevance

- Enables the GoU to estimate the costs of GBV for the police and justice sectors for better management of the crimes;
- Assists in the provision of regular, comparable administrative data on GBV to support more accurate measurement of the prevalence of violence against women in Uganda;
- Ensures that the appropriate and informed institutional responses to the crimes are made;
- Assists in the estimate the costs of violence for the police and justice sectors; and
- Provide guidance and accountability for Health Training Institutions to mainstream gender in the budget framework.

E. INSTITUTIONAL MECHANISMS

This section focuses on stakeholders' roles and responsibilities related to the promotion of gender equality, health, and human rights.

E1.1 The Parliament of Uganda

Key content

The Parliament of Uganda derives its mandate and functions from the Article 77 of the Constitution of the Republic of Uganda, 1995 Constitution, the laws of Uganda and its own Rules of Procedure. The Constitution empowers Parliament to make laws on any matter for the peace, order, development and good governance of Uganda, to protect the Constitution and promote democratic governance. All these efforts are geared towards promoting gender equality.

Importance

- Plays a strategic role in respect to the ratification/accession of the Convention and its Optional Protocol by encouraging its State to become a party to the Convention and its Protocol;
- It ensures the implementation of the rights and principles of non- discrimination against women in national legislation are enshrined in the Conventions; and
- It has the duty condemn discrimination against women, to abolish all discriminatory laws and to adopt, whenever appropriate, temporary special measures to accelerate de facto equality between women and men;
- It has the duty to adopt appropriate policies and establish mechanisms aimed at promoting equality between sexes;
- Takes active measures to ensure that national laws, policies, actions, programmes and budget reflect the principles and obligations in the Convention; and
- Ensures that States parties comply fully with the provisions of the Convention.

Relevance

- Pass laws that promote gender equality; and
- It is vested with budgetary functions and the monitoring of governmental actions which are vital for a better implementation of laws relating to equality between sexes, through the approval of adequate budgets and a regular oversight of the impact of governmental measures with respect to the condition of women.

E1.2 Ministry of Health (MoH)

Key Content

The Ministry of Health has the mandate of stewardship and leadership of the health sector. The Ministry of Health is responsible for policy review and development, supervision of health sector activities, formulation and dialogue with health development partners, strategic planning, standard setting and quality assurance, resource mobilisation, advising other Ministries, departments and agencies on health-related matters, and ensuring quality, health equity, and fairness in contribution towards the cost of health care.

Full Text

Available at: http://health.go.ug/

Importance

• Grounds policies, strategies, guidelines, and programming in line with the "right to health" as outlined in international instruments, such as ICESCR; and

• Collaborates within other line ministries in the government, UN agencies, development partners, and CSOs to realize the right to health for all.

Relevance

- The Reproductive Health Division at MoH participates in program planning, implementation, and monitoring and evaluation on maternal health, adolescent health and gender-based violence response and prevention; and
- The Gender and Human Rights Desk at MoH mainstreams gender and applies a human rights based approach to policy, planning and programming.

E1.3 Ministry of Gender, Labour and Social Development (MGLSD)

Key content

The MGLSD was established under Chapters 4 and 16 of the Constitution. It is comprised of the Social Development Sector (SDS) that promotes issues of social protection, gender equality, equity, human rights, culture, decent work conditions and empowerment for different groups such as women, children, the unemployed youth, internally displaced persons, the older persons and persons with disabilities. MGLSD is the lead agency for this sector and is charged with the development and implementation of the Social Development Investment Plan (SDIP) with the mandate to empower communities to harness their potential through cultural growth, skills development and Labour productivity for sustainable and gender responsive development. In a nut shell, MGLSD is responsible for all gender programmes and activities with the aim of ensuring that gender equality is attained.

Full text

Available at: http://www.gou.go.ug/ministry/ministry-gender-labour-and-social-development

Importance

- MGLSD has put in place policies and legislative framework which provide an enabling environment for observance of gender equality laws. This commitment is embodied in international legal instruments to which Uganda is a party to; and
- Fulfills its obligation as a state party that has ratified the various human rights instruments by preparing periodic progress reports on their implementation.

Relevance

- Protects vulnerable persons from deprivation and livelihood risks;
- Creates an enabling environment for increasing employment opportunities and productivity for Improved livelihoods and social security for all, especially the poor and vulnerable; and
- Ensures that issues of inequality and exclusion in access to services across all sectors and at all levels are addressed.

