



## **United Nations Committee for the Elimination of Discriminations Against Women (CEDAW)**

**Written contribution for the eighth and ninth periodic review of Uganda  
during the 81<sup>st</sup> Session**

**Joint Stakeholders' Submission from**

**Franciscans International (FI)**  
*(General Consultative Status with UN ECOSOC)*

**John Paul II Justice and Peace Centre  
The Bright Doves of St. Francis  
Caritas Kampala  
Ugandan Joint Christian Council**

**Geneva and Kampala, 9 January, 2022**

## **PART 1: INTRODUCTION**

### **A. Submitting organizations**

- a. The organizations listed below present this joint submission concerning the situation of women's rights in Uganda for the consideration by the Committee on the Elimination of Discrimination against Women (hereafter the Committee) of the eighth and ninth periodic report of Uganda.<sup>1</sup>
- b. Franciscans International (FI) is a faith-based International Non-Governmental Organisation (INGO) in General Consultative Status with the United Nations Economic and Social Council (ECOSOC). It was founded in 1982 to bring the concerns of the most vulnerable to the United Nations. FI relies on the expertise and first-hand information of Franciscans and other partners working at the local level around the world to advocate at the United Nations for structural changes addressing the root causes of social and environmental injustice.
- c. John Paul II Justice and Peace Centre was established in 2006, by a consortium of five religious missionary congregations: Comboni, Holy Cross, Mill Hill, Missionaries of Africa and Society of Jesuits. The founders intended to create an institution to facilitate collective action against social injustice, through research, advocacy, and training. They were compelled by the wanton violation of human rights, rising economic inequalities and poverty, prevalence of violence, as well as abuse of workers.
- d. The Bright Doves of Saint Francis is a faith-based Ugandan Youth organization established in 2006 and based in Kamwokya – Kampala. It is a registered Community Based Organization under Kampala Capital City Authority and works through the Young Franciscans (YouFra) network to reinforce cultural values which emphasize freedom, democracy, and non-violence by propagating peace and helping the young discover and utilize their potential.
- e. Caritas Kampala is the social services and economic development Department of the Catholic Church in Kampala Archdiocese, mandated to carry out socio-pastoral activities within the administrative districts of: Mpigi, Kampala, Wakiso and Butambala. Caritas Kampala's initiatives focus on community development, good governance and civil society enhancement, orphans and vulnerable children, support to marginalized groups, and women's empowerment.

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<sup>1</sup> See UNITED NATIONS CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATIONS AGAINST WOMEN, *State report: combined eighth and ninth periodic reports submitted by Uganda under article 18 of the Convention*. 11 December 2020. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fUGA%2f8-9&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fUGA%2f8-9&Lang=en) (Last accessed 3 January, 2022).

- f. Uganda Joint Christian Council (UJCC) is a faith based ecumenical organization that was established in 1963 and registered as a trustee under the Trustees Incorporation Act. Its current membership comprises the Church of Uganda, The Roman Catholic Church and the Uganda Orthodox Church. UJCC was established after Uganda's independence in and is an associate and affiliated to All Africa Conference of Churches and the World Council of Churches (WCC).

## **B. Methodology**

- g. This report is based on the evaluation of the commitments made by the Government of Uganda to implement the CEDAW convention, the list of issues and questions in relation to the State report.<sup>2</sup> The data and information obtained for this submission came from various sources, including first-hand information from the above-mentioned field organizations serving individuals and groups affected by human rights abuses in Uganda.
- h. The first-hand data collection was carried out as part of a group consultation organized in Kampala in May 2021, bringing together 25 civil society actors. Then, thematic groups conducted case studies through personal and group interviews with victims, some perpetrators, and experts as well as through desk research. Note that, in the present report, investigators who carried out the case studies are mentioned as "observers or investigators". Investigations took place between 15 June and 5 July, 2021 as well as between 30 November and 15 December, 2021.
- i. The present submission will address the following issues of concern in relation with the implementation of the Convention in Uganda:
- Situation of women victims of Female Genital Mutilation (CEDAW articles 2, 5 and 12),
  - Situation of women victims of trafficking (CEDAW article 6),
  - Access to education for girls with disabilities (CEDAW article 10),
  - Child marriage and teenage pregnancy (CEDAW articles 10, 11, 12 and 16).

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<sup>2</sup> See UNITED NATIONS CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATIONS AGAINST WOMEN, *List of issues and questions in relation to the combined eighth and ninth periodic reports submitted by Uganda*. 10 March 2021, Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fUGA%2fQ%2f8-9&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fUGA%2fQ%2f8-9&Lang=en) (Last accessed 3 January, 2022).

## **PART 2: REPORT**

### **I. SITUATION OF WOMEN VICTIMS OF FEMALE GENITAL MUTILATION**

1. In the list of issues (LoI), the Committee asks the State of Uganda to describe the measures taken to monitor and enforce laws prohibiting Female Genital Mutilation (FGM) as well as to track cases of FGM in the east of the country.

