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**"STRONG-WOMAN" LEADERSHIP IN AFRICA: CAN
GENDER EQUALITY AND LEGISLATIVE
REPRESENTATION LEAD TO GREATER
HUMAN RIGHTS OBSERVANCE?**

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*For my mother
and her mother
and all African mothers.*

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ABSTRACT

Women, making up half of the world's population, find themselves outside of the chambers which determine their social, political and economic surroundings even in the 21st century. Post-conflict states have been making strides in their ever increasing inclusion of women and showing a new model to integrating women to the legislature through the adoption of quotas. However; much has been questioned about the impact and policy outcomes of women's inclusion within these states. Moreover, the validity of women's participation is further questioned when making these gains within non-democratic states. Building on the literature about women in post-conflict and illiberal states, this dissertation will address the performance of women's leadership and the impacts of gender mainstreaming the legislature through its case study of the Republic of Uganda. Do women parliamentarian's performance show that they possess the political clout to positively impact the legislative discourse towards gender-sensitive and human rights responsive policy making? Additionally, can women curb the corrupt and human rights evasive forms of power in semi-autocratic governments? The results, determined through an analysis of the policy aims of the women's caucus to parliament, a series of interviews on the collaborative work done with women's civil society groups and the identification of policy outcomes, indicate that women's voices do indeed matter. Women's leadership styles not only encompass gender sensitive policy making, but also greater attempts at accountability and human rights observance.

ACRONYMS & ABBREVIATIONS

ACFODE	Action for Development
AU	African Union
BDPfA	Beijing Declaration and Platform for Action
CEDAW	Convention on the Elimination of Discrimination Against Women
CRC	The United Nations Convention on the Rights of the Child
EAC	East African Community
EAS	Eastern African States
FGM	Female Genital Mutilation
FOWODE	Forum For Women in Democracy
FPTP	First Past The Post
GBV	Gender Based Violence
HIV/AIDS	Human Immunodeficiency Virus/
Hon.	Honourable
ICT	Information and Communications Technology
LC	Local Council
LRA	Lord's Resistance Army
NGOs	Nongovernmental Organizations
OAU	Organization of African Unity

PR	Proportional Representation
SDG	Sustainable Development Goals
UCC	Uganda's Communication Commission
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNSCR1325	United Nations Security Council Resolution 1325
UWONET	Uganda Women's Network
UWOPA	Uganda Women Parliamentary Association
WC	Women's Council
WMPs	Women Members of Parliament
WOUGNET	Women of Uganda Network

CHAPTER I: INTRODUCTION

The presence of women within the legislature and their dedication to gender-sensitive, feminist and human rights based governance has been the subject of multiple studies. This is possibly due to the need for results and evidence based literature to endorse the advancement of women into decision making positions. While feminists and scholars alike have researched the strategies, consequences and impacts of women in parliament, the literature has diverged along the lines of quota-based studies by Muriaas *et al*; Tripp & Kang; Bauer; O'Brien particularly in non-Western parts of the world and impacts within Western liberal democracies in Thomas, and Karam & Lovenduski.

My thesis question: ““*Strong-woman*”¹ Leadership in Africa: can gender equality and legislative representation lead to greater human rights observation?” explores the topic of women’s inclusion to the legislatures of non-Western states which do not operate in fully democratic fashions. While I will draw on the literature of Wang; Tamale; Bauer & Britton; and Tripp, it is evident that a feminist perspective on the topic is often deployed, focusing on women’s interests rather than women and people’s human rights thus neglecting to fully engage with the human rights based perspective to the topic. While I recognise human rights are all-encompassing, I will be exploring human rights from a gendered perspective.

Evidently, there is a lack of consolidation of the literature around the matter of women in parliament in non-liberal and semi-democratic political systems and the human rights outcomes. The current trend of women rising to power and setting a new model for political integration of women in East and Southern Africa provides for an excellent case study in order to explore these impacts. Accordingly, this dissertation’s research is set in Uganda, a country which has a conflict-ridden, militarized masculine leadership history while currently being semi-authoritarian with some democratic innovations. The country was also one of the first countries in Africa to incorporate quotas to increase the presence of women in the legislature. Following a tradition of military-trained, corruptly

¹ *Strongwoman* concept as an antithesis of that of *strongman* (note 2) in all ways – in terms of seeking public consensus, partnership with civil society and accountability in leadership.

clientelistic personal rule otherwise known as *Strong-man*² rule, I will explore the ways in which women have been incorporated into the governance of Uganda.

The central inquiry of this dissertation revolves around the comparative exploration of women's leadership styles to the renowned strong male leadership as seen on the continent of Africa in the post-colonial period. Over and above the possible transformation of the political systems through the incorporation of women, I aim to explore the ways in which women's leadership can display itself in juxtaposition to, as well as the presence of coercive, semi-autocratic male leadership. In delving into how African women's leadership is embodied especially within states which do not have the democratic procedures to protect actors from bold sweeps of power by the executive. Assessing the extent to which women oppose violations of human rights or their abilities to secure human rights should give an idea of women's priorities and objectives in their leadership.

This dissertation's ambition is to converge the literature on women's leadership, through assessing their policy formulation and implementation, along with its impact particularly in states which do not enjoy certainty in the general human rights protections as found in liberal democratic states. If it is that the incorporation of women, due to their policy priorities, their abilities to stand to account to their constituents can improve the human rights situation as well as propose for gender-sensitive state governance even in political systems on the authoritarian spectrum; then we may have greater incentive to 'fast-track' women into politics. Furthermore, women, in the case of their capacity to transform political systems they are in may also check harsher forms of authoritarianism. Notwithstanding, this hypothesis is explored with the risks of the co-optation of women within such political arrangements and the mutating face of authoritarianism on the continent in mind.

² *Strongman* and *Bigman* will be used interchangeably in this dissertation to refer to the concept of personalised power by one male figure head. It is a political concept which has been appropriated to most dictators who use the resources of a state to increase their personal wealth and form patronage networks. In Robert Jackson & Carl Rosberg, "Personal Rule: Theory and Practice in Africa", (1984), *Comparative Politics*, 16:4

Structure of Dissertation

As found in Chapter II, women's equality to men has been affirmed by multiple international texts, and one of the most primary texts of customary law – the Universal Declaration of Human Rights (UDHR) 1948 – yet the majority of women find themselves locked out of the main chambers which decide the future of their states, families and themselves. Thus, I will present the international legal framework, developed since the UDHR, which defends the rights of women and their access to decision-making platforms such as the legislative branch of government. Several key texts will be highlighted and interpreted for their commendation of women to parliament, such as the Convention on the Elimination of Discrimination Against Women, the Beijing Declaration and Platform for Action and finally the United Nations Security Council Resolution 1325. Moreover, the first section of Chapter II will incorporate an examination of the regional instruments under the African Union as well as the East African Community to which Uganda is a member state.

Following, will be a short presentation of women's advents to power. Focusing on the electoral procedures which ensure women's participation, electoral systems will be examined for their merits in creating gender balanced legislatures. Additionally, the much debated issue of quotas will be addressed – their designs and deployments either allowing for a minimal or optimal revision of paternalistic procedures to electoral systems. In contextualising the matter more, various scholarship regarding the phenomena of women's increased political participation in post-conflict states will be addressed³.

Subsequently, the case study of Uganda will be presented with an in-depth exploration of the socio-historical influences which have shaped Ugandan political life with a particular focus on its women. The Republic of Uganda has undergone several transformations since the beginning of the rule of the National Resistance Movement (NRM), which adopted the quota system in order to incorporate previously excluded groups such as women, the disabled and the youth. Focusing on women's integration to the legislature, the subchapters under this Case Study will explore the use and

³ Post-conflict states reveal a higher percentage of women in the legislature [Hughes and Tripp n 13] and other structures of governance, adding to the background and context of Uganda as a post-conflict state

implementation methods of the quota system which has been a constitutionally mandated 30% quota for women in all levels of government.