E1.4 Ministry of Public Service

Key Content

The Ministry of Public Service provides human resource policies, management systems and structures that facilitate efficient and effective Public Service performance for National development and improved quality of life in Uganda.

Full Text

Available at: https://www.publicservice.go.ug/

Importance

• Develops effective and efficient human resources policies for health;

Relevance

- Produced guidelines for Gender Mainstreaming in the Public Sector and have issued a curricular
 with standing instructions on their implementation. Line Ministries and local governments are
 responsible for reporting to MoPS on their efforts to mainstream gender;
- Oversees implementation of Codes of Conduct, including on issues of sexual harassment
- Develops structures for gender, health, and legal officers across the Public Service.

E1.5 Ministry of Local Government

Key Content

The Ministry of Local Government (MOLG) coordinates and support local governments in a bid to provide efficient and sustainable services, improve the welfare of the people and eradicate poverty.

Full Text

Available at: https://www.molg.go.ug/

Importance

• Monitors and supervises compliance with laws, standards, and guidelines;

Relevance

- Guides and monitors the implementation of affirmative action provisions as stated in the Local Government Act;
- Assists Local Governments with induction of by-laws and ordinances on gender equality issues e.g. sanitation, GBV; and
- Assesses gender mainstreaming efforts in Local Government.

E1.6 Health Service Commission

Key Content

The Health service Commission has the following functions:

- Advise the President in performing, in relation to the Health Services his/her functions;
- Appoint persons to hold or act in any office in the health service;
- review terms and conditions of service, standing orders, training and qualifications of members of the health service.

Full Text

Not available

Importance

Art (30) of The Health Service Commission, "Responsibility to patient or client," mandates
that a health worker shall hold the health, safety, and interest of the patient of the client to
be of first consideration and shall render due respect to each person at all times and in all
circumstances.

Relevance

• May handle cases of sexual assault within the public service.

E1.7 Public Service Commission

Key Content

The Public Service Commission's mission is to provide government with employees of the right calibre, in right numbers, placed in the right jobs at the right time.

Full Text

Available at: https://psc.go.ug/>

Importance

• Appoints, confirms in appointments, promotes and exercises disciplinary control over persons holding office in Public Service.

Relevance

- Has a Commission of Gender and Children Affairs; and
- May handle cases of sexual assault within the public service.

E1.8 Uganda Human Rights Commission (UHRC)

Key content

Uganda Human Rights Commission (UHRC) upholds, protects and promotes human rights due to the occurrence of massive abuse of human rights in Uganda. It provides alternative approach to accessing justice outside the formal justice delivery agencies.

Full Text

Available at: http://www.uhrc.ug/

Importance

- Monitors Government's compliance with international treaty and convention obligations and makes recommendations to Parliament on effective measures for promotion and protection of human rights;
- Investigate on its own initiative or a complaint made by any person or group of persons against the violation of any human right;
- UHRC has the responsibility of reviewing and analysing bills, laws and policies in order to ensure that they comply with international human rights standards;
- Contributes to the government's advisory role to the CEDAW Committee in the dissemination and implementation of the concluding observations of CEDAW; and
- Establish a continuing programme of research, education and information to enhance respect of human rights.

Relevance

- Provides advise on laws that enforce guaranteed rights and freedoms enshrined in Chapter 4
 of the 1995 Constitution;
- Protects the rights of vulnerable persons;
- Recommends to Parliament effective measures to promote human rights including provision of compensation to victims of violations of human rights or their families;
- Provides for the procedure for the enforcement of human rights;
- Provides an accountability mechanism by publishing periodic reports on its findings and submiting annual reports to Parliament on the state of human rights and freedoms in the country; and

• Formulates, implements, and oversees programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people.

E1.9 Uganda Equal Opportunities Commission (EOC)

Key content

The Equal Opportunities Commission is a constitutional body established under Article 32(3) and Article 32 (4) of the Constitution. It was established because certain groups of the society are marginalised and discriminated against on the basis of gender, age, disability or other reasons created by history, tradition, custom, or any other attribute. EOC is mandated to by Ugandan law to:

- Give effect to the State's constitutional mandate to eliminate any kind of discrimination and inequalities against any individual or group of persons on the ground of sex, age, race, colour, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability; and
- Take affirmative action in favour of groups marginalised 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.

Full Text

Available at: http://www.eoc.go.ug/

Relevance

- Implements the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and other Conventions by putting in place measures that are geared towards eliminating discrimination; and
- Provides for equal treatment of women and men through the enactment of laws and policies that call for non-discrimination against men and women.