#### **Legal framework**

2. The Prohibition of Female Genital Mutilation Act of 2010<sup>3</sup> provides for the legal prohibition of Female Genital Mutilation, establishing the criminal offenses, and the prosecution of perpetrators. The law also includes provisions for the protection of victims as well as for girls and women at risk of mutilation.
3. We regret that the implementation of the 2010 Act still entails important limitations as highlighted by civil society organizations.<sup>4</sup> Victims of genital mutilation may be confronted with various obstacles in their access to justice, such as court fees and other related costs that they may have to cover.

#### **Case study in Eastern Uganda**

4. FGM, as a harmful traditional practice, is still prevalent in some parts of the country.<sup>5</sup> Despite the existence of the 2010 Act on the Prohibition of Female Genital Mutilation, the social weight of traditions persists. According to interviews conducted with victims in the district of Bukwo in July and December 2021, some women were not aware of the existence of a legislation prohibiting FGM (especially in rural areas).
5. The results of the study carried out in the same district also show that the practice became more hidden with its penalisation but did not disappear. Perpetrators (the “cutters”) tend to mutilate women in remoted, hidden places like bushes.<sup>6</sup> Therefore, an interview with a cutter revealed that she manages to maintain her activity to make a living from it. In fact, she receives up to 60,000 Uganda Shillings (17 USD) per girl. Since the entry into force of the law, she has been practicing excision

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<sup>3</sup> Prohibition of Female Genital Mutilation Act, 2010, 17 March 2010. *The Uganda Gazette N. 21, volume CII* 9 April, 2010 Accessible at: <https://old.ulii.org/ug/legislation/act/2015/5-7> (Last accessed 30 December, 202).

<sup>4</sup> FIDH, *Women's Rights in Uganda: Gaps between Policy and practice*, 2012. Accessible at: <https://www.fidh.org/IMG/pdf/uganda582afinal.pdf> (Last accessed 30 December, 202).

<sup>5</sup> Along the border with Kenya mainly. See UNICEF, *District leaders want all schools reopened to curb violence against children, in Amudat District*, 24 February 2021. Accessible at: <https://www.unicef.org/uganda/stories/district-leaders-want-all-schools-reopened-curb-violence-against-children> (Last accessed 3 January, 2022).

<sup>6</sup> See UNICEF AND UGANDA BUREAU OF STATISTICS, *Female Genital Mutilation in Uganda*, 2020 p.5 Accessible at: [https://www.unicef.org/uganda/media/7996/file/FGM%20Evidence%20from%20Uganda\\_Policy%20Brief\\_29t\\_h%20Sept%202020.pdf](https://www.unicef.org/uganda/media/7996/file/FGM%20Evidence%20from%20Uganda_Policy%20Brief_29t_h%20Sept%202020.pdf) (Last accessed 3 January, 2022).

secretly. Observers also note that FGM is more and more practiced in neighbouring Kenya: this is the case of the village of Kaplakatet (Riwo Parish, Kabei County) where FGM is practiced about 200 meters away from the village across the border, on the Kenyan side.

6. Investigators noted that the practice is also increasingly carried out after deliveries assisted by traditional birth attendants. This new practice clearly increases the risk of severe health complications of women victims of FGM. Observers also highlight the fact that FGM is perpetrated during circumcision of boys' events. During such events, only circumcised women and girls are allowed to come to the event. This drives women to get mutilated such that they can be allowed to attend such important ceremonies.<sup>7</sup>
7. The various testimonies collected in June and December 2021 illustrate an existing gap between the law in force and its implementation. The cultural weight of Female Genital Mutilation as a custom, still overrides the legislative provisions in some parts of the country. In fact, according to the study it appears that FGM is still seen as a rite of passage into adulthood that cannot be replaced insofar the action of mutilating is seen as a prerequisite to marriage.<sup>8</sup>
8. Another interview with a victim at her hometown Kokoyong (district of Bukwo), circumcised two years after the Female Genital Mutilation Act was enacted, highlighted the social pressure also exerted by men. She declared that she got *"engaged to a man who was not ready to marry her unless she became a woman. He constantly demanded her to do Female Genital Mutilation"*. After she was mutilated, local authorities were called and the family begged not to report to the police. Therefore, according to focus group interviews carried out in the same village, it appears that men put pressure on the whole local community to continue FGM as it would help men to *"tame their wives and preserve local culture"* as one person declared.
9. Regarding prevention, investigators note that efforts are being made by some local authorities and NGO to prevent FGM through local radio stations (Sabiny FM and Radio 9) within the Bukwo district, as a majority of rural communities use the radio as the main media and source of information. This is complemented by the Bukwo Community Development Initiative (BUCODI) which offers awareness-raising programmes in district schools. However, these efforts do not seem enough to eradicate the practice.

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<sup>7</sup> Analysis shows that male circumcision rituals in the region constitute one of the drivers of FGM as a social practice to enter adulthood. See. *Ibid.*

<sup>8</sup> See UNICEF, *Ending child marriage and teenage pregnancy in Uganda*, Final report December 2015. p 23 § 3.5.2  
Accessible at : <https://www.unicef.org/uganda/media/3901/file/Formative%20Research%20Ending%20Child%20Marriage%20and%20Teenage%20Pregnancy%20in%20Uganda.pdf> (Last accessed 3 January, 2022).

