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Women's rights, gender and ICTs



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UGANDA

Using ICTs to create awareness of legislative challenges and change



Women of Uganda Network (WOUNET)

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Introduction

The Domestic Relations Bill (DRB), which reforms and consolidates the marriage and divorce law, has been shelved for half a century in the Ugandan parliament. It has suffered due to its unfavourable link to Ugandan culture, religious concerns and the rural women question, and this delay has led to unequal access to justice among women.

Uganda is a signatory to most international human rights and women's rights conventions, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The country is said to have the most gender-sensitive constitution in the world, with a well-established ministry of gender and a gender-mainstreaming strategy and national plan for the empowerment of women. Nevertheless, several civil society organisations have conducted campaigns for the recognition of women's rights, but with little success. The lack of success is attributed to religious and cultural proponents who have moved on to claim that some of the articulated women's rights violate religious and cultural norms. Others have stated that women activists have exaggerated the plight of rural women and sowed discontent in an otherwise "happy rural woman".

Currently a hot topic in the country, the DRB has sparked wide debate in all quarters, from politicians, activists and the clergy to the people on the streets, as well as in the most remote parts of Uganda. WOUNET has hosted the debate using all available communication channels and platforms, which include online platforms, social media (Facebook), blogs and SMS campaigns.

Policy and political background

The government of Uganda has been debating the current version of the DRB since 2003 (the first version was tabled in parliament in 1964). The bill is aimed at reforming and consolidating laws relating to marriage, separation and divorce amongst its diverse religious and ethnic communities. In addition, the bill, if passed, would criminalise current customs of widow inheritance, marital rape and the

payment of a dowry, and set the minimum legal age of marriage to 18 years for both men and women.

Polygamy is legal in Uganda, according to customary and Islamic law, and will remain so should the DRB pass. Women currently have no legal course of action to prevent their husbands from taking another wife, although under the new bill, a wife would be allowed to divorce her husband if he attempted to marry a new wife without her consent.

When this bill was re-tabled in parliament by the women legislators in March this year, it raised an uproar from their male counterparts, who stated that if passed in its current form, the bill would perpetuate the break-up of marriages and promote sexual promiscuity and violence. They called for more time for consultation. However, the speaker of parliament had promised that the introduction of the bill would be an Easter gift for women in Uganda.

The constitution guarantees a woman's equal rights within marriage, even in the event of a divorce, but the law currently does not enforce this right. In addition, under customary law in some areas, women wishing to divorce on the grounds of their husband's adultery are required to meet stricter standards of evidence than men in the same position. Customary law dictates that women do not have the right to inherit, but the Marriage Code grants widows the right to inherit 15% of a deceased husband's property.

Combating conservative cultural and religious demands

Property rights is a contentious issue in Uganda. While no laws prevent women from owning land in the country, the customs of male inheritance have resulted in many women being excluded from property ownership.

Issues that were raised by the clergy were expressed in various forms, including: "If cohabitation is recognised as a form of marriage, at which date do you begin counting? When the woman brings in her first dress? When she finally moves in?" The clergy have brought in such diversionary and contentious views that the policy machinery has been halted, with the head of state coming in to discuss the issue at the party level, and advancing funds for legislators for further consultations and

meetings with their constituents. In addition, different religious groups want different laws, further exacerbating the process.

Violence against women in Uganda is common and perpetrators benefit from impunity, partly due to social attitudes condoning such violence. Law enforcement officials seldom intervene in domestic violence cases. The 2006 Uganda Demographic and Health Survey revealed that 68% of married women suffer domestic violence. In light of this, the Domestic Violence Act was passed in 2009 – but it is a law in name only.

The DRB would empower courts of law to decide whether or not a marriage has irretrievably broken down, on such grounds as adultery, “sexual perversion” on the part of the respondent, cruelty, whether mental or physical, desertion of the petitioner for a continuous period of at least two years, incest, and change of religion, among others.

There are many documented cases of spouses who have been mistreated or even killed in bad marriages. Homes have broken up because of the actions of one person and the consequences have affected generations thereafter. Even while the prospect of legislating marriage and personal relationships goes against the grain, these are realities that Ugandans cannot run away from.

The Marriage and Divorce Bill, as the current version of the DRB is known, addresses, among other things, the different types of recognised marriages in Uganda, marital rights and duties, and recognition of cohabitation in relation to property rights. It also clarifies article 33 (1) of the constitution, which accords women full and equal dignity of the person with men and spells out the rights protected during marriage, which include the right to marry, give consent to marry, receive marriage gifts, and conjugal and property rights.

The DRB has seen tempers flare in parliament and sections of the media. It is important to educate the public about the importance of the bill in Uganda, since domestic violence arises from conflicts relating to rights and responsibilities in the home, and a failure to pass the DRB will affect the realisation of the Domestic Violence Act, rendering it redundant as it only justifies the prosecution of offences where there has been “cruelty”. Ugandan women will not have adequate access to justice due to insufficient information on their rights and the laws protecting them, social pressure, the cost of legal procedures, and inadequate law enforcement of women’s rights.

WOUNGNET believes that there is a need to create awareness amongst the public through the use of social media, other online platforms and mailing lists.

Similarly, throughout the country, various women’s organisations and members of parliament have endeavoured to include information and communications technologies (ICTs) in their awareness-raising efforts. For example, the Uganda Women’s Parliamentary Association has run media campaigns and has posted updates on their Parliament of Uganda Facebook account to ensure that people understand that the bill needs to be passed. WOUNGNET has run SMS campaigns and social media campaigns, and participated in radio and TV talk shows and debates. Various postings have been updated on the WOUNGNET mailing list.

Conclusions

From WOUNGNET’s perspective, the DRB is a consolidated law on domestic matters that upholds the institution of marriage, offers protection for married people, promotes fairness to achieve social justice, and provides for requirements of a valid marriage in line with the Constitution of Uganda. But not everyone sees it this way.

Therefore, WOUNGNET believes that on behalf of the women’s network and in order to strengthen advocacy in relation to the DRB, there is a need to harmonise disparate messages to ensure that women’s rights advocates speak as ONE. All available platforms and forums at our disposal, which include SMS, email, phone calls and social media (Twitter, Facebook), should be used to spread this uniform message to the wider public.

The failure to pass the DRB will be a hindrance to the development of women across the country. No matter how educated or economically emancipated a woman is, some of her rights as a wife, mother or daughter are capped because there is no law to protect her. This bill intends to amend and harmonise legislation on marriage, separation, divorce and inheritance. Religion and culture should be used to empower a woman and not to prevent her from full self-actualisation and equal opportunities, since religion and culture are often used to prevent women from achieving their full rights.

Action steps

- Legislation on marriage, divorce, adultery and inheritance needs to be amended and approved at the earliest opportunity. Both offline and online platforms need to be used for advocacy and awareness raising.
- There is a need to harmonise disparate messages so that the women’s network speaks with one voice.
- It is necessary to document the process of trying to pass the bill, for future analysis and record. ■