E1.10 Uganda Law Reform Commission (ULRC)

Key content

Uganda Law Reform Commission's primary mandate is to study and keep under constant review of the Acts and all other laws comprising the laws of Uganda with a view to making recommendations for their systematic improvement, development, modernization and reform. The Commission has a wide-ranging mandate to review and update laws "in line with social, cultural and economic needs and values of the People of Uganda". Furthermore, the Commission has responsibility for research, carrying out research and spearheading for better laws and policies that protects the status of women, children and other vulnerable groups of persons for effective implementation.

Full Text

Available at: http://www.uhrc.ug/uhrc-mandate

Importance

• It plays a specific role in relation to implementing CEDAW recommendations on discriminatory legislation.

Relevance

• It keeps track of the Ugandan government initiatives in revising or putting in place gender sensitive laws.

E1.11 Uganda Women Parliamentary Association (UWOPA)

Key Content

Uganda Women Parliamentary Association (UWOPA) is a Parliamentary Caucus comprising of all women members of Parliament but open to male members as associates or horary members. This umbrella Association was established during the 5th Parliament of Uganda (1989-1994) with the aim of promoting the rights of women from government and other Stakeholders through engendering the legislative process, creating awareness campaigns and encouraging lobbying and advocacy, networking, exchange programmes.

Full Text

Available at: http://uwopa.or.ug/

Importance

• Implements the international legal instruments through Parliament to make or amend laws that promote gender equality.

Relevance

- Provides a platform in Parliament to champion the fundamental cause of equity and equality for women at national, regional and international levels;
- Provides a platform in which women and men, regardless of their socio-economic status, have the same rights and opportunities to access finance and assets, establish and lead business, participate in decision-making processes affecting their lives and have equal and safe access to public services; and
- Puts in place measures that support the advancement of women on gender equality though legislation, national laws, policies regional and international instruments.

E1.12 Uganda Police Force- Child and Family Protection

Key Content

In response to increased reports of VAW and children, the Uganda Police Force (UPF) established Child and Family Protection Units (CFPU) in police stations, starting with Kampala. These have been replicated in other stations in the country, with a mandate to deal with cases of child abuse and neglect. These units have been instrumental in protecting women and children from violence and abuse, as well as educating the public on laws and legal procedures in such cases. Note that UPF has plans to transform CPFU into a full Directorate on GBV.

Full Text

Available at: http://www.upf.go.ug/>

Importance

• implements the CRC in protecting the rights of children.

Relevance

• Enforces Chapter 4 of the constitution of the Republic of Uganda 1995 especially the rights of children and family.

E1.13 Civil Society Organizations

Key Content

Civil society organizations (CSOs)work across a variety of socio-economic and legal sectors to complement efforts by state actors, such as providing access to healthcare services or legal services. CSOs have built capacity of healthcare workers, worked directly work to combat harmful gender

norms and empower women, improve access to justice and hold duty-bearers accountable for their responsibilities.

Full Text

Not Available

Importance

- Promotes and ensures the harmonisation of national legislation, regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;
- Encourages ratification of the international legal instruments or accession to those instruments, and ensures their implementation; and
- Contributes to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence.

Relevance

• Publicises human rights and its violations and efforts to combat all forms of discrimination by increasing public awareness, especially through information and education and by making use of the press and provides direct services, such as child protection, healthcare delivery, education, and legal support.

F. CASE LAW BOTTOM OF TOP OF FORM

F1.0 INTERNATIONAL CASE LAW

F1.1 Prosecutor vs. Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu, Case No. SCSL-2004-16-A(22 February 2008)

Case Note: Criminal Law-Judgment on Appeal-Distinction between "forced marriage" and Sexual Slavery.

Issue:

Whether forced marriages fell within 'other inhumane acts.

Held on Appeal:

Forced marriage is a crime against humanity under customary international law and an "inhumane act." The Appeals Chambers defined "forced marriage" as a situation in which the perpetrator through his words or conduct, or those of someone for whose actions he is responsible, compels a person by force, threat of force, or coercion to serve as a conjugal partner resulting in severe suffering, or physical, mental or psychological injury to the victim.

F1.2 Bragdon v. Abbott 1998 U.S. LEXIS 4212 (1998)

Case Note: Civil law - the Application of the Disabilities Act to Individuals with HIV and their protection.

Issues:

- 1. Whether reproduction is a major life activity (based on the claim that being HIV positive is a substantial impairment to reproduction and the argument that reproduction is a major life activity).
- 2. Whether individuals who are HIV positive are per se disabled because they are regarded as disabled.
- 3. Whether health care providers should be given the discretion to determine whether a patient is a direct threat as long as the determination is reasonable in light of current medical information.