10. Observers have noted that the local authorities' commitments (expressed in public statements in 2020) to support the reconversion of the cutters so that they will find other income-generating activities, are yet to be fulfilled. The weight of tradition coupled with the need for income contribute to the persistence of the practice by traditional cutters despite its illegal nature.
11. In accordance with the CEDAW Convention and General Recommendation No. 14 on female circumcision,<sup>9</sup> a better implementation of sanctions against perpetrators of FGM must be accompanied by a full-fledged inclusive and preventive approach, considering the phenomenon as a global social problem<sup>10</sup> to be addressed. This should include the collaboration of key actors of the local communities (e.g., local and religious leaders, family members including men, local and national authorities and media, potential perpetrators...). The approach should also seek the promotion of alternative rites of passage to adulthood to replace FMG.<sup>11</sup>

**Recommendations:**

- 12. To fully implement the Prohibition of Female Genital Mutilation Act of 2010 law and in accordance with the Committee's General Recommendation No. 14 on Female circumcision, we recommend the State of Uganda to:**
  - a) Reinforce awareness-raising campaigns on the illegality and dangers of FGM in areas where practice is still prevalent, including all stakeholders from local communities.
  - b) Ensure the systematic prosecution of persons committing or aiding and abetting the criminal offence of FGM.
  - c) Carry out awareness-raising campaigns and other measures to combat the socio-economic and cultural factors underlying the prevalence of FGM including the promotion of alternative rites of passage to adulthood.
  - d) Develop and strengthen effective local child protection mechanisms especially for girls victims of FGM.

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<sup>9</sup> UNITED NATIONS CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATIONS AGAINST WOMEN *General recommendations adopted by the committee on the elimination of discrimination against women*, ninth session, 1990, No 14: female circumcision. Available at [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/INT\\_CEDAW\\_GEC\\_3729\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3729_E.pdf) (Last accessed 3 January, 2022)

<sup>10</sup> General recommendation No 14 states *"The encouragement of politicians, professionals, religious and community leaders at all levels including the media and the arts to cooperate in influencing attitudes towards the eradication of female circumcision"*. *Ibid.*

<sup>11</sup> See UNITED NATIONS HUMAN RIGHTS COUNCIL, *Good practices and major challenges in preventing and eliminating Female Genital Mutilation – Report of the office of the UN High Commissioner for Human Rights*, 27 March 2015. A/HRC/29/20 Para. 39 and 40: *"Alternative rites of passage are important to address these feelings and perceptions"*.

## II. SITUATION OF WOMEN VICTIM OF TRAFFICKING

13. In the Lol, the Committee asks the State to provide information on the measures taken to ensure the prosecution of the exploitation of women, to guarantee the effective implementation of the Prevention of Trafficking in Persons Act,<sup>12</sup> to provide health services and support to protect women engaged in prostitution.

### Causes leading women into trafficking networks

14. Girls and women are at particularly elevated risk of forced labour and sexual exploitation because they are commonly taken out of school to provide income for the rest of the family. It appears that women between 15 and 29 years old are highly disadvantaged on the labour market. According to the 2015 School-to-Work Transition Survey, women face higher unemployment rates, wage gaps, higher shares in vulnerable employment, and longer school-to-work transitions.<sup>13</sup>
15. Despite the well-known and significant dangers that women looking for employment abroad face, many of them still throng the many labour recruitment agencies operating under the umbrella organization, the Uganda Association of External Recruitment Agencies, for jobs abroad. As of 30 June 2020, there were 205 licensed private recruitment companies in the country. These companies offer seemingly attractive opportunities for housemaids and security guards in the Middle East.

### Prosecution of people exploiting women

16. In 2020, the Ugandan government investigated 214 cases of human trafficking involving 154 suspects.<sup>14</sup> This number included 140 sex trafficking cases and 54 labour trafficking cases. This was less than the 252 cases counted in 2019.<sup>15</sup> In 2020, courts condemned 11 traffickers under the anti-trafficking act (6 for sex trafficking and 5 for forced labour). According to the U.S State Department's analysis "*penalties imposed in 5 of these convictions were not in line with the requirements of the penal code as they did not receive the adequate sentencing outlined by the code*".<sup>16</sup>
17. The Coordination Office to Prevent Trafficking in Persons (COPTIP), the entity

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<sup>12</sup> The prevention of trafficking in persons act, 2009, *The Uganda Gazette N. 52, volume CII*, 23 October, 2009. Accessible at: <https://old.ulii.org/node/24737>. (Last accessed 8 January, 2022).

<sup>13</sup> See UGANDA BUREAU OF STATISTICS, *School-to-work transition survey 2015*, Uganda 2015. Available at: <https://www.ilo.org/surveyLib/index.php/catalog/3227/related-materials> (Last accessed 3 January 2021).

<sup>14</sup> U.S. Department of State, *Trafficking in Persons Reports – Uganda*, yearly reports 2020. Accessible at: <https://www.state.gov/reports/2020-trafficking-in-persons-report/uganda/> (Last accessed 3 January, 2022).

<sup>15</sup> U.S. Department of State, *Trafficking in Persons Reports – Uganda*, yearly reports 2021. Accessible at: (Last accessed 3 January, 2022).