Centring on women, political quotas aimed at them and how that has informed women's positioning in the political system; what follows is a literature based analysis of their possible leadership styles. Due to the nature of the quota – which expands every state body by 30% in order to include women – it is often evaluated that the integration of women has been to the benefit of and at its implementation at the whims of the executive patriarchal powers. Thus placing women in a worse-off position to challenge it. Women in Uganda have found themselves in a system which frames them as political entities which are 'separate but equal' to their detriment through the use of Women's Councils which create an isolated system of governance for women which is meant to address issues related to women only.

Chapter III explains the methodology of this study, in this section I will expand on the research question, devolving from the original comparative phrasing of African feminine and masculine leadership to exploring issues of human rights commitment specifically from a gender-based perspective. Further, I will explore the various gendered policy dispositions and the limits of each actors' ability to formulate, implement and be held account to policy due to the socio-cultural as well as political context of these actors. I will explain the methodology of the study in more detail, however, it involves a mixed method of interview-based and literature supported studies. I incorporate the interviews of civil society through women's based Nongovernmental Organizations (NGOs), the women's parliamentarian caucus to the Parliament of Uganda as well as a woman Member of Parliament's views.

The relevance of this thesis is also explored under the Chapter III. The results of this thesis may be used to further advocate for quotas to be used and most importantly, implemented in a meaningful manner to really empower women who enter the legislature. This thesis also attempts to endorse and engage with the limited research there is on women in political power in non-liberal states. As it is that fully liberal democratic political systems are hard to entrench especially in fragile, politically centralised states; the inclusion of women may be the best way to increase gender responsive human rights policy outcomes. This thesis also aims to identify the positive practices which allow

women to effectively transform the legislature through the performance of feminine leadership (explained in Chapter II).

Chapter IV reveals the results of the interviews, immersed in corroborative studies, it explores the scope in which women are able to transform the policy discourse of the legislature, this will be done under the heading of Legislative and Policy Trends. This subchapter will highlight the key policies which have been passed through the efforts of the women's caucus, women MP's and allied male MPs motions to table private member bills etc. Moreover, the impact of women's leadership in parastatal institutions as well as the legislature is presented in terms of what has been recognised by civil society and scholars alike. Through these displays of feminine power within state agencies, women are able to create a precedent for African female leadership within legislative bodies.

Under the subchapter of NGOs on Women in Parliament the interviews will bring to the fore contemplations on the questions which are explored by this thesis in the aims to prove the hypothesis of greater human rights observance through gender mainstreaming of the legislature. The NGOs which lobby and cooperate with the legislature to produce policy reveal the successes and struggles which they face in seeking closer ties with women in parliament and especially the women's caucus. The themes explored involve the performance of feminine leadership in Uganda and how it plays to the rule of the executive within this illiberal system. The final subsection deals entirely with impediments to policy implementation, including working around the executive when lobbying for a bill which is opposed by the top leadership.

In Conclusion, Chapter IV will assess the changing face of authoritarianism. In a world which is at risk of democratic decline, the ways in which authoritarianism is mutating, reformulating itself to coerce different sections of society such as women, is a neglected topic. In further researching this topic we may find that women, in find new avenues to interact with the authoritarian government of the day, may manage to delineate the parameters of its power. Thus the final issue to explore is of the level of absorption of women, how far do women go in reality to ensure accountability to human rights once they are in positions which may guarantee them? Do women always act in the interests of other women, human rights and the general public?

Chapter V states the final conclusions which can be drawn from the results found in the previous chapter. This will include findings which align with the hypothesis and their limits. It will also cover some comments on the findings.

Significance

This dissertation deals entirely with the commendable efforts of women and the impacts of their legislative works. The results drawn from this paper may be used to understand the phenomenon of feminine leadership particularly within the (East) African context. In assessing the limitations and risks faced while legislating for policy which is not within the priorities of the executive, several strategies are identified in order to further the human rights agenda and more importantly the aims to ensure gender mainstreaming in the government's work. Lastly, this paper hopes to motivate further studies into the topic of women's human rights impacts particularly in illiberal states.

CHAPTER II: INTERNATIONAL FRAMEWORKS AND TRENDS FOR WOMEN IN PARLIAMENT

This chapter will explore the political openings as well as the legal framework that has allowed women to claim their rightful place in decision-making spaces in their states. Women have long been shut out from the highest offices, often being relegated to secondary positions which offer support the general patriarchal structure⁴. In discovering the various political arrangements in which women can be included into politics such as quotas, electoral arrangements and voting systems, it is important to frame these political realities in the legal and international standards for women's participation. Thus I will first look to the international recognition of the role of women. This will be followed by an analysis of the advents to power such as conflict in the region of Africa chosen. A closer look at the political machinery and its consequences on the involvement and advancement of women will be addressed next. Finally, I will present my case study of Uganda, addressing the abovementioned political mechanisms which have brought advancement to women in the region.

When exploring the human rights situation of any country it is most telling to observe the status of women, for a long time women have been treated as second-rate citizens whose human rights violations which relate to their femaleness⁵ may be ignored or deemed private issues⁶ which the state has no involvement in or accountability to. In fact, even many human rights groups too did not examine the patriarchal biases⁷ which they have to framing human rights, human rights abuses and the necessary remedies. Thus a gender perspective, to framing human rights observance, to systems of governance ought to be sought as a method of redress to what has been a historical, systemic trivialization of women human beings' rights.

⁴ Farida Jalalzai, *Shattered, cracked or firmly intact?: women and the executive glass ceiling worldwide*, (Oxford University Press, 2016) 1

⁵ Charlotte Bunch, "Women's Rights as Human Rights: Toward a Re-Vision of Human Rights" (1990), 486 *Human Rights Quarterly* 12

⁶ Anne M. Goetz and Shireen Hassim, "Introduction: Women in Power in Uganda and South Africa" In Anne Goetz and Shireen Hassim (eds) *No shortcuts to power: African women in politics and policy making* 3 (Zed Books 2003) 8

⁷ Bunch (n 5), 488

It can no longer be denied or questioned that there is a mutuality of the struggle of mainstream human rights and women's rights⁸. Internationally, multiple instruments have been drafted through an evidence based form of human rights need identification⁹. What has been found is that through many societies had incorporated the ideals of human rights within their constitutions and general policies, many lawful and socio-cultural practices still negatively affected the enjoyment of women's human rights. In seeking to rectify this, women, governments and most importantly the global response at the highest level – the United Nations (UN) – was in favour of identifying, focusing and evaluating the enjoyment women had to their rights and particularly to self-determination in the form of participating in decision-making¹⁰.

While progress towards women's global emancipation had been stratified for a long time, a global call for women's human rights observance finally emerged in the form of the UN 1975 Year of Women. The opening up of political spaces once closed to multiple marginalised sections of society during this period, allowed for an opportune push towards affecting the global agenda towards a focus on human rights in general and asserting that women too were human¹¹.

It is important to note that though women have been guaranteed their equal access to the enjoyment of several rights such as taking part in the self-determination of the state. women often come to power through chance advents¹². In fact, democracy itself does not necessitate women's advancement into politics¹³, so much so that women have often managed to insert themselves into political power in situations where there has been an absence of democratic institutionalization. In such instances, we can identify multiple countries in the Great Lakes region like Rwanda, a neighboring country to Uganda with

⁸ Sylvia Tamale, *When hens begin to crow: gender and parliamentary politics in Uganda*, (Westview Press, 1999) 149

⁹ Margaret E. Galey, "Forerunners in women's quest for partnership" In Anne Winslow (ed) *Women, politics, and the United Nations* (Greenwood Press 1995) 93

¹⁰ As can be interpreted by the preamble of the CEDAW (1979)

"an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity"

¹¹ Bunch, (n 5), 498

¹² Jalalzai (n 4) 14

¹³ Melanie M. Hughes, Aili Mari Tripp, "Civil War and Trajectories of Change in Women's Political Representation in Africa, 1985–2010", (2015), 1532, *Social Forces*, 93:4

the world's highest number of women in parliament today at 61.9%¹⁴ while still having a strongly authoritarian government. Thus while democracy itself may not be necessary to usher women into politics or even lead to women's political emancipation, certain democratic innovations are indeed necessary to provide women the access to certain positions of the state. These have been identified to be the electoral system which is in place, the countries' political culture and subscription to international precedents on women's rights as well as the prevalence and use of a quota system.