On appeal, the Supreme Court had to, inter alia, to determine whether HIV is a disability under the ADA even when the disease has not progressed to a "symptomatic" stage.

Held:

The District Court ruled in favour of Ms. Abbott and the First Circuit Court of Appeals affirmed it. In the Supreme, the Justices agreed with Ms. Abbot noting that "reproduction and the sexual dynamics surrounding it are central to the life process itself." The Court stressed that a woman infected with HIV who tries to conceive a child imposes on her male partner a one in five chances of being infected with the HIV virus. Further, a woman infected with the HIV virus risks infecting her child during gestation and childbirth (i.e., perinatal transmission). Therefore, the Court ruled that this type of risk in Ms. Abbott's reproductive life affected a major life activity.

The Court declined to decide whether Ms. Abbott would have also been protected because she was "regarded as" substantially limited in a major life activity because the Court had already found her to be covered as having a substantial limitation, it determined that it had no need to address that issue.

The record did not clearly establish, as a matter of law, that Ms. Abbott's HIV infection did not pose a direct threat to the health and safety of others. The Court recognised the large body of authority indicating that there is not a substantial risk, but indicated that it had not been clearly established whether there was adequate "scientific assessment" of such a risk, and remanded for a determination on that issue.

F1.3 The Attorney General of the Republic of Botswana v. Unity Dow, 103. I.L.R. 128 (Bots. Ct. App. 1992)

Case note: Constitutional law - Fundamental rights and freedoms - Freedom from discrimination - Sex discrimination - Citizenship - Enactment providing for acquisition of citizenship - Denial of citizenship to children born in Botswana to female citizens married to non-citizens.

Issues:

- 1. Whether the provision that children born in Botswana of a female citizen married to a non-citizen are not citizens of Botswana, offend against the Constitution.
- 2. Whether Section 4 of the Citizenship Act is discriminatory.

Held:

The Appellate Court upheld, that the Citizenship Act in this respect unconstitutionally discriminated against women. The Court rejected the argument that the absence of gender or sex as protected classes in the Botswana Constitution was an intentional reflection of the patriarchal nature of the society.

F2.0 DOMESTIC CASE LAW

F2.1 Elizabeth Nalumansi Wamala vs. Jolly Kasande, Nabukeera Esther and Ronnie M. Lutaaya, SUP-00CV-CL00-102015 (Arising from Court of Appeal Civil Appeal No. 070 of 2014). Civil Suit No.133 of 2012 (arising out of Probate and Administration Cause No.215 of 2012)

Case note: Widow living away from deceased husband-suitability for her grant of Administration jointly with others.

Issue:

Whether the widow residing out of Uganda should form part of the Administrators.

Held:

The Court confirmed the High Court's finding that considering the animosity that had developed between the Appellant and the Co-interim administrators (the Respondents) of the Estate, coupled with the fact that the Appellant lived partly in UK, she could not keep hands-on the administration of the Estate. Since there was a separation between the Appellant and the deceased, the Appellant was precluded from any entitlement in the Estate of the deceased in accordance with Section 30 of the Succession Act, particularly, S. 30(2) & (3) which stipulates that the section shall not apply where such wife or husband has been absent on an approved course of study in an educational institution.

A Court may, on application by or on behalf of such husband or wife, whether during the life or within six months after the death of the other party to the marriage, declare that subsection (1) shall not apply to the applicant. The Appellant had not even applied to Court to hold that the she should be exempted. In fact, she was working in the UK as a psychiatric nurse and therefore was not a member of the deceased's house hold.

Even if the 1st Respondent was not entitled to share in the Estate of the deceased, as the natural guardian of the four minor children of the deceased who was responsible for their necessaries, it would be logical to provide necessaries of life to the minor children to allow her and the children accommodation out of the estate as this was a necessity of life for the minor children. The trial Court, proprio motu (on its own motion) appointed the Administrator General as the Administrator of the Estate and vacated the caveats lodged by the Respondents to enable the Administrator General distribute the estate.

F2.2 Uganda Women Lawyers Association & 5 others vs. Attorney General - Constitutional Petition No. 2 /03

Case note: Discrimination in light of grounds of divorce.

Issues:

- 1. Whether the impugned sections 4(1), 4(2), 5, 21, 22, 23, 24 and 26 of the Divorce Act are in contravention of Articles 21(1), 21(2), 31(1), 33 (1) and 33(6) of the Constitution.
- 2. Whether the petitioners are entitled to the reliefs prayed.