<sup>16</sup> *Ibid.*

responsible for compiling relevant law enforcement data, was restricted in its work due to Covid-19 measures. In the same vein, the whole judicial system slowed down as court hearings and appearances stopped in March 2020 due to the pandemic. Judicial activities resumed in June 2020. The court closures and delays negatively impacted the ability of judicial officers and investigators to follow-up on victims' testimonies. Moreover, the lack of means to support the victims led to insufficient shelter space which forced the authorities to send victims' home. This increased the difficulty to carry out investigations and court proceedings.

### Law implementation

18. The anti-trafficking act of 2009 criminalized labour and sex trafficking. It prescribes punishments of up to 15 years of imprisonment. In theory, these condemnations are sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes.
19. In Uganda, prostitution is criminalized according to article 139 of the Penal Code Act *“Any person who practices or engages in prostitution commits an offence and is liable to imprisonment for seven years”*.<sup>17-18</sup> This creates a double layer of stigma and fear, preventing many victims to denounce sexual exploitation. According to interviews conducted in June and December 2021, women often speak only about their slavery-like working conditions but are silent about sexual abuse. Many traffickers use rape and sexual abuse to control the victim and instil fear.
20. We note here that government’s efforts to provide victim protection are limited by a lack of financial means and political will. Indeed, the State does not offer sufficient rehabilitation services.<sup>19</sup> According to the U.S Department of State, *“The government does not employ systematic procedures to assist victims, and availability of victim services is inconsistent”*. Once rescued, the victims received no medical, financial, or legal support. They must often rely on the help of Civil Society Organizations and the International Organization for Migration to be reintegrated into society. *“I request that government and organizations find a place where survivors can first reach before they reunite with their parents/families. There is a lot of torture that we go through which needs someone first be rehabilitated before going back home”*, explained a victim interviewed in June 2021.

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<sup>17</sup> Uganda Penal Code Act, 15 June 1950, up to date as of 30 September 2020. Accessible at: [https://ulii.org/akn/ug/act/ord/1950/12/eng%402014-05-09#sec\\_139](https://ulii.org/akn/ug/act/ord/1950/12/eng%402014-05-09#sec_139). (Last accessed 3 January, 2022).

<sup>18</sup> The Penal Code Act criminalizes activities related to sex work. This includes prostitution, living on the earnings of prostitution, adding and abetting prostitution and operating brothels.

<sup>19</sup> HEINRICH BOLL STIFTUNG, *Stranded in the Middle East: Uganda Must Do more to Prevent Trafficking*, 10 October, 2018. Available at: <https://za.boell.org/en/2018/10/10/stranded-middle-east-uganda-must-do-more-prevent-trafficking> (Last accessed 3 January, 2022).

21. Finally, regarding the situation of women exploited as sex workers, we note that the Palermo protocol enshrines the principle of non-punishment of victims.<sup>20</sup> This principle aims at ensuring that a victim of trafficking is not punished for unlawful acts committed because of trafficking. The fact that prostitution is criminalized thus often constitutes a violation of this principle as many sex workers are victims of trafficking.<sup>21</sup> It places them at risk of imprisonment because of their activity. However, both the UN Security Council<sup>22</sup> and the Committee itself recently call upon States to apply the principle.<sup>23</sup> The ratification and effective implementation of the said protocol by Uganda would provide a better protection for victims of trafficking in the country.

## **Recommendations**

### **22. We recommend the State of Uganda to:**

- a) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to ensure optimal protection of women victims of trafficking through an effective implementation of the non-punishment principle.**
- b) Continue efforts to implement the 2009 Prevention of Trafficking in Person Act, through a significant increase of annual budget of the Coordination Office for Prevention of Trafficking in Persons.**
- c) Provide victims of trafficking with temporary shelter, counseling, legal and psycho-social assistance, as well as financial support to ensure their reintegration into society.**

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<sup>20</sup> UNITED NATIONS HUMAN RIGHTS COUNCIL, *Implementation of the non-punishment principle*, Report of the Special Rapporteur on trafficking in persons, especially women and children, 17 May 2021. Available at: <https://undocs.org/A/HRC/47/34> (Last accessed 3 January, 2022).

<sup>21</sup> See ILO, *Forced Labour and Forces Marriage*, 2017, p.30. Accessible at: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_575479.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575479.pdf) (Last accessed 3 January, 2022).

<sup>22</sup> UNITED NATIONS SECURITY COUNCIL, *Resolution 2331 (2016)*, UN Doc. S/RES/2331 (2016). Accessible at: <https://www.un.org/securitycouncil/s/res/2331-%282016%29> (Last accessed 3 January, 2022).

<sup>23</sup> See UNITED NATIONS COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *General recommendation n. 38 (2020) on trafficking in women and girls in the context of global migration*, UN Doc. Cedaw/C/GC/38, 20 November 2020, para 98. Accessible at: <https://reliefweb.int/report/world/general-recommendation-no-38-2020-trafficking-women-and-girls-context-global-migration> (Last accessed 3 January, 2022).

### III. ACCESS TO EDUCATION FOR GIRLS WITH DISABILITIES

23. In the Lol, the Committee asks the State to describe the measures taken to ensure the accessibility of education programs, buildings and infrastructure for women and girls with disabilities in both urban and rural areas. The Committee also asks to provide statistics on the enrolment rates of girls with disabilities in mainstream and special schools and the measures taken to ensure their access to inclusive education.
24. Our field research focuses on girls with disabilities and their access to education in the district of Wakiso (East of Kampala).