Adjacently, within these moments of transition, a positive relation between women's movements and the advancement of women into politics has been identified by several scholars; Bauer and Britton¹⁵, Tripp, and Wang. The presence of independent, robust women's movements during the critical time of transition is a determinant factor¹⁶ on the lasting share of power that women will have within the post transition context. Women should then simultaneously support or align themselves closely with the movement of liberation¹⁷ while still organizing amongst themselves to create coherent women's entities which can articulate themselves, their agenda and their demands effectively. This should all be done whilst also having a grassroots connection to non-political women allowing for mass support for women's interests¹⁸ from all classes and backgrounds¹⁹.

Evidently, this is a complex process requiring political seasoning, education in political organizing and access to leadership skills, most importantly it also requires the balance of coordination and contest of the government of the day²⁰. This can be further complicated, if not out-right sabotaged by the emergence of hybrid regimes²¹ which are

¹⁴ UN Entity for Gender Equality and the Empowerment of Women (UNWOMEN), Women in Politics: 2019, 1 January 2019 accessed at <<https://www.ipu.org/resources/publications/infographics/2019-03/women-in-politics-2019>> 23 April 2019

¹⁵ Gretchen Bauer & Hannah Britton, *Women in African parliaments*, (Lynne Rienner Publishers, 2006)

¹⁶ Ibid 8

¹⁷ Shireen Hassim, 'Deconstructing The Discourse Of Citizenship: Nationalism displaced: citizenship discourses in the transition' in Amanda Gouws (ed), *(Un) thinking citizenship: feminist debates in contemporary South Africa* (Routledge, 2017) 56

¹⁸ Women's interests as written in this dissertation is meant to encompass the issues of women, matters which concern women physically such as maternal health, reproductive health, and issues which concern women socially such as sex inequality and unpaid care. As taken from Azza Karam and Joni Lovenduski, "Women in Parliament: Making a difference." In *Women in Parliament: beyond numbers*, Julie Ballington and Azza Karam (eds), (IDEA, Stockholm, 2005) 197

¹⁹ Bauer & Britton, (n 15) 17

²⁰ Aili Tripp. "The politics of autonomy and cooptation in Africa: the case of the Ugandan Women's Movement." (2001), 101, *The Journal of Modern African Studies* 39 1

²¹ Tripp, (n 13) 102

neither democratic nor authoritarian as seen in multiple post-conflict states. This kind of political strategizing combination nevertheless, has led to positive results for women when enough of the public space has opened up for women's groups mobilization even when the transition leads to a further closing of the public political space.

Women having managed to take advantage of the political spaces which have enabled their mobilization then went on to not only influence their states but the global agenda and in turn international law. This is seen through the instruments which emerge from the 1970s up until 2000. These instruments have strong legal roots, and necessitating reporting, monitoring and actions of remediation to be done within states which have ratified these legal instruments. Whilst these measures of accountability and the advent of courts or other convention-based quasi-judicial mechanisms further support women in their claims for human rights.

2.1 International Recognition on the role of Women

The timing of the bloom of a women's movement and the global push forward towards recognising the equality between men and women has been crucial in determining the positions of women in today's political bodies. It also has had a great influence on whether or not women have their general human rights vindicated during a time of political reformation. The advent of the UN system and most importantly the UDHR gave women an international platform on which to base and project their voices. The UDHR, ratified in 1948, which is now a binding text of international customary law affirms that "*All human beings are born free and equal in dignity and rights*"²². While this article clearly states human being and not a particular sex, it then goes on further to state that "*everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as ... sex*"²³. Both articles as the core starting principles of the UDHR have sanctioned women's claims to their rights as human rights and their exclusion or oppression as a violation of said human rights.

²² Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR) art 1

²³ Ibid art 2

As women organized within their societies, at local and national levels, they began to recognise and aim at combating the global trends of their exclusion from decision-making at all levels. It was then through the perforation of the women's movements of the 1970s that women and the politicizing of women's issues through their framing as *human* issues were given priority globally to be articulated and addressed²⁴. The declaration of the 1975 the Year for Women by the UN facilitated this process. The change of attitude globally, zeroing in on women's issues through a global human rights perspective and aiming towards political, social and economic reform for the positive inclusion of women in all areas of life - public and private - generated discourse about new standards of governance. Thus allowing unprecedented political discourse for women's equality worldwide and changing global perceptions on what is to be accepted for women's participation within the state.

The upswing in women's participation manifested through the creation of women's conferences which spanned four world conferences specifically on the status of women, as well as a time frame of 20 years from 1975 up until 1995²⁵. Each of these conferences focused on different issues of the times but the central aspects were always gender mainstreaming and the empowerment of women²⁶. The conferences had a profound effect on the participants who could share in political strategies on how to influence political discourse, lobbying and campaigning governments as well as creating women's associations²⁷.

Hence the presence of these women's conferences since the UN Decade for Women, influence of the Nairobi conference of 1985 in the region²⁸ in which I focus my dissertation, as well as the outcomes of the Beijing 1995 conference has allowed women to better articulate and organise their political voice in order to demand access to decision making. These conferences came at a time where an impactful minority of women in multiple states could attend and return with some best practices to accessing the political governing body of the day.

²⁴ First World Conference on Women < www.unsystem.org/content/first-world-conference-women-1975-0> accessed on 10 June 2019

²⁵ UN World Conferences on Women < www.unsystem.org/content/un-world-conferences-women> accessed on 10 June 2019

²⁶ Galey (n 8) 1

²⁷ Bauer & Britton, (n 15) 17

²⁸ Fareda Banda, *Women, law and human rights: An African perspective* (Bloomsbury Publishing, 2005) 46

2.1.1 UN Declarations and International Instruments for Women

During the time of the international conferences on the status of women special interest groups, political bodies and the international civil society gathered for conferences, setting the global agenda for the advancement of women's human rights. Through research, lobbying and organizing women were able to influence the international political discourse and set it on the course of gender mainstreaming²⁹.

Rooted in a human rights based perspective the following instruments are able to endorse the political participation of women at all levels of governance. They also protect other rights of women which relate to the general welfare of women and the socio-cultural context that women find themselves in. However, as this dissertation focuses on the entry of women into political power with the aims of analysing if women are in fact able to alter governance, it is crucial to base the entry of women on internationally accepted standards.

The first and primary document to address women directly came from the General Assembly resolution 34/180 which has come to be known as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979. Ratified by a majority of states, the Convention holds states to account in their efforts to not only eliminate discrimination against women when it comes to access to voting but also ensuring that women are able to: *“participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government”*³⁰. It also protects women who are not in the public sphere under state agencies but rather in non-governmental organizations and associations. An interpretation of CEDAW's provisions should see women, in states which have ratified this instrument, not only welcomed into spaces of governance by their states but especially regarded or promoted in order to ensure equality. It promotes the development

²⁹ the concept of Gender mainstreaming, it is meant as established by the Platform for Action which stipulates the universal state responsibility to (gender) inclusively create, implement and monitor policies and practices which ensure the advancement of women to the purposes of achieving gender equality.

³⁰ UN Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entry into force 3 September 1981) GA res 34/180, art 7

of a context which can produce results which reflect the entrenchment of equality of opportunity.