Held:

The five Justices of the Constitutional Court unanimously held that these provisions discriminated on the basis of sex and declared them null and void. The evidence available reveals that sections 4(1) & (2), 5, 21, 22, 23, 24 and 26 of the Divorce Act discriminate on the basis of sex and brings them into conflict with articles 21(1) (2), 31(1) and 33(1) and (6) all of which provide against discrimination on the basis of sex. This is a ground for modifying or declaring them void for being inconsistent with these provisions of the Constitution.

To the extent that these sections of the Divorce Act discriminate on the basis of sex, contrary to articles 21(1) & (2), 31(1) & 33(1) & (6) of the Constitution, they are null and void. This means that the grounds for divorce stated in section 4(1) and (2) are now available to both sexes. Similarly, the damages or compensation for adultery S. 21, costs against a co-respondent S.22, alimony S.23 and 24 and settlement under S. 26 are now applicable to both sexes.

F2.3 Adrian Jjuko vs. Attorney General Constitutional Petition No. 1 of 2009

Case Note: Fighting for equal employment opportunities in Uganda.

Issues:

- 1. Whether Section 15(6)(d) of the Equal Opportunities Commission Act is acceptable and demonstrably justifiable in a democratic society.
- 2. Whether Section 15(6)(d) of the Equal Opportunities Commission Act breaches the right to a fair hearing guaranteed in Articles 28 and 44 of the Constitution.

Held:

The section is in violation of articles 20 (inherent nature of rights), 21 (equality and freedom from discrimination) and 30 (protection of minorities). Section 15(6)(d) of the Equal Opportunities Commission Act blocks the Equal Opportunities Commission from investigating matters involving behaviour that is regarded as 'immoral or socially unacceptable' by the majority of cultural groupings in Uganda.

This simply defeats the whole purpose of the commission which is to 'eliminate discrimination and inequalities against any individual ...and take affirmative action in favour of groups marginalized on the basis of sex, gender, age, disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them'.

F2.4 Law & Advocacy for Women in Uganda vs. Attorney General Constitutional, Petitions Nos. 13 /05 /& 05 /06 [2007] UGCC 1 (5 April 2007)

Case Note: Freedom from discrimination, Freedom from torture and cruel, inhuman or degrading treatment and the Right to family life.

Issues:

1. Whether section 154 of the Penal Code Act is inconsistent with articles 20, 21, 24, 31, 33(1) and 44 of the Constitution.

2. Whether sections 2(n) (I) (ii), 23, 26, 27, 29, 43, 44 of the Succession Act are inconsistent with Articles 20, 21, 24, 26, 31, 33, and 44 of the Constitution.

Held:

Section 154 of the Penal Code was declared null and void on the basis that it was inconsistent with Articles 20, 21, 24, 31, 33(1), and 44 of the Constitution. Likewise, sections 2(n) (I) (ii), 23, 26, 27, 29, 43 and 44 of the Succession Act and rules 1, 7, 8, and 9 of the Second Schedule of the same Act were inconsistent with articles 21(1)(2)(3) 31, 33(6) of the Constitution and were also declared null and void.

F2.5 MIFUMI (U) Ltd & Ors. vs. Attorney General & Anor, Constitutional Appeal No. 02 of 2014

Case note: The demand of bride price in customary marriage.

Issue:

Whether the demand of bride price in the event of divorce is unconstitutional.

Held:

It was held that the custom and practice of demand of bride price by a woman's parents or her relatives from her husband to be as a condition precedent to a valid customary marriage practiced by several tribes in Uganda is inconsistent with articles 2, 21(1) & 2, 31(1)(b); 31(3), 32(2), 33(1), and 33(4) of the Constitution.

F2.6 Uganda vs. Hamidu & Others 236, Criminal Session Case No. 0055 of 2002 High Court

Case note: Abduction, rape, forced marriage, dowry, marital rape, the link between Violence Against Women and HIV/AIDS, role of the judiciary.

Held:

The Court found no evidence that a marriage had taken place in accordance with the parties' Islamic faith. The evidence demonstrated that the complainant never consented to sexual intercourse. Even if the parties had been married under customary law, the facts and circumstances of the case would render the accused guilty of rape. The provision in the Penal Code that deals with rape does not make an exception for married persons.