#### Legal framework

25. First, our organizations welcome the 2020 Persons with Disabilities Act,<sup>24</sup> in which inclusive education is set as the norm.<sup>25</sup> Article 6.4 states that “*An institution of learning that enrolls a learner with disability shall – (a) provide an inclusive education system for the learner and (b) make the necessary structural adjustments to the building [...] to enable access within the three months from the date of admission of the learner*”. Therefore, formally, Uganda is complying with its international obligations.<sup>26</sup>
26. Despite this legislative progress, we deplore the shortcomings in the implementation. According to the statistics in 2017, “*public financing for special needs education accounts for only 0.1% of the education sector budget*”. This weak allocation still needs to be drastically increased.<sup>27</sup> This means that access to education for children with disabilities is impaired by severe underfunding. This is corroborated by the low enrolment rate of children with disabilities within inclusive schools (5%) and

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<sup>24</sup> Persons with Disabilities Act, Act 3 of 2020, *Uganda Gazette no. 10*, 14 February, 2020. Accessible at: <https://ulii.org/akn/ug/act/2020/3/eng@2020-02-14>. (Last accessed 3 January, 2022).

<sup>25</sup> The previous Persons with disability act only “encouraged inclusivity” in education and promoted the establishment of special schools when inclusive education is not possible.

<sup>26</sup> Article 7.1 of the Convention on the Rights of People with Disabilities “*States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children*”. Accessible at: <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>. (Last accessed 3 January, 2022).

<sup>27</sup> THE WORLD BANK, *Special needs education in Uganda: sustainable development goal 4 Concerns Quality and Inclusive education*, 7 February 2020. Accessible at: <https://www.worldbank.org/en/news/factsheet/2020/02/07/special-needs-education-in-uganda-sustainable-development-goal-sdg-4-concerns-quality-and-inclusive-education> (Last accessed 9 January 2021).

specialised institutions (10%), even in 2020.<sup>28-29</sup> The lack of adequate training of teachers to meet the special needs of children with disabilities is also a matter of concern.

### **Case study in Wakiso school district**

27. The general trend described previously is illustrated by the data reported from two case studies conducted in June and December, 2021 in the district of Wakiso. Several school district officials were interviewed about access to public school for children with disabilities, with a particular focus on girls.
28. It appears that the government, in partnership with civil society organizations, provides wheelchairs and, in some cases, hearing aids to children with disabilities. Thus, special needs of other children with disabilities are not being addressed by the government despite the president's recent pledge on 3 December, 2021, to increase his support for children with disabilities to access education.<sup>30</sup>
29. Moreover, if we look at the 2021-2022 budgets aiming to fund the district's schools, it does not indicate any specific allocation for children with disabilities as it only indicates the total budget for all school materials. A head-teacher from the Kasangye subcounty testified that *"many disabled children in the area would love going to school but can't access education because there are no adequate facilities for children with disabilities in public schools, nor are specific school for disabled children and the only one available is located nearby Entebbe town"*.
30. The same head-teacher also pointed out issues of corruption whereby local education officials would not allocate the total amount of the foreseen funds to schools for children with disabilities as intended by the Ministry of finance. He explained that *"when 1'500'000 shillings are allocated to your school which comes as a general fund, you only access 500'000 shillings and the balance is frozen without explanations because the bank says the directives come from the district offices"*. As a result, to attend to the different needs of children with disabilities, the head-

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<sup>28</sup> See INCLUDOVATE, *Re-thinking post-COVID inclusive educational mechanisms in Uganda*, January 27, 2021. Accessible at: <https://www.includovate.com/rethinking-post-covid-inclusive-educational-mechanisms-in-uganda/> (Last accessed 3 January, 2022).

<sup>29</sup> According to the World Bank: *"(2017) some 9,597 pupils enrolled in pre-primary schools (1.6%) have impairments. The majority were children with 'mental impairment' (28%) followed by 'hearing impairments' (25%), 'visual impairment' (22%), 'physical impairment' (16%), 'autism' (5%) and 'multiple handicaps-deaf and blind' (4%) [...] Regarding the category of impairment, hearing (27.2%), mental (22.7%), visual (25.8%), and physical impairments (17.9%) constitute the percentages"*. *Ibid.*

<sup>30</sup> See reference to the president speech here: THE NILE POST, *Museveni wants the number of disabled people in the country*, 4 december, 2021, Available at: <http://nilepost.co.ug/2021/12/04/museveni-wants-the-number-of-disabled-people-in-the-country-reduced/> (Last accessed 30 December, 2021).

teachers are forced to charge extra money from parents. Since many cannot afford, the concerned children must drop out of school.