As CEDAW was conceptualised in the framework of the UN Decade for Women so was another critical document, namely the Beijing Declaration and Platform for Action (BDPfA) of 1995. Governments then agree to take action by committing to:

*“establishing the goal of gender balance in governmental bodies and committees, as well as in public administrative entities, and in the judiciary, including, inter alia, setting specific targets and implementing measures to substantially increase the number of women with a view to achieving equal representation of women and men, if necessary through positive action”*³¹

The BDPfA goes further by advocating for positive action otherwise known as affirmative action to be used in order to achieve the goal of gender equality within government. While this type of action can be quite controversial in many countries, it is widely practiced and proves to be an effective means³² to get women into any sector in which they are underrepresented. This push for gender quotas in order to achieve justice in the representation of women has proven popular in many post-conflict and post-colonial societies³³. This is evident in that gender quotas for government have been a core goal for women’s movements in transforming government.

Another key international document which aims at the inclusion of women not only within principle institutions of decision-making within the land but also the presence and leadership of women for human and state security is Resolution 1325. It communicates that it:

*“Urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict”*³⁴

Especially in the case of post-conflict states, the UNSCR1325 is to be included within the national planning and peace institutional arrangements as I will explain in the

³¹ United Nations, *Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women*, (adopted 27 October 1995) s G.1. 190 (a)

³² Dahlerup, Drude. "Increasing women’s political representation: New trends in gender quotas." In *Women in Parliament: beyond numbers*, Julie Ballington and Azza Karam (eds), (IDEA, Stockholm, 2005) 141

³³ Muriaas, Ragnhild, Liv Tønnessen, and Vibeke Wang, "Exploring the relationship between democratization and quota policies in Africa" (2013) *Women's Studies Int. Forum* 41 90

³⁴ UN Security Council, Security Council resolution 1325 (2000) [on women and peace and security] (adopted 31 October 2000) S/RES/1325 (2000) 1

case of Uganda which has experienced a prolonged insecurity in the northern region due to the activities of armed insurgency groups like the Lord's Resistance Army (LRA)³⁵. The inclusion and central focus on the wellbeing of women and other vulnerable groups of society is necessary in creating a human focused and human rights based path to peace creation and governance that leads to better peace keeping.

Therefore; women have multiple texts on which they may base their claims to power. Nonetheless women remain highly underrepresented and marginalised in the most impactful bodies of their states. Even with these texts being ratified, legally binding and enforcing various demands on local governments, a necessary step is to ensure a localised and locally owned assertion of these rights is occurring. In the next section I will be naming the regional texts which encourage, oblige and legally enforce the abovementioned principles in order to create a continent-wide culture of gender sensitive human rights promotion.

2.1.2 Regional Human Rights Instruments

The African continent itself hosted some conferences such as International Conference on Population and Development Programme of Action in Cairo 1994. From this conference's text emerges the same principles mentioned above pertaining to the agency of women and their necessary contributions to the states which they live in. In section 4 of the Programme of Action women are directly addressed with the basis of action being identified as being informed by the fact that the "*empowerment and autonomy of women and the improvement of their political, social, economic and health status is a highly important end in itself*"³⁶. Then with this basis states aim to take the action of:

*"Establishing mechanisms for women's equal participation and equitable representation at all levels of the political process and public life in each community and society and enabling women to articulate their concerns and needs"*³⁷

³⁵ Aili Tripp, *Women and power in post-conflict Africa*, (Cambridge University Press, 2015) 54

³⁶ UN Population Fund (UNFPA), Report of the International Conference on Population and Development, Cairo, (adopted 5-13 September 1994) (1995) A/CONF.171/13/Rev.1, 4.1

³⁷ Ibid 4.4 (a)

Uganda being a member state to the regional entity of the African Union (AU) has ratified the African Charter on Human and Peoples' Rights (African Charter) of 1981. The Organization of African states first began its life as the Organization of African Unity (OAU) but when the OAU was replaced by the AU in 2002 it set about changing its mandate to a human rights based organization³⁸. This took place through the adoption of protocols such as the AU Protocol on the Rights of Women in Africa 2003. In its additional protocol, the Maputo Protocol of 2003³⁹, which goes further to affirm that women have the right to political participation and decision-making. It states:

*"States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action"*⁴⁰

Furthermore, that:

*"States Parties shall ensure increased and effective representation and participation of women at all levels of decision-making."*⁴¹

Here the protocol stressed the effectivity of women's participation which highlights the need for a substantive representation of women within political bodies and in *all* state institutions which are responsible for decision-making. Thus a token type of representation or even the rise of what may be deemed a "gendered state"⁴² which only includes women in softer powered institutions while excluding them from real powered sectors such as the army or the financial planning of the state would still be deemed to be in non-compliance of the aims of this text. A final instrument to mention which covers the continent of Africa is the African Charter on Democracy, Elections and Governance which is a document which is meant to streamline best practices for entrenching democratic governance on the continent. It also considers gendered aspects of participating in the state such as the role of women in governance. Under its statute it includes this obligation to states:

³⁸ John Akokpari, "Human Rights Actors and Institutions in Africa" In John Akokpari and Daniel Shea Zimble (eds) African human rights architecture (Jacana Media 2008) 6

³⁹ Ibid

⁴⁰ African Union, Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, (adopted 11 July 2003), art 9 (1)

⁴¹ Ibid

⁴² Tripp (n 34) 4

*“State Parties shall create the necessary conditions for full and active participation of women in the decision-making processes and structures at all levels as a fundamental element in the promotion and exercise of a democratic culture”*⁴³

Though it does not particularly set any standard or minimum number of women necessary to be considered as ‘participating’, it does at least set a precedent and norm for states party to the AU Charters, making less and less acceptable to have women sidelined in governance structures.

Uganda, as we know is located in Eastern Africa, is also part of the sub-regional entity of Eastern African States (EAS). This regional entity, established by the treaty of the East African Community (EAC) 2000 is made up of Republic of Uganda, the Republic of Kenya and the United Republic of Tanzania and motivates states to:

*“(a) promote the empowerment and effective integration and participation of women at all levels of socio-economic development especially in decisionmaking”*⁴⁴

The EAC Treaty in turn establishes the East African Court of Justice held in Arusha, Tanzania, allowing for multiple layers of judicial protections to guarantee rights stipulated by the Treaty. As this treaty goes beyond the promotion of women within bodies which engage in decision-making, it adds the state’s responsibility toward what can be identified as gender mainstreaming as well. In:

*“e) 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.”*⁴⁵

This clause commits to creating a positive gender context for women which goes beyond participation but can rather be interpreted as a push for cultural adaptation towards gender sensitivity and inclusivity. Considering that Uganda is not only as a member state but having taken part in drafting this document it is impossible to deny the legal, political will towards a more gender sensitive community which the state has. In the next section I will be looking specifically towards the advances made by women in states such as Uganda which have recently experienced tumultuous levels of violence and conflict. Then further on tie in the measures taken within Uganda itself in order to assess their real commitment to women’s human rights within the case study section.

⁴³ African Union, African Charter on Democracy, Elections and Governance, (adopted 30 January 2007) art 29 (2)

⁴⁴ The Treaty for the Establishment of the East African Community, (signed 30 November 1999, entered into force 7 July 2000), Arusha. EAC: 2002 xiv, Chp. 22, art. 121

⁴⁵ Ibid

2.2 Women's Advances in Post-Conflict Societies

It has been said that women in post-conflict societies find themselves in politically, unprecedented opportune times⁴⁶ as well as in dire straits. A common trend seen in post-conflict states is that women are afforded avenues to power which cannot be won as rapidly in peaceful states nor through peaceful transitions⁴⁷. These tumultuous times allow for great political upheaval, a questioning of the status quo, a rejection of conventional politics⁴⁸ and thus the slit in time and space for women to assert themselves within the decision-making structures of their states. There is a clear discrepancy between states which have not had any previous conflict and those which have gone through intense conflict as seen in most regions of Africa with women holding on average 28.5 percent of parliamentary seats in post-conflict states while only 18 percent is held by women in states who had not experienced conflict⁴⁹.