The existence of a valid marriage or honest belief of a valid marriage is no longer a defence for rape in Uganda in view of the 1995 constitution, which provides for equal rights in marriage and full and equal dignity of the person. These provisions, exclude the operation of section 9(1) of the Penal Code to the situation in this case. Finding that the complainant was treated as a 'mere sexual instrumentality', the judge rejected the defendant's defence, found him guilty and convicted him of rape.

F2.7 Center for Health Human Rights and Development, et al. vs. Nakaseke District Local Administration, Civil Suit No. 111 of 2012

Case Note: Civil Law-Human Rights-Right to Life-Medical malpractice, Sexual and reproductive health.

Issues:

- 1. Whether the deceased's human and health rights were violated by Defendant;
- 2. Whether the children's rights were violated by the Defendant upon the death of the deceased as a wife and a mother;
- 3. Whether the defendant was liable;
- 4. What remedies were available to the successful party.

Held:

The deceased's constitutional right to basic medical care was violated due to the fact that the doctor on duty was absent.

The Court found that because of the doctors absence, the deceased had not received the care required to overcome the condition she had encountered which was a violation of her rights and the rights of the deceased's children and spouse under the Constitution.

The deceased had not received adequate care due to neglect of duty by the doctor on duty, and therefore the deceased's children and spouse had been denied the care and companionship of their mother and wife, which is recognized in the constitution as a flagrant act of neglect of duty by the doctor on duty. The defendant was held liable in damages for the violation of the human and maternal rights of the deceased and her children.

F2.8 Seif Mohamed El-Abadan v Rep, (Criminal Appeal No. 320 of 2009) Tanzania Court of Appeal (Tanga); JBB Case 7.6, Page: 139-140

Case Note: Criminal Law- Aspects of Violence against Women -Rape by person in position of authority, Sextortion, JBB.

Held:

The Court of Appeal upheld the decision of the learned trial Judge and agreed that "...it is treacherous for one to stray away from a professional calling and turn against one amongst the very lot who bestowed their trust unto the person..."

F2.9 Rosemary Namubiru vs. Uganda (2014), HCT-00-CR-CN -- 0050-2014(High Court)

Case note: Criminal law –protection of the public from HIV transmission and the risk of transmission or exposure to HIV by criminalizing acts and behaviour that expose others to HIV.

Issues on Appeal:

- 1. Whether the Appellant was prejudiced in the preparation of her defence because of the duplicitous charge; that the act complained of was both unlawful and negligent.
- 2. Whether the Magistrate's Court failed to properly evaluate the evidence before it.
- 3. Whether the sentence was excessive, taking into account the circumstances of the case.

Held:

Concerning the double charge, the Court held that there was no prejudice to the Appellant in this case even though the Convict had been charged with two offences.

The Appellant knew her HIV status and had been receiving treatment for the same. The Court held that the nurse had acted negligently upholding the decision of the Magistrate but reduced Appellant's sentence from three years to five months.

F2.10 Nyeko Okello & Santo Dwoka vs. Centenary Rural Development Bank Limited High Court of Uganda Civil Suit No 23/2008 (unreported).

Case note: Civil law -Disability.

Held

The bank afraid of costs arising from loss of the suit, eventually constructed the ramps. Since the breach had been remedied the judge advised the plaintiffs to settle the matter out of court. A consent judgement was later entered into between the parties with costs being awarded to the plaintiffs however no damages were awarded by the court.

F2.11 Legal Action for Persons with Disabilities vs. Attorney General High Court of Uganda, Misc App No 146/2011, judgment delivered 20 May 2014 (unreported), case excerpt available at http://www.ulii.org/ug/judgment/high-court/2014/42 (accessed 23 June 2014).

Case Note -Civil Procedure-Miscellaneous Cause-Breach of the Constitution of Uganda on the rights of people with disability-Application of Disabilities Act 2006.

Issue:

Whether Kampala Capital City Authority is liable for not availing a rump to persons with disability.

Held:

KCCA and Makerere University (MUK) had taken sufficient reasonable steps within their means to make their buildings and facilities accessible. KCCA and especially MUK had limited resources and could not fully make all buildings immediately accessible and that the current state of inaccessibility was attributable to buildings constructed prior to the period when issues of disability became a pertinent national agenda. To expect MUK to prioritise resources to making buildings accessible would substantially increase the cost of education hence affect other students.

On the above grounds, the court dismissed the application.

CONCLUSION

While Uganda has progressively passed many laws and policies at domestic level; and ratified a whole range of several others at international level on gender equality and women's empowerment, implementation is still weak.