31. More generally, according to the annual disability symposium held on 3 December, 2021,<sup>31</sup> girls with disabilities face both gender-based violence because of weak protection systems in the community but also in families and schools. It also appears from the testimonies of school representatives that for many families with financial difficulties, the least effort is made for the girl, given that she will leave the family once she is married and/or pregnant, unlike the boy.<sup>32</sup> According to the representatives interviewed, the situation is even worse if the girl is in a situation of disability, as she will be considered as culturally not “legitimate” to access education.
32. The prevalence of cultural patterns to the detriment of girls with disabilities is also illustrated by observations made by the project director of the Katalemwa Foundation interviewed in December 2021. He noted that after civil society organizations or the government have accepted to enroll girls with disabilities, their parents tend to be less vigilant about their presence in class. This lack of vigilance makes disabled girls easy targets for sexual abuse and trafficking.<sup>33</sup>

## Recommendations

### **33. We recommend the State of Uganda to:**

- a) **Conduct investigations to determine the patterns of corruption preventing certain public schools from receiving funds dedicated to the inclusion of girls with disabilities.**
- b) **Guarantee the full implementation of the Persons with Disabilities Act 2020 and related policies, in accordance with article 10 of the Convention and SDG4, by allocating the necessary budgetary resources to achieve the development of adequate infrastructure to accommodate girls with disabilities.**
- c) **Ensure appropriate training of teachers to enable them to effectively and adequately include all children with disabilities in mainstream classes.**

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<sup>31</sup> Notebook, *The annual national symposium on disability*, MINISTRY OF GENDER, LABOUR AND SOCIAL DEVELOPMENT, REPUBLIC OF UGANDA, 3 December, 2021, p.13.

<sup>32</sup> According to the UNICEF, in Uganda in 2013, only 13% of girls completed secondary school education. UNICEF Data, ‘Upper secondary completion rate among population aged 3-5 years above secondary graduation age – Percentage’, *Data and Analytics Section, Research and Policy*’ 2013 . Available at: <https://data.unicef.org/topic/education/overview/>. (Last accessed 3 January, 2022).

<sup>33</sup> According to the UNESCO, “limited access for girls and particularly girls with disabilities leads to educational marginalization”. See CHESHIRE SERVICES UGANDA, *Improving Life Chances for Girls with Disabilities inn Kampala, Uganda*, November 2018, p.9 §1.1.3 available at [file:///C:/Users/User/Downloads/CSU%20GEC-T%20Baseline%20Report%20November%202018.%20\(1\).pdf](file:///C:/Users/User/Downloads/CSU%20GEC-T%20Baseline%20Report%20November%202018.%20(1).pdf) (Last accessed 30 December, 2021).

#### IV. CHILD MARRIAGE AND TEENAGE PREGNANCY

34. Child marriage and teenage pregnancy still occur in Uganda. The two phenomena are intrinsically linked, as child marriages increase the risk of early pregnancies, the latter being estimated at 25% in 2016. Indeed, according to the UNICEF, child marriage “*is reported to be one of the drivers of high levels of teenage pregnancies and childbearing in Uganda [...] data show that of the adolescent girls who were ever married, 63.4% had given birth and 30.7% were currently pregnant; compared with 4.2% and 2.1% respectively for those who had never married*”.<sup>34</sup>
35. The causes of child marriages and teenage pregnancies are mainly the socio-economic situation of parents and the persistence of traditions<sup>35</sup> with serious consequences for the physical, mental health and development of their daughters.<sup>36</sup>

#### Legal framework

36. Under the Children Act of 2016, the minimum legal age of marriage in Uganda is 18 years old with no exceptions.<sup>37</sup> The 2016 reform introduced the notion of “*harmful customary or cultural practices*” which can include child marriage and teenage pregnancy as the practice is defined as an “*activity that is mentally, physically, socially or morally harmful to a child and includes an activity that interferes with a child’s education and social development*”. We note that the code penalizes any of these practices, condemning the offender to “*a term of imprisonment not exceeding seven years*”.
37. According to UNICEF, in 2020, Uganda had 5 million child brides, which includes 1.3 million girls married before the age of 15. We acknowledge the efforts done by the government to decrease the rate of women married before the age of 18 (from 45% in 1991 to 34% in 2016) and of 15 (from 12% in 1991 to 7% in 2016).<sup>38</sup>

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<sup>34</sup> *Op. Cit.* Footnote 8 p 20.

<sup>35</sup> In Eastern Uganda, social and cultural norms consider girls as women from the age of 10 (when the first menstrues come). These groups also see marriage and child-bearing as a way for girls to secure identity and status in families and as adults in society. Coupled with religious beliefs considering that girls should not menstruate in her natal home, constitute many factors fostering child marriage and teenage pregnancies. *Op. Cit.* Footnote 8.p 23. See: p 23.

<sup>36</sup> According to the UNICEF: “*Child marriage increases the risk of teenage pregnancy, which can have a profound effect on the health and lives of young women and contribute to high fertility rates*”. *Op. Cit.* Footnote 8.

<sup>37</sup> The Children (Amendment) Act, 2016, *the Uganda Gazette n.38 Volume CIX*, 1 June, 2016. Available at <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/104395/127307/F-171961747/UGA104395.pdf> (last access 3 January, 2022).

<sup>38</sup> See UNICEF, *Uganda Country profile, global programme to end child marriage*, 2020. Available at <https://www.unicef.org/media/88846/file/Child-marriage-Uganda-profile-2019.pdf> (Last access 3 January, 2022).