Thus a trend shown by post-colonial societies particularly countries such as Uganda, which experienced a high level of conflict while embarking on a political transition, is that of women's accelerated advancement to political power⁵⁰. Though conflict is most detrimental to women and other vulnerable groups such as children, the elderly; it is also named to be an exorbitant ticket to the advancement of women in politics by scholars Jalalzai; Hughes & Tripp; and Yoon. These scholars observe that it is through the absolute social disruption that war or high mortality conflict brings that roles normally prescribed by gender or sex are fundamentally altered⁵¹. Conflict transforms society through the practices of power-sharing in cases of internal conflict⁵².

During these times women found themselves at war, not only in the role of victims of widespread sexual and physical violence and widows but also as combatants, spies⁵³

⁴⁶ Ragnhild Muriaas and Vibeke Wang, "Executive dominance and the politics of quota representation in Uganda", (2012), 320, *The Journal of Modern African Studies*, 50:2

⁴⁷ Aili Tripp, "The Changing Face of Africa's Legislatures: Women and Quotas", In *The Implementation of Quotas: African Experiences*, Julie Ballington (ed), Quota Report Series, (IDEA, Pretoria, 2004) 74

⁴⁸ Jalalzai (n 4) 14

⁴⁹ Tripp, (n 34) 5

⁵⁰ Hughes and Tripp, (n 13) 1518

⁵¹ Hughes and Tripp, (n 13) 1531

⁵² Mi Yung Yoon, "Explaining Women's Legislative Representation in Sub-Saharan Africa" (2004) *Legislative Studies Q*, 29:3 458

⁵³ Aili Tripp, "Gender, political participation and the transformation of associational life in Uganda and Tanzania" (1994) *African Studies Review* 37:1

aiding the warring factions. Others seeking to sustain their families found themselves acting as stand-in businesswomen carrying out the business duties their husbands left when most men had fled. While the self-perception of women changed with their new roles, their public spaces too expanded with their increasing visibility in once male dominated public space – women found themselves no longer confined to the home – as they took on roles relating to their economic advancement⁵⁴. And these newfound spaces were to accept them permanently.

Notably, these changes happen after great social upheaval to the detriment of most women and other marginalized groups within society. The social ramifications for the human rights situation of women widens as the political spectrum allows for their entry into higher offices. Women are partially afforded access to office due to their perceived non-involvement with the creation of the conflict⁵⁵ which gives them greater legitimacy when working within a government that aims for peace and in leadership of post-conflict societies. Furthermore, women are attributed with due trust for their involvement in peace processes and reconciliation efforts which they encouraged through the liaising with government and warring factions⁵⁶. As seen in Uganda, organizations like Teso Women Peace Activists and others played a role in the demobilization of soldiers in the northern regions⁵⁷, the reintegration of ex-combatants and co-ordinating reconciliation projects for those who were abducted by the LRA while the Northern regions remained unstable.

Bearing in mind that the women's struggle seen in Uganda has benefitted from the educational efforts of the past⁵⁸. Women's movements and women's visibility within the liberation movements of their countries in Africa have been greatly supported by the presence of educated, well trained women activists⁵⁹. In fact, the lack of access to education and the general trend on the continent of Africa of lower education rates for girls can prove to negatively affect the presence of women in parliament according to Tripp (2015). Thus the added advantage for Uganda has been that in comparison to neighbouring countries, Uganda's women had earlier access to education, due to the

⁵⁴ Tripp (n 51) 110

⁵⁵ Tripp (n 34) 19

⁵⁶ Tripp (n 34) 54

⁵⁷ Tripp, (n 34) 75

⁵⁸ Tripp (n 34)

⁵⁹ Gretchen Bauer "‘Let there be a balance’: Women in African Parliaments" (2012) Political Studies Review 10:3

Baganda King and missionaries⁶⁰, and thus more professional women to draw from at the time when the organizing and mobilizing women was necessary.

As the challenges to women in post-conflict societies are multifaceted, so are the opportunities for women who have afforded themselves enough education and managed to achieve some sort of meaningful social placing. There is also an element of gender bias towards women in post-conflict societies due to the perceptions of the general public who, in most cases believe men to have prolonged the conflict⁶¹ for personal gain through access to state funds and corruption. Women may be seen as innocent of the corruption and patronage and other factors tied to the onset of the conflict⁶². Seeing that women are often political outsiders before their rise to office it is then beneficial to use this aspect in their campaigns and thus leading to an association of women's leadership with transparency.

Being that women advance through their non-association with the conflict, there still remains a tricky balance in order to achieve influence and direct access to the post-conflict state. Women must still be present on the side of liberation. As with the National Resistance Army, it is crucial that women are existent, relevant and seen to have taken part in the combating of the previous regime as well. Women must work a tricky balance of being present in the armed resistance by having a network of women who often having fought alongside men in the guerrilla wars uplift the status of women in the resistance movement. Whilst simultaneously having affiliations with other women with the potential of having power wielding positions in the government⁶³ that will prevail in the post-conflict scenario.

⁶⁰ Tripp (n 34) 55

⁶¹ Ibid

⁶² Tripp (n 34) 19

⁶³ Bauer & Britton (n 15) 17

2.3 Women, the Vote, the Electoral System and Quotas

“Gender” and Politics for Women

Women have come a long way since the first suffrage movements recorded in the west. The changes seen in the political representation of women have been hard-won and in some cases still lacking with women being severely under-represented in parliament the world over⁶⁴. Given that a majority of countries have experienced some form of patriarchy within their history resulting in the manifestation of gendered power structures within the state itself; women are often forced to prove their political legitimacy⁶⁵ by being more active than the men they compete with for what is seen to be ‘masculine’ careers and masculine spaces⁶⁶ such as Parliamentary Members.

From a feminist perspective, women’s femininity and its distance from militarism has been the driving motivations for the inclusion of women in peace-making or post-conflict rebuilding and key political decision making. As womenhood⁶⁷ may be seen as the cornerstone of women’s identity the world over, it is then thought that the action and rationality of womenhood informs women’s presence, actions, and behaviours in their various social settings. Therefore, a woman in a position of leadership is expected to bring about these elements of ‘womenhood’ and ‘motherhood’. As written by Skjelsbaek, “practices of motherhood can then be regarded as the antithesis of violence”⁶⁸. And within a society which has experienced violent forms of conflict women have the opportunity as the political space gives way to those whose identities assemble peace.

In the African context the route of suffrage has often been coupled with nationalist movements and against patrimonial organized colonial states and others that followed. To better contextualize the road to African women’s suffrage, one must first engage with the concepts and roles of gender traditionally and in a post-colonial or once Western

⁶⁴ Sandra Grey, "Numbers and beyond: The relevance of critical mass in gender research" (2006) *Politics & Gender* 2:4

⁶⁵ Drude Dahlerup, "Women in Political Decisionmaking" In Inger Skjelsboek and Dan Smith (eds) *Gender, peace and conflict* (Sage 2001) 109

⁶⁶ Employee c Childs and Mona L. Krook, "Should feminists give up on critical mass? A contingent yes" (2006) *Politics & Gender* 2:4 525

⁶⁷ Inger Skjelsbaek, "Is Femininity Inherently Peaceful?" In Inger Skjelsbaek and Dan Smith *Gender, Peace and Conflict* (Sage Publications 2001) 61

⁶⁸ Skjelsbaek (n 66) 62

dominated context while keeping in mind a past transformed by this advent. In the earlier traditional context African women played multiple roles in society. While gender in the Western sense had always remained quite rigid between the feminine and masculine dichotomy, in some African societies, women are sex-fluid⁶⁹. It was possible and in some parts still is possible for one to have a female husband or female son⁷⁰. Thus allowing certain women to transcend limitations of gender – either for political power or inheritance⁷¹. The consequences of this type of traditional context is that it perhaps has distantly laid foundations for the social acceptance of women's role changes. However; these practices were stamped out and legislated away under colonial administrations rendering women unable to rely on these gender positive cultural practices⁷², the premise for social change and dynamic role playing has been embedded in the African context. Nevertheless, one cannot underestimate the profound manner in which culture was profoundly impacted during colonisation and the propagation of tendencies toward patriarchy promoted and how attractive that avenue became in promoting or replacing the lost power of the dominated African male role⁷³.

