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Uganda, Factor 15: Human Rights

Feminism in The Developing World

1. Feminism: the advocacy of women's rights on the ground of equality of the sexes (Oxford)

Feminism has become a very important and popular topic of discussion in America, particularly recently. Issues such as Planned Parenthood, abortion, equal pay and constitutionally protected equality have been on the forefront of the minds of women and men alike across the western world. Large-scale demonstrations have occurred, such as the March on Washington which drew 470,000 men and women to the National Mall in Washington D.C. (Wallace & Parlapiano). This shows how truly powerful and widespread these ideas are felt. This level of activism calling for women's rights has not been seen since the Suffrage Era. Since then, rights and opportunities for women in the western world have improved exponentially. More women than ever are participating in government, owning businesses and engaging in careers in mathematics and science.

These are all remarkable achievements. However, women in more impoverished and developing nations have not enjoyed the same level of success. Women in Southern Asia and Sub-Saharan Africa continue to suffer. These women are subjected to antiquated rules surrounding rights to own land, advocate for their inalienable rights and be independent from a man. This, in turn, results in children being uneducated, the sick untreated and families undernourished.

Land is fundamentally important to life. It is the basis for income, sustenance and power. Denying women land ownership denies them these as well. In several countries, policies have been put in place to restructure antiquated land ownership laws. Laws such as the Nigerian Land Use Act of 1978 (Aluko & Amidu) and the amendments to section 6 of the Hindu Succession Act in 2005 (Yang) make it legal for women to own and inherit land. This brings us to the topic of my essay, women's rights in Uganda under its Constitution 1995.

The Ugandan Constitution prohibits discrimination based on gender and accords men and women equal status and rights (Article 21); provides the right for every person to own property (Article 26); guarantees women equal rights with men (Article 33); provides special help and protection for mothers and women because of previous historical discrimination against women (Article 33); and prohibits any customary laws, traditions or customs that discriminate against women (Article 33). In Uganda, women provide between 70% and 80% of the total agricultural labor (Lewis). So why, with constitutional protection and such large participation in agriculture, do women only own 7% of the arable land in Uganda? The answer to this may seem simple; these rights aren't being protected by the Ugandan government. But the answer is infinitely more complicated as it is rooted in deeply held cultural beliefs and misinformation about personal freedoms.

2. An Average Ugandan Family

Uganda is a country in eastern Africa. It is the size of Minnesota with a population similar to that of California. Uganda is a developing country facing rapid population growth, poverty and economic stagnation. The population of Uganda is more than 38 million and growing. Close to half the population is under the age of 14. Each woman has an average of five children (The World Factbook). Between 20% and 31% of people in Uganda live in extreme poverty - on \$2.50 US dollars a day (Odeny). An average agricultural family in Uganda consists of a father figure who is also the head of household, a mother

figure and five children (Uganda Bureau of Statistics). One of the parents is literate but neither have attended any formal schooling. All five children will be literate and will have graduated primary school. One child, most commonly the oldest male child, will have also graduated secondary school.

Life in the rural areas of Uganda is particularly difficult. Families own around 2.5 hectares (or 6 acres) of land where they live, raise cattle and grow coffee and bananas. The family lives off the food they produce and sell their coffee beans at the local market. More than 50% of people in Uganda don't have any contact with public healthcare facilities. This is very dangerous especially considering the high prevalence of malaria and HIV/AIDS in the country. Close to 7% of the total population of Uganda are living with HIV/AIDS and malaria accounts for 14% of all deaths (Kelly). All of this results in relatively low life expectancy rates of 54 years for men and 57 years for women (The World Factbook).

3. Importance of Agriculture in Uganda

Uganda has a powerful agricultural sector with abundant natural resources, fertile soil and regular rainfall. Seventy-one percent of the land in Uganda is used for agricultural purposes (The World Factbook). Agriculture is incredibly important to the Ugandan economy making up 44% of the GDP, 70% of the export earnings and employing 80% of the work force (Hanekom). The agricultural workforce is made up of three million smallholder subsistence farmers (Wagubi). Crops such as bananas and millet are grown to feed the family whereas cash crops like coffee, cotton, tea and tobacco are grown for market. When a family unit loses its land, the family members also lose their source of food and income.