38. To tackle the two phenomena, the government of Uganda adopted the National Strategy to End Child Marriage and Teenage Pregnancy 2014/2015 – 2019/2020<sup>39</sup> including several guidelines among which the 2020 revised guidelines for the prevention and management of teenage pregnancy in school setting in Uganda. However, the implementation of the law remains a challenge in some parts of the country.

#### **A) Child marriage**

39. In the list of issues, the Committee asks the State of Uganda to describe the measures taken to monitor and enforce laws prohibiting early marriages as well as track cases of early marriages in the country.

40. We will provide some information on these points of the Lol by describing the situation in t eastern Uganda and by sharing testimonies of victims.<sup>40</sup>

#### **Case study in Bukwo district - Eastern Uganda**

41. Culturally, in the district of Bukwo, the education of girls is still not a priority. The poor socio-economic condition of many families leads them to take their daughters out of school and marry them very early. Therefore, girls living in *“rural areas, and among the less educated and low income households are at risk of harmful practices, including child marriage”*.<sup>41</sup>

42. In Bukwo, many rural families who have daughters start arranging the marriage when the girl is still under 15 years old. The determinant role in child marriage played by the girls’ families remains unaddressed insofar as these families are never prosecuted. Observers highlight the fact that corrupted police and judicial officers prevent authors from being sued when they marry off their daughters.

43. However, efforts are being made by local authorities and NGOs to prevent child marriages through programs broadcast by local radio stations (Radio 9 and Sabiny FM) across the district. Awareness-raising campaigns are realized in the local dialect.

44. In addition, there are some programs in schools such as those by the Bukwo Community Development Initiative (BUCODI). Through BUCODI, the schools are

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<sup>39</sup> See Republic of Uganda and UNICEF, *The national strategy to end child marriage and teenage pregnancy 2014/2015 – 2019/2020*. June 2015. Accessible at [http://www.africanchildforum.org/clar/policy%20per%20country/2018%20Update/Uganda/uganda\\_nationalstrategyonchildmarriage\\_2015\\_en.pdf](http://www.africanchildforum.org/clar/policy%20per%20country/2018%20Update/Uganda/uganda_nationalstrategyonchildmarriage_2015_en.pdf) (Last access 3 January 2021).

<sup>40</sup> Note that for privacy and protection, real names of the victims were modified, as agreed with them.

<sup>41</sup> *Op. Cit.* Footnote 39.

mobilized to start child rights clubs aimed at raising awareness of children, teachers, parents and the community about violations of child rights and the need to stop child marriage. Investigators note that the major cause for school drop-out of girls in the district is child marriage. It has also been implementing a "Girls Not Brides Empower" Project,<sup>42</sup> that works to keep girls in school, and economically empower vulnerable families to protect them.

45. An interview with a victim of a child marriage in the district of Bukwo illustrates the reality of what teenagers are still experiencing in the region: Amy left school before she turned 12 years old to be married off by her parents. She never passed the Primary Leaving Examination that would allow her to access secondary school. She gave birth to her first child when she was 15 and had 4 other children with her husband, a peasant with little income. Despite her willingness to go back to school after each birth, Amy explained that she could not find someone to take care of her children and household. She also highlighted the central role played by her parents who organized the marriage and deprived her from any school education. Amy has experienced many violations of her rights, including domestic violence and sexual abuse. Moreover, the lack of education and a strong feeling of inferiority progressively isolated her from the rest of her family and community.
46. The testimonies in Bukwo illustrate the complexity of the issue in a rural and economically poor area where cultural patterns of discrimination against women widely persist. Despite the existence of awareness-raising campaigns and the presence of CSO, the issue is still a reality for many girls because it is rooted in the customs of the communities.

## **B) Teenage pregnancies**

47. In the Lol, the Committee asks the State to monitor the implementation of the guidelines on teenage pregnancy and HIV, as well as to provide more information on the measures taken to address the high rate of early pregnancy in the country.
48. According to the information we gathered in Eastern Uganda in December 2021, a number of measures have been implemented by the government to reduce the number of teenage pregnancies. These include the promotion of family planning among youth and inclusive education for young mothers.<sup>43</sup> However, the efforts made by the authorities appear to be insufficient, as illustrated hereafter.

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<sup>42</sup> See Girls not brides project. Accessible at : <https://www.girlsnotbrides.org/articles/youth-action-leading-movement-end-child-marriage-east-africa/> (Last access 3 January, 2022).

<sup>43</sup> Family planning methods implemented by the government include hormonal contraception, barrier methods, fertility awareness and long-acting reversible contraception (implant or uterine device).