In taking a closer look at African gendered societies, the roles of women and men hold conventional roles and responsibilities as known in the West with men usually holding the greatest share of social power. Men have generally made the laws and rules of society even though some women could, as the exception rather than the rule, rise to the highest form of power as queens or even chiefs⁷⁴. Some powers or responsibilities in African societies are also devolved to different statuses or stages of life – for example the development of becoming a mother after having simply been a woman. Nnaemeka, a Nigerian social scientist, points out the sacred position of the mother⁷⁵ in African societies which differs from that of the West. 'The mother' within a household is unquestioned and has unlimited central power. A misreading of culture from a western perspective may fail to recognise that there exists an invisible power of women in African societies in the form

⁶⁹ Torild Skard, *Continent of mothers, continent of hope: understanding and promoting development in Africa today*, (Zed Books, 2003) 175

⁷⁰ Skard (n 68)

⁷¹ Skard (n 68)

⁷² Fareda Banda, "Women, Law and Human Rights in Southern Africa" (2006) *Journal of Southern African Studies* 32 1, 14

⁷³ Banda (n 71)

⁷⁴ Skard (n 68) 174

⁷⁵ Banda (n 27) 91

of a mother. In fact, it is not so much a power that that may be misunderstood but an entire identity – to which a sense of authority and importance may be drawn. Thus becoming a mother is assigned a higher respect which African women themselves interpret to be positive and empowering.

Furthermore, it may be imprudent to account for the work done by women and the choice of leadership style women have when entering public office without first recognising the intrinsic social weight of the ‘African mother’. The manner in which women’s groups are formed, leaders are chosen and the agenda set emanates from this premise of ‘motherhood’. Thus the strain of feminism seen in African Women’s Movements is also affected by this particularity. This advent in African societies translates into politics, forms of governance and the general traditions of female leadership. And often, in African politics the identity as a mother may serve as a source of empowerment⁷⁶ for the actor.

Looking at some examples of African women who have made it to the executive we have the example of Ruth Sando Perry - the first woman to become the head of state in Africa (in Liberia). During her campaign she projected her image as a mother (in fact she is a mother of 7) and promoted stability, peace, tolerance and discipline within the country⁷⁷. These qualities being those typically associated with mothering and how mothers conduct their households forming the conceptualization of African female leadership. She was also able to achieve 70% disarmament in her presidency while pulling her country out of years of conflict. The basis of her ruling was not only on political merit but her role as a mother in her personal life thus merging the two roles as a means to legitimize her authority⁷⁸. She also mobilized other women within the country in order to restore and stabilize the political situation of Liberia – using women’s traditional roles of care in order to contribute publicly to rebuilding the state⁷⁹.

⁷⁶ Employee a H. Williams, "Democracy, gender equality, and customary law: constitutionalizing internal cultural disruption" (2011) *Indiana Journal of Global Legal Studies* 18:1, 76

⁷⁷ Skard (n 68) 181-182

⁷⁸ *Ibid*

⁷⁹ Skard (n 68) 182

Political Openings

There are several factors at play which can be judged as contextual phenomena, events which take place that allow for the opening of the political space to actors who are otherwise customarily excluded. These socio-historical events which can deviate a particular tendency like that of women's presence in the legislature involve sudden major events such as a change of regime or decolonisation. Jalalzai highlights how women manage to make their way in through chance circumstances such as a post-conflict situation, scandals and corruption sweeps, and the aftermath of majority party electoral defeats⁸⁰. Women do not tend to rise to power through violence, coup d'états or overthrows of previous political arrangements but rather behave as "consensual actors"⁸¹ who rise through democratic or relatively peaceful (post-conflict) transitions. Moreover, due to this particular "feminine" trait of consensuality, the inclusion of women can be seen as a stabilising factor to the chosen political arrangement. Indeed, women are often fast-tracked into politics due to the perception of they may be able to stabilize volatile political systems⁸².

Furthermore, other stereotypes created about women can ensure that women are promoted to political power - consistent with the women's traditional 'maternal' and 'motherly roles' the public may look to women as unifiers. In a post-conflict scenario these kinds of stereotypes promote women to political power. Coupled with the tendency that women have of being political outsiders before they enter into office, women can be seen as a safer choice once public trust has been violated by traditional, often male, political actors⁸³. Implicated by this tendency though, women are then often only relied upon when society believes that men have failed to perform their traditional duty of leading the country.

While the following political movements may yield contrasting results which affect women's political involvement, at times nationalist, liberation or revolutionary movements may either promote or derogate women's roles in politics. The presence of a typical Western nationalist movement may hinder women's involvement as these

⁸⁰ Jalalzai (n 4) 14

⁸¹ Jalalzai (n 4) 112

⁸² Jalalzai (n 4) 20

⁸³ Jalalzai (n 4) 14

movements tend to relegate women to secondary status⁸⁴. When ascribing the role of women as that of being secondary, home-bound and not concerned with public matters then women may suffer the consequence of being left outside of state-making. In spite of this, in post-colonial societies, political openings for women include struggles of liberation or their involvement in anti-imperial efforts. Being that the liberation struggles leading to the post-colonial state were mainly based on ideals of justice, and the pursuit of what is known as solidarity rights⁸⁵ – rights asserted for development, peace, environment and self-determination – avenues were created for women to claim their political presence through the self-determination of their countries. As women joined in on these liberation efforts, power dynamics between the genders had to also be questioned and the assertion of women's necessity in the movements becomes another issue. Women have to ensure that they are infiltrating power structures while at the same time transforming and gender mainstreaming them to sensitize them to women's/gender issues⁸⁶. The rearrangement of the taken state, and envisioning how to transform states such as colonial states into those which can not only protect human rights but also deliver on public services while constructing a nation out of previously warring or vying factions of society implicates multiple challenges for the women entering the scene⁸⁷.

The Women's Movement

Concurrently, another movement that has been identified as necessary in preparing women for the political arena is that of the women's movements⁸⁸. Women's movements have been the greatest and at most times the only civil society associations⁸⁹ in many African countries. The force exerted by women's movement's on the political system leaves a noteworthy effect on the political power arrangement of the state⁹⁰. Even with the integration of women into the political movement which ends up being

⁸⁴ Goetz and Hassim (n 6) 10-11

⁸⁵ Paul Zeleza, "The conundrum of human rights and development in Africa", In *Africa's human rights architecture*, John Akokpari and Daniel Shea Zimble, (eds), (Jacana Media, 2008) 25

⁸⁶ Anne Goetz, 'The Problem with Patronage', In Anne Goetz & Shireen Hassim (eds), *No shortcuts to power: African women in politics and policy making 3* (Zed Books 2003) 44

⁸⁷ Bauer & Britton (n 15) 18

⁸⁸ Amanda Gouws, 'Shaping women's citizenship: contesting the boundaries of state and discourse In (Un) thinking citizenship: feminist debates in contemporary South Africa Amanda Gouws (ed) (Routledge 2017)

⁸⁹ Tripp (n 19) 101

⁹⁰ Bauer & Britton (n 15) 8

incumbent, a coherent and solidified women's movement can have a marked effect on the lasting power women have access to after the new system has been consolidated. The literature acknowledges that there is no singular women's movement globally⁹¹ – women are not a monolithic group which advocates for the same interests globally, but there are some various reoccurring elements which can be identified in certain movements from particular regions. In post-conflict African states women's movements have slowly implemented a "rights-based approach"⁹² and have used the affirmations of human rights in order to claim political space, frame their interests and challenge customary or traditional practices which exercise women's exclusion⁹³.