4. Legislation

Uganda has two laws that define land ownership, the 1995 Constitution and the 1998 Land Act. The Ugandan Constitution recognizes four land tenure types, freehold, leasehold, Mailo, and the subject of concern, customary land systems. Customary land tenure is defined in Uganda as "a system of land tenure regulated by customary rules which are limited in their operation to a particular description or class of persons" (Hannay). Put simply, this means an individual, community or, most commonly, an indigenous clan may own land and make their own rules if they comply with the government's Constitution, similar to the way Native American Reservations work. The Constitution also states that "formal law prevails where it is in contradiction with customary law, a provision that seeks to ensure that statutory and constitutional protections for women's rights override traditional norms that inhibit women's rights to land" (article 33). This means that clan leaders don't have the ability to infringe upon women's rights to own land. But this doesn't stop customary clans from doing just that.

5. Enforcement

Despite the aggressive stance of the government in favor of women's rights, these laws are seldom adhered to in judicial proceedings. Women are still objected to inequality, customary laws and revocation of land.

Under customary law, it is common for family members to be allowed to use the land only with the male head of household's permission. When the head of household passes away, his property is given to the closest male relative. He then becomes head of household and it is then his decision whether the rest of the family may continue to use the land. This is a common scenario. The clan system is largely ignored by the government, and therefore the state may decide if intervention is necessary.

In Uganda, there are two paths to disputing the right to land, through formal or customary courts. Formal courts can be costly and unavailable for many women in which to participate. Many villages, particularly in rural areas, have no venues that are physically available for women to find transportation. Customary courts, which are much more accessible, often don't allow women to present. Therefore, if a woman wishes her case to be heard, she must enlist a male relative to present for her. To make matters worse, there is no conversation or cooperation between the two courts. Formal courts will often discard customary courts' rulings due to their unconstitutionality, and customary courts will often not recognize or enforce the rulings made by formal courts.

There is a court of appeals governing both formal and customary courts, known as the District Land Tribunal. However, the District Land Tribunal has not been functioning for the last twelve years due to a severe lack of funding. Recently, several Ugandan United Nations officials have announced their plans to reinstate the District Land Tribunal to support achievement of development goals (Kwesiga).

6. Widowed & Divorced Women

Widowed and divorced women are particularly disadvantaged. Both the formal and customary courts tend to favor men. This allows the male-dominated society to take advantage of women's lack of knowledge of their rights, leaving the neediest members of society without just legal representation.

A material percentage (12%) of women in Uganda are widows who still have children to feed (Uganda Bureau of Statistics). This is an increasingly common scenario as HIV/AIDS and conflict continue to take the lives of young men. These women, often illiterate and HIV positive themselves, are left without an independent source of livelihood. A widow's in-laws often pursue the rights to her husband's land. She then has a choice to either navigate her way through the complex court systems or relent and struggle independently to find a way to provide for her children.

Another vulnerable group is divorced women, making up 6% of women in Uganda (Doss). Divorce in Uganda is complicated and difficult and is biased in favor of the husband. A man may file for divorce if his wife has an adulterous relationship. Women, on the other hand, need to have more specific additional grounds to file, such as incestuous adultery, marriage to another woman, adultery coupled with cruelty, etc. Further, these additional circumstances must have been on-going for at least two years. Instead of dealing with these complicated and unjust proceedings, couples often opt for a legal separation. Legal separation allows the couple to settle the terms without a court proceeding, and continues to legally recognize the couple as married. They may then jointly sign an agreement to abide by their settlement. This often results in even worse conditions for the woman, because the man often pressures her into a settlement that benefits him without a court to protect her rights.