## The situation in Eastern Uganda

49. The field research that we conducted concerns the districts of Mbale, Busia, Butaleja, Tororo, Namayingo and Kapchorwa. The main objective was to collect statistical data on the evolution of the number of teenage pregnancies in the region for the 2020-2021 period,<sup>44</sup> particularly following the lockdown measures linked to Covid-19.<sup>45</sup>
50. During the period from June to December, 2021, 12'185 cases of teenage pregnancies were observed in the districts of Mbale, Busia and Butaleja.<sup>46</sup> In Mbale district, the number of cases increased by 1500% between 2020 and 2021, from 400 cases to 6000 cases recorded.<sup>47</sup> According to the district statistician in Mbale, in 2021, about 1 out of 4 mothers attending antenatal services in the district health facilities were teenagers.
51. In the same vein, the Bulumbi sub-county in Busia district recorded 692 cases of teenage pregnancies in 2020. Bulumbi health centre III alone registered 455 cases in 2020 and 237 cases for the period January to June 2021.<sup>48</sup> According to the Busia district biostatistician, the entire district recorded 4,163 cases of teenage pregnancies between 2020 and 2021, knowing that 50% of these cases involved young mothers aged between 14 and 15 years.
52. In all the districts surveyed, there was an increase in the number of teenage pregnancies between 2020 and 2021. At the national level, statistics show that there was *"a 17 percent spike in teenage pregnancies between March 2020 and June 2021"*.<sup>49</sup> This illustrates the fact that the measures taken by the government through the guidelines on teenage pregnancy and HIV are still insufficient. The government faces challenges to implement the guidelines insofar as the root-causes of the practice are still not well addressed. These include, beyond the Covid-19 pandemic context: (1) the fact that the government is still struggling to tackle cultural habits and customs, (2) the poor socio-economic situation of parents and, (3) the State failure to improve access to decent work and wages.

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<sup>44</sup> The study was conducted in June, August and December, 2021 in these different districts but in the process of collecting data we captured statistics of both 2020 and 2021

<sup>45</sup> The government of Uganda ordered several lockdown periods. The last one was in June 2021 for 42 days. See BBC NEWS, *Uganda lockdown: Museveni speech order 45 days lockdown across Uganda to stop spread of variant* 19 June 2021. Available at <https://www.bbc.com/pidgin/tori-57516481> (Last accessed 3 January, 2022).

<sup>46</sup> Data collected from the responsible for the records of the Tororo Hospital, which is a referral hospital for Eastern Uganda (mentioned districts).

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

<sup>49</sup> According to UNFPA Uganda, *Addressing teenage pregnancy during the Covid-19 pandemic*, 15 October, 2021. Accessible at: <https://uganda.unfpa.org/en/news/addressing-teenage-pregnancy-during-covid-19-pandemic>. (Last accessed 3 January, 2022).

## Root-causes of the sharp increase of teenage pregnancies in Eastern Uganda

53. To combat the spread of Covid-19, the Ugandan government took a number of measures, including strict lockdown periods and temporary closure of schools.<sup>50</sup> These measures had a severe impact on women and girls, with an increase in domestic and intra-family violence. Because girls are more vulnerable to sexual abuse in the context where they are not attending school, the number of teenage pregnancies has increased sharply. This causal link between the lockdown measures and the increase in early pregnancies was notably observed in the Mbale District. According to one of the Mbale District Health Officer, the closure of schools in the district directly led to an increase in teenage pregnancies, as evidenced by national statistics.
54. The temporary closure of schools has worsened the already fragile socio-economic situation of the poorest families.<sup>51</sup> According to Dr. Wangisi, many families did not take care of their daughters once the schools were closed and the girls were more exposed to violence, trafficking and sexual exploitation.
55. The Eastern region of Uganda, as a border region with Kenya, is also characterized by heavy road traffic of merchandises.<sup>52</sup> Associated with mining and fishing activities, the region has a high incidence of sexual exploitation (prostitution, child labour, and sexual exploitation).<sup>53</sup> For the economically poorest families, the sexual exploitation of young girls represents a significant source of income.
56. *“The government does not seem to be taking appropriate measures to curb the problem”*, as one of the Busia District Health Inspector, explained. There is a lack of means to ensure awareness among young women and families, as well as appropriate structures to accommodate women in health centres.

### 57. Recommendations:

**To address the practices and traditions leading to child marriages and teenage pregnancies, we recommend that the State of Uganda:**

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<sup>50</sup> Since the beginning of the Covid-19 pandemic, a majority of schools in Uganda closed for 83 weeks. This constitutes the longest school-closure-period in the world as of December, 2021. See ALJAZEERA, *Uganda plan to reopen school next year – but who will return?*, 7 December, 2021. Accessible at: <https://www.aljazeera.com/features/2021/12/7/uganda-school-closures-impact> (Last accessed 3 January, 2022).

<sup>51</sup> See UNICEF, *The socioeconomic impact of Covid-19 on Children*, August 2021. Accessible at: [https://www.unicef.org/uganda/media/10831/file/Impact%20of%20COVID-19%20on%20children%20in%20Uganda\\_01\\_13.09.2021.pdf](https://www.unicef.org/uganda/media/10831/file/Impact%20of%20COVID-19%20on%20children%20in%20Uganda_01_13.09.2021.pdf) (Last accessed 3 January, 2022).

<sup>52</sup> See: CHILD HOPE, *From Sexual exploitation to Education for Uganda Children*, Accessible at <https://www.childhope.org.uk/our-work/projects/from-sexual-exploitation-to-education-for-ugandan-children/> (last accessed 3 January, 2022).

<sup>53</sup> *Ibid.*

- a) Reinforce sex education programs at all levels of education and local communities.**
- b) Take measures to involve youth groups, religious leaders, and local authorities in the prevention of early marriages and teenage pregnancies to raise awareness of parents and local communities.**
- c) Increase the national budget to ensure the functioning of structures to support the reintegration of young mothers into the education system.**