These groups often manage to set the political discourse too through their campaigning, focusing on issues related to addressing matters of service delivery, accountability and transparency of those in charge of said services⁹⁴. Women's movements also often focus on training women and capacity building in order to ensure that when women are given the chance to participate politically, they are ready and equipped to hold campaigns, make speeches and carry out political duties⁹⁵.

Whereas political parties and other political bodies often received a zero-tolerance response from most authoritarian governments, an avenue which often remained opened for organization, mobilization and political contestation has been the women's movement in many African countries. While often many non-governmental organizations face harassment, banishment and often criminalization once taking a stance against government⁹⁶, women's movements through groups, coalitions, and often leagues which are a part of a party – especially the ruling party have pluralised and become an integral part of society. The proximity that the women's movement has with the ruling government of the day is also a clear indication of its independence. In order to restrain women's groups that may be seen as 'too political'⁹⁷ in non-democratic societies, often

⁹¹ Anne M. Goetz, "Women's political effectiveness: A conceptual framework" In Anne Goetz & Shireen Hassim (eds) *No shortcuts to power: African women in politics and policy making* 3 (Zed Books 2003) 44

⁹² Tripp (n 34) 227

⁹³ Aili M. Tripp, "Women's movements, customary law, and land rights in Africa: The case of Uganda" (2004) *African Studies Quarterly* 7:4

⁹⁴ Scott Andrews, 'NGO Politics in Uganda: A Practitioner's Perspective' (MA International Studies thesis, Simon Fraser University 2012)

⁹⁵ Yoon (n 51) 460

⁹⁶ Tripp, (n 18) 111

⁹⁷ Aili M. Tripp, "The changing face of authoritarianism in Africa: The case of Uganda" (2004) *Africa Today* 14

the state will attempt to assimilate these groups by ordering them under some state body⁹⁸. To remain potent with the ability to transform the governance of the state, women's movements must navigate these various trappings of political power.

Democratic Elections, Political Parties and Quotas

Whereas it is clear that women's paths to political power involve fortuitous circumstances that lead to political openings, and the next vital hurdle that women should overcome is that of elections. Women's paths to the legislature have been informed mainly by democratic innovations and the extension of the vote to women in most of the world. Indeed, most of the literature looking at women's access to the public office has been rooted in the democratic political context. Women being that they are 'consensual actors'⁹⁹, it then logically follows that they manage to insert themselves into the political scene through democratic means, especially through elections. Women must be able to sway the general public in order to get elected in order to get into their political positions. Women's legitimacy in the public office rests upon the assurances inferred from obtaining the vote of the constituency. Thus, elections, their design, guarantees of free and fair access to the voting populace, the culture of campaigning and transparency of the general realpolitik within a state all have everlasting impacts on women's access to the legislature.

The most informative structure which allows women to enter politics is that of the electoral system used to bring political actors into office. When considering how to get more women elected into office each chosen electoral system can be seen to yield certain distinguishable results¹⁰⁰. In the case of single member electoral systems, due to a common occurrence of hostility towards women in politics, constituents of winner-takes-all electoral systems such as First-Past-The-Post (FPTP) display greater reluctance to vote for women¹⁰¹. That is, when men are directly pitted against women in an election in which only one of them may win, the voters tend to side with the male candidate regardless of how capable the woman might be. Women tend to fair better when they are a part of

⁹⁸ Tripp (n 19) 111

⁹⁹ Jalalzai (n 4) 112

¹⁰⁰ Manon Tremblay (ed). Women and legislative representation: Electoral systems, political parties, and sex quotas, (Palgrave Macmillan 2008)

¹⁰¹ Goetz and Hassim (n 6) 8

Proportional Representation (PR) systems¹⁰². These are electoral systems which aim to proportionally distribute seats to party members in accordance to the portion of the national vote the party achieves. Because women are not in direct competition with men in this instance, and through their positioning on the party list they would then manage to attain a seat.

Following, is the matter of how exactly women are integrated into the party lists. There are two types of party list systems¹⁰³; the one that is most commonly used divides the country into a certain number of districts and appoints each party member to a district. The lists may be open – allowing voters to cast a vote for an individual; or closed – allowing constituents to simply vote for the party. The closed party list is proven to help women get ahead in that the competition for seats is no longer as personal¹⁰⁴, seats are rather delegated according to the rank of each member on the list according to the party.

The manner in which the list includes women becomes another matter to examine. It is believed that parties which support gender equity are more likely to make use of zebra lists in which names of men and women alternate on the list which can lead to greater representation for women in the legislature¹⁰⁵. However; there is also the option to place women candidates at any position of the list even the bottom of the lists, requiring the party to win a greater majority of seats in order to afford them to their female members¹⁰⁶ as seats are filled according to the member ranking and placement on the party lists.

While the electoral innovations have had great impacts on the evolving face of political representation in multiple societies. A central aspect that has allowed women to come to the fore in politics is that of quotas or affirmative action¹⁰⁷. This is the practice of placing a policy which specially favours members of a group which was most likely discriminated against in the past¹⁰⁸. Quotas usually set a certain percentage as reserved for a specific group or demographic of society such as women either as a target or

¹⁰² Manon (n 99) 8

¹⁰³ Manon (n 99) 5

¹⁰⁴ Aili M. Tripp and Alice Kang, "The global impact of quotas: On the fast track to increased female legislative representation" (2008) *Comparative Political Studies* 41:3

¹⁰⁵ Bookie M. Kethusegile-Juru, "Quota systems in Africa: an overview" In Julie Ballington (ed) *The Implementation of Quotas: African Experiences, Quota Report Series*, (IDEA, Pretoria, 2004)

¹⁰⁶ Kethusegile-Juru, (n 103) 25

¹⁰⁷ Kethusegile-Juru, (n 103) 25

¹⁰⁸ Drude Dahlerup, "Quotas are changing the history of women" In Julie Ballington (ed) *The Implementation of Quotas: African Experiences, Quota Report Series* (IDEA, Pretoria, 2004) 17

minimum threshold of members. Adopting quota provisions has been used as important policy means to getting women into public office specifically in Africa¹⁰⁹.

Though quota systems are actually quite commonly used, their type too affects the effectivity of women elected by means of affirmative action. The continent of Africa tends to have two quota systems operating – the reserving of seats as well as party quotas¹¹⁰. The first method of seat reservation proves to instantly increase the representation of women making it favourable to use for situations in need of dire remedy. However; this type of quota implementation is not without its pitfalls. When it is deployed, many question the legitimacy of the parliamentarians entering through seat reservation. Seat reservations bring about questions of legitimacy, competency¹¹¹ as well as the potential to rig the system through patronage¹¹² of those on the receiving end of the reserved seats. It has been the choice of Uganda to use this method of seat reservations in their implementation of quotas. This will be further discussed under the quotas section below.

Of the impactful factors which contribute to the positioning of women in the highest office of the land are certain elements which can only be discussed case by case. The first being the nature of politics within the country. As identified as the category of “Access” by Goetz, the political party system and the nature of politicking will markedly either usher women into politics or create a culture that turns women away¹¹³. The consolidation of the party system within a democratic or semi-democratic political system is able to inform the numbers of women who will be promoted into the system. Usually matters of access to the political world is governed by parties and their membership. For this reason; it is imperative to analyse the manner in which parties operate and in particular how the political culture, discourse and traditions of a state emanates from the party cultures, discourse and traditions.