Women's Economic Empowerment remains' low and their sexual and reproductive health rights are not yet fully met. Addressing the root causes of gender inequalities like unequal power relations and violence against women is crucial for the advancement of all women and girls.

We applaud the Government of Uganda is applouded for bringing gender equality to the forefront of the Vision 2040 statement, and it is hoped is to see this is reflected in the implementation of all relevant development programmes.

This compendium thus was compiled due to the demand expressed by health workers and decision makers within the health sector so as to facilitate efficient health service delivery. Thus the users are encouraged to do more reading using the links provided under each law or policy to improve their personal knowledge and skills in their day to day duties.

GLOSSARY OF TERMS

Affirmative Action

According to the Merriam-Webster Dictionary, this is "...the practice of improving the educational and job opportunities of members of groups that have not been treated fairly in the past because of their race, sex, etc...." The institutionalization of the policy in Uganda's public arena started in the mid-1980s and extended to the 1990s with the establishment of a Ministry for Women in Development (MWD), the provision of reserved seats for women in parliament and local governments, and the provision of additional points for women students to join educational institutions (especially the university).

Asymptomatic

There are no symptoms. You are considered asymptomatic if a person has recovered from an illness or condition and no longer have symptoms or has a condition, illness but do not have symptoms of it (Medline Plus Dictionary).

Case law

These are rulings made by judges through legal decisions, in which legislation has been interpreted to be cited as a precedent.

Concluding Observations

Observations issued by a treaty body after it considers a state's report. Concluding observations refer both to positive aspects of a state's implementation of the treaty and areas where the treaty body recommends that a state takes further action. Concluding observations are sometimes referred to as concluding comments.

Constitution

This is an overarching law that defines the fundamental political principles and establishes the structure, procedures, powers and duties of a government. Most national constitutions also guarantee specified human rights.

Declaration

A document that reflects the commitment made by States to address certain issues. A Declaration is not legally binding on a State.

Disability

A substantial functional limitation of daily life activities caused by physical, mental or sensory impairment and environment barriers resulting in limited participation.

Domestic Violence

Under the Domestic Act 2010(DVA), this term covers physical, sexual, psychological and economic abuse. The scope of "domestic violence" in a legislation has, in many countries including Uganda, been expanded to include not only married couples but those who are or have been in intimate relationships, as well as family members and members of the same household. (S. 2 DVA). The acts may comprise of abusive telephone calls.

Family Land

Includes land on which is situated the ordinary residence of a family and on which is situated the ordinary residence of the family and from which the family derives sustenance. The right extends to the residence, whether or not there is also land from which (s)he derives sustenance.

Female Genital Mutilation

Any procedure involving the partial or total removal of the external female genitalia or other injury to the female organs whether for cultural, religious or other non-therapeutic reasons

Forced Marriage

The definition of "forced marriage" includes absence of free and full consent of one or both parties. Sometimes "coercive methods such as pressure of various kinds, emotional blackmail, physical duress, violence, abduction, confinement and confiscation of official papers" may be used in an arranged marriage, thus denying one or both parties the option of refusal. Laws and human rights documents generally describe forced marriage as a union that lacks the free and full consent of both parties. The European Parliamentary Assembly Resolution No. on 1468 Forced Marriages and Child Marriages (2005) defines forced marriage as the "union of two persons at least one of whom has not given their full and free consent to the marriage"

Gender

The concept of gender is often used incorrectly as being synonymous with women. The focus on women is usually motivated by the need to address gender inequalities in terms of access to resources and participation. It may refer to "...the cultural and social role and learned identity, which is linked to being a man, woman, boy or girl in a specific context..." (See Gender, Peace and security Resource-May 2012 (Internal Safer world report). Under the International Criminal Court Act of Uganda No.11 of 2010, the definition of gender is taken verbatim from what the Rome Statute has. Article 7(3) of the Rome Statute stipulates that for the purpose of this Statute, it is understood that the term 'gender' refers to the two sexes, male and female, within the context of society. The term 'gender' does not indicate any meaning different from the above.

Gender budgeting

This is a practice/ approach of allocating resources taking into consideration the different needs, interests and constraints of women and men. It is one of the ways of gender mainstreaming in development processes so it is about equality of access to public sector expenditure. It also involves disaggregating and analyzing government expenditures and revenues according to their different impacts on different categories of women and men, boys and girls. Gender budgeting involves an analysis and understanding of the situation of different categories of men and women, boys and girls to determine the gender gaps/inequalities and setting appropriate interventions in all development plans and budgets to address them.