7. Advocates

There are several non-government organizations advocating on the behalf of Ugandan women such as the Uganda Women's Network, the Family Planning Association of Uganda and the Action for Development. One of the most effective and well known organizations is the International Association of Women Lawyers (FIDA), established in 1948 in Mexico City. The chapter in Uganda was established in 1974 by three female lawyers often referred to as the "barefoot lawyers". These women came together to fight the injustice they saw throughout their professions. Their mission is to "advance gender equality through the promotion of women's rights" (FIDA-Uganda). Today, FIDA-Uganda uses multiple strategies to advocate for women including lobbying efforts to address policy reform, public interest litigation and personalized advice and mediation in small communities.

FIDA-Uganda is one of the primary supporters and monitors of the Ugandan Government in relation to the rights of its female citizens. FIDA-Uganda has numerous delegates in the capital, Kampala, who act as representatives and advocates for women. These delegates have been instrumental in the establishment and strengthening of integral policies on the behalf of Ugandan women. Their accomplishments include influence on the Land Act 1998, the ratification of the National Land Policy 2013 and the signing of the Maputo Protocol in 2010.

FIDA-Uganda's main interest is providing legal aid to defend the rights of women. FIDA-Uganda claims to have helped over 70,000 women and won more than 1,210 cases. FIDA-Uganda works on all cases affecting women in the country, from disinheritance of land to divorce and more.

One of FIDA-Uganda's more innovative and developing programs is the Local Council Management. The Local Council Management is a set of guidelines and initiatives to more specifically benefit women living in small communities where customary law is practiced. As of now, the initiative is being tested in the northern Acholi region. A secondary legal clinic has recently been set up in Gulu, the capital of the Acholi region, to act as a field station. This clinic has begun participating in structured community town hall meetings where women and men alike can ask for advice about anything from domestic issues to farming practices. Most importantly it aids the most vulnerable women through the complex customary law systems.

FIDA-Uganda has a strong organization with impactful accomplishments. It has also amassed a strong economic base with 295 international donors, and a group of powerful partners including the United Nations (FIDA-Uganda). Organizations like FIDA are, however, not without fault. FIDA's headquarters in Kampala does a great job empowering the women in the capital region, but the women living in rural areas aren't getting the help they need. FIDA's dependence on volunteers is also a downfall as it cannot reliably staff all positions. Nonetheless, FIDA has a great backbone for which to grow upon and looks to expand and prosper in the future.

8. Resolution 1: Expansions of Woman Advocacy Organizations

FIDA seems to have a winning model amassing donors, helping numerous women and making a real difference in the Ugandan government's policies. Much of FIDA's success in the past has been related to its ability to unite international female lawyers and Ugandan women.

Some of FIDA-Uganda's most recent successes have been combatting the problems of centralization. In addition to the recent opening of the clinic in Gulu, two other clinics have been opened in Moroto and Iganga. These clinics not only open FIDA's services to people living greater distances from the capital but also work on more diverse problems. FIDA has expanded its organization to promote work in sexual reproductive health, treatment of STDs and providing healthcare for mothers. FIDA's main expansion has been including children as benefactors of their work, even revising their policy to provide "FIDA will ensure human rights and the inherent dignity of women and children using law as a tool for social justice" (FIDA-Uganda).

Despite these successes, more could be done. For future expansion, I suggest the opening of more clinics in the west and south parts of the country, where there is little to no coverage of legal aid. The addition of a contraceptive branch to each of these clinics would be an important development. This could help women learn about the benefits of, break the stigma around, and promote the use of contraceptives in Uganda. Further, this would reduce the number of unwanted pregnancies and prevent the spread of fatal STDs such as HIV. I propose a partnership with an NGO specialized in this type of education such as the United Nations Population Fund, which has worked with FIDA in the past.

Another weakness that organizations such as FIDA face are their reliance on and difficulty finding volunteers. FIDA's solution to overcome this has been to find other NGOs to promote FIDA and their work and to find qualified female lawyers willing to volunteer their time and energy. FIDA has sought international recognition since its foundation, culminating in 1954 when FIDA was given United Nations Consultative status. Since then, FIDA's relationship has grown working closely with multiple branches of the United Nations but mostly with the Educational Scientific and Cultural Organization which has praised, donated to and cooperated with FIDA. The search for humanitarians has been aided through FIDA's partnership with the International Bar Association, which promotes the organization to young lawyers.

FIDA continues to have trouble finding enough interest in the organization to staff its clinics. To remedy this, I propose the acceptance of more male volunteers in the FIDA-Uganda organization. As of now, FIDA-Uganda accepts only female lawyers to represent its clients. Reasons include the comfort of the client or the material of the case. However, male lawyers could be utilized. It is imperative that the men of the country also support empowerment of women in Uganda. Male lawyers could act as bridges between FIDA-Uganda and Ugandan men. Male lawyers could also have a presence in the Ugandan government lobbying for the equality of women. This would be a great way to get male feminists throughout the world to actively fight for the equality of women.

FIDA-Uganda's growth is a positive sign. If FIDA-Uganda can continue to improve its organization it can continue to improve the quality of life for the women of Uganda. We can further support FIDA-Uganda by volunteering, philanthropy and promotion of their organization. As the organization grows, more and more women will have advocates to fight for them in the Ugandan government.

9. Resolution 2: Legislation

The Ugandan government has implemented numerous protections for the women of its land and yet this has not resulted in better conditions. The Ugandan government could fix this through the implementation and enforcement of several different pieces of legislation. One of the most popular solutions that has been proposed is the inclusion of a 'co-ownership clause' in the 1998 Land Act. Under current legislation, the title to land is held by only one person, often the head of household. A co-ownership clause would make it so, once married, both the husband and the wife own claims to the land. This would make it much more difficult for relatives to seize the land upon the death of the head of household. Introduction of a clause such as this was lobbied for and nearly passed in 2000, until the Ugandan president told the committee he would never consider such an amendment. Despite this discouraging response, women's advocacy groups continue to lobby for the adoption of this amendment or one similar, and they seem to be making headway. An amendment to the Land Act 1998 passed stating that "spousal consent is necessary for the transaction of family land" (Section 38). This was considered a win for women and a policy change by the administration. Retaining hope, women continue to push for the acceptance of a co-ownership clause today.

10. Resolution 3: International Support

We in the United States and the rest of the western world take equality for granted. It is difficult for us to even comprehend a world in which women are treated as they are in Uganda. I, as a feminist, find this to be a global issue, and one that the global community must unite to fix. Feminists in the western world can be the biggest advocates for Ugandan women. Women in the developed world are privileged because of where they were born. They have the freedom and a platform from which they may voice their concerns and governments who recognize and uphold their rights. Women in many developing nations do not have these luxuries. As feminists, we must stand up and advocate for these women whose names we do not know and whose problems we cannot feel.

There are numerous ways that we in the western world can advocate for these women. Social media can be used as a tool to bring these issues into the spotlight. Sites such as Twitter and Facebook can be used to bring the world closer together. Awareness of issues such as these could spread like wildfire if only these were made public. Other opportunities such as internships, volunteering and philanthropy greatly help these marginalized women. Organizations such as FIDA have comprehensive application systems and in the modern era nearly every advocacy organization is only a quick search away. If feminists in the west truly wish to advocate for women's rights, this is a good place to start.

We as westerners cannot fully understand these women's struggles. While advocating for these women it is imperative that we consider their history, class, race, religion and culture. The norms and ideals in the United States can be vastly different from a place such as Uganda. Each person's context, ideas and beliefs must be considered and respected. When doing things such as volunteering we must view these differences not as primitive or less-than but rather see them as an opportunity to work to better the conditions of those we serve and to better understand their culture and way of life and return with a different outlook on our own.

11. Conclusion

Inequality is persistent in Uganda. Despite the beginnings of legal protections, women continue to struggle to own land. This doesn't discredit the important advances in women's rights in the country. It is necessary for the Ugandan government, NGO organizations and feminists abroad to continue to advocate on behalf of Ugandan women. Women and men throughout the world need to unite to advance women's rights globally. If feminists throughout the world can stand together, nothing can stand in their way. Next time, instead of a march on Washington, it will be a march on the world.

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