Gender-Based Violence and Violence against Women

The terms are frequently used interchangeably in literature and by advocates; however, according to UN Women to end violence right now at page 2 defines gender-based violence as violence directed against a person because of his or her gender and expectations of his or her role in a society or culture. It is important to note, however, that men and boys may also be victims of gender-based violence, especially sexual violence.

Gender Equality

The GIZ/ZIF, 2013, Trainer Manual On Mainstreaming Gender in Peace Building trainings defines it as "...the conscious action of taking into account the different roles, needs and interests of women and men and designs, implements and assesses accordingly..."

Gender equality is not only a fundamental human right, but a pre-condition for sustainable development; providing women and girls with quality education, health care, decent work, access and ownership rights over property and technology, and equal participation in political and economic decision-making processes will lead to social, economic and environmental sustainability across the globe.

General Comments

A treaty body's interpretation of human rights provisions, thematic issues, or its methods of work. General Comments are often written in an attempt to clarify the reporting duties of state parties regarding certain provisions. They also suggest approaches to implementing treaty provisions. General Comments are sometimes called general recommendations.

Instrument

Any type of an international document.

Inter alia

A latin word that means among others.

Legislation

It is a body of enacted laws.

Major life activity means

Social medicine: any activity that constitutes economic, intellectual, and functional self-sufficiencyeg, ability to maintain a job, learning, mobility, self-direction.(thefreedictionary.com).

Obligation to Respect, Protect and Fulfill Rights

Under the ICESCR, State parties must refrain from interfering with an individual's enjoyment of rights (respect), stop others/ third parties from interfering with an individual's enjoyment of rights (protect), and adopt appropriate measures towards the full realization of rights (fulfill).

Protocol

An international agreement that adds to an existing international instrument.

Policy

Statement of commitment and framework for future conduct, but not legally binding, as such.

Ratification

A formal action under international law that makes a state a party to a particular treaty and indicates a state's consent to be bound by that treaty.

Reservation

A reservation is a statement made by a State by which it purports to exclude or alter the legal effect of certain provisions of a treaty in their application to that State. States can make reservations to a treaty when they sign, ratify, accept, approve or accede to it. Reservations cannot be contrary to the object and purpose of the treaty and may be withdrawn by the State Party at any time

Resolution

Decision of treaty body or other institution, indicating the position of the body or institution on a particular issue; does not have formal legal force.

Sale of children

Any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration

Security of occupancy

A right to have access to and live on family land and give or withhold his or her consent to any transaction, which may affect his or her rights.

State party

A State party is a State that has expressed their consent to be bound by the treaty under international law by an act of ratification, acceptance, approval or accession.

State report

A document prepared by a state, as required by a treaty, showing its implementation of the provisions of that particular treaty. Sometimes, civil society organisations produce 'shadow reports' for a particular treaty, especially if they do not agree with the state report or wish to highlight some issue.

Signature of a Treaty by a State

An act that indicates a State's intention to be bound by a Treaty at a later date. It is an early step on the way to a State's ratification of the Treaty.

SWAp

It is one of the several means for development agencies to achieve greater coherence in their approaches to providing development assistance.

Trafficking

A definition of trafficking is provided by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: "Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs".

Treaty

International instrument that becomes binding on a state after ratification. Treaties are also referred to as conventions, international agreements, protocols, covenants, and charters.

Treaty Body

A committee of independent experts appointed to monitor a State. Party's implementation of core international human rights treaties. The treaty bodies are international committees of independent experts who monitor State parties' implementation of each of the nine core human rights treaties and their optional protocols. The implementation of each of the international treaties is monitored by its own committee based on reports from State parties and information from non-governmental organisations (NGOs) and other relevant sources.

Additional Reading List

- See Laura F. Rothstein, Disabilities and the Law, Sec. 10.01, notes 29 and 32 (West group 1997).
- Bennett, V., G. Faulk, A. Kovina, and T. Eres. (2006), "Inheritance Law in Uganda: the Plight of Widows and Children," 7 Georgetown Journal of Gender and the Law 451.
- Adoko, J. and S. Levine (2005), "A Land Market for Poverty Eradication?: A Case Study of the Impact of Uganda's Land Acts on Policy Hopes for Development and Poverty Eradication," LEMU, June 2005
- 212/98 Amnesty International v Zambia, 12th Annual Activity Report [in Compilation 1994–2001, IHRDA, Banjul 2002, pp.371–382].
- http://www.achpr.org/communications/decision/101.93/