Moreover, political parties have the ability to set the style of politicking – in terms of opening up the political space to women these parties may either express solidarity

¹⁰⁹ Muriaas et al (n 32) 90

¹¹⁰ Dahlerup (n 107) 18

¹¹¹ Diana Z. O'Brien, "Quotas and qualifications in Uganda", In Franceschet, S., Krook, M. L., & Piscopo, J. M (eds) *The impact of gender quotas* (Oxford University Press 2012) 68

¹¹² Aili M. Tripp, 'Uganda: Agents of Change for Women's Advancement?' In *Women in African Parliaments*, Gretchen Bauer & Hannah Britton (eds) (Lynne Rienner Publishers 2006) 118

¹¹³ Goetz, (n 90) 50-51

with women or allow for the uncontested perpetuation of sexist culture¹¹⁴ ensuring that women are in turn blocked out. Political parties are then given de facto authority as gatekeepers for women to achieve their seat in parliament through their ability to influence who they allow access to. Depending on the political party women may be given or denied the opportunity of recruitment. The maturity of the political party system has consequences for women's entry as well. In most autocratic or semi-democratic states like Uganda, often political parties are not mature enough¹¹⁵ to have stable features or persisting procedure that stands regardless of the leadership of the day. Without a solid ideology, texts which govern the procedural integrity of a political party like an inviolable party constitution, parties may lack in oversight measures¹¹⁶ that allow marginalised candidates such as women to claim the adherence of certain protective procedures such as quotas for example. Often party systems which lack maturity also tend to display the use of identity politics¹¹⁷ in their campaigning which may harm women's entry due to their divisiveness leading to factions and main figurehead (often masculine) leadership. Thus without the developed democratic procedures and presence of consolidated parties with tested constitutions, women have very little avenues within which they can advance.

While on the subject of campaigning, certain structural barriers to accessing the electorate include campaign financing and the general behaviour of the public invoked by political contestation. If the campaign rallies may end in violence, this may deter women from running or keep women at bay¹¹⁸. More so, the amount of capital needed¹¹⁹ in order to organize rallies, the amount of capital necessary to nominate oneself to the ballot or even to found a party may serve as a real barrier to allowing in new actors especially women who do not have a history of sponsorship and tend to find themselves outside of lucrative patronage networks.

Considering the factor of access that women may have to asserting themselves politically, the broader attitude of the incumbent leadership to the prospect of letting women into the political system has major implications as well. The amount of sympathy

¹¹⁴ Karam and Lovenduski, (n 17) 192

¹¹⁵ Goetz, (n 90) 53-54

¹¹⁶ Ibid

¹¹⁷ Ibid

¹¹⁸ Ibid

¹¹⁹ Ibid

the executive may have for women¹²⁰ and their views on women's roles in society will reflect in the identifying, seeking or avoiding of partnerships with women's groups. In Africa the strongest determinant of the amount of women in office is the ideology of the ruling party¹²¹ and particularly those within the executive branch as seen in a majority of East African Countries at the moment.

When Representation Counts

Moving onto another matter which is faced by women making their entry into politics is that of the influence they will wield. The type or level of representative efficacy women may have tends to be a contested issue – in terms of if there is a threshold or minimum number in which one must achieve to surpass a 'token' type of integration¹²². The theory proposes that depending on the number of women who are elected, the kind of representation of women's interests afforded varies. This is an issue have identified two types of representation. One is descriptive representation, which refers to the symbolic and demographical shifts of representation¹²³. This type of representation is said to change the general views of the public and institute a form of 'role model' representation in which people may show a change in general perceptions of what certain roles may entail and who in society may wield them¹²⁴. Whereas, the other form, substantive representation, accounting for effective, organized and distinguishable representation which can be said to align with women's issues in this case¹²⁵. Thus the second type of representation is the one I will be looking at – representation that allows for the advocating of certain interests which hold distinct thematic and political interests. A study by Dahlerup shows that the minimum threshold necessary of effective representation, which is able to influence a group, is at least 15% (but normally between 15% and 30%) forming a 'critical mass'¹²⁶. Thus any minority group which holds above 15% of the

¹²⁰ Goetz, (n 90) 60

¹²¹ Ibid

¹²² Drude Dahlerup, "The Story of the Theory of Critical Mass" (2006) *Politics & Gender* 2

¹²³ Goetz and Hassim (n 6) 5-6

¹²⁴ Ibid

¹²⁵ Ibid

¹²⁶ Grey, (n 63) 496

available seats will in fact make an impact on the overall group¹²⁷ and further have an impact on the arrangement of the political institution.

Taking a closer look at Uganda as a case study to the phenomena of having women enter into the political sphere after previous exclusion and a history of massive human rights violations it matters to frame their entry in what has been discussed above. The elements discussed about gender will work on women candidates in various ways while they attempt to garner the public support for their seat in office. Furthermore, the attitude and general culture of the Movement being that it was a type of liberation/revolutionary movement, should reflect various consequences for how women are included, recruited and promoted to political power. The combination of the electoral system as well as the quota regulation as seen above are proven to be the most telling features of a state in explaining the presence of women in the legislature. Below I will explore these two themes in detail in developing the results of women's substantive representation in the Ugandan legislature.

2.4 Case Study: Uganda

Context

The Great Lakes region is known politically for its turbulence, a history marred by civil war and complex political past filled with authoritarian forms of governance¹²⁸. The region has dabbled with various forms of tyranny, often experiencing governance throughout periods of constant (even if at times low-intensity) warfare¹²⁹. The region boasts novel forms of semi-authoritarianism, which show varying degrees of democratic innovations¹³⁰. While civil and political rights entrenchment remain shallow the theme of women's rights and their gender equality has produced some unprecedented results in the region. As of January 2019 Rwanda maintains its position as the nation with the highest number of women in parliament amounting to 61.3% in the lower house and ties 6th in

¹²⁷ Grey, (n 63) 497

¹²⁸ Patricia Daley, "Challenges to peace: conflict resolution in the great lakes region of Africa" (2006) Third World Quarterly 2:2 generally

¹²⁹ Daley (n 127) 303

¹³⁰ Tripp, (n 46) 4

the world for having 51.9% of ministerial positions held by women¹³¹. In Uganda, a country which had previously excluded women entirely from politics¹³², women have achieved 34.9% of the seats in parliament while holding 36.7% of the ministerial positions¹³³. This trend continues with the region achieving greatness for women one state at a time with an average of 40.6%¹³⁴ representation in all houses of parliament for Ethiopia, Burundi, Rwanda, Uganda and the Republic of Tanzania. This is almost double the world average of 23.4%¹³⁵.

This extraordinary push forward for women is not to be mistaken as a natural occurrence of time and general human progression. In fact, in the post-colonial state it is rather a triumph despite all the factors which hold women at the bottom of the decision making pool of society. It has also been despite the conflict concentrated in that region which accounts for gross human rights violations, genocide and the unravelling of civil society¹³⁶ in the recent past of most of the abovementioned countries.

Uganda, a landlocked country on the shores of Victoria Lake, has until relatively recently experienced extraordinarily high levels of violence and state-endorsed repression¹³⁷. Without underrepresenting the violence perpetuated under colonialization, in the independence period attempts at power-sharing were never satisfactory for all actors within the system¹³⁸; which quickly, intensified by ethnic divisions which had been exacerbated by the colonial system, the falling out of kingdoms and other traditional rulers¹³⁹, lead to a culture of human rights abhorrent governance being deeply entrenched¹⁴⁰. Uganda was immediately ushered into individual-centred politics and *bigman* governance mainly branded by the perpetual rule of one character¹⁴¹. From the

¹³¹ Women in Politics: 2019 (n 13)

¹³² Gerald Bareebe and Kristof Titeca, "Personalization of power under the Museveni regime in Uganda." (2001) *Politics* 34:1 86

¹³³ Women in Politics: 2019 (n 13)

¹³⁴ *Ibid*

¹³⁵ *Ibid*

¹³⁶ *Ibid*

¹³⁷ Jeremy Sarkin, "The interrelationship and interconnectness of transitional justice and the rule of law in Uganda: Pursuing justice, truth, guarantees of non-repetition, reconciliation and reparations for past crimes and human rights violations" (2015) *Hague Journal on the Rule of Law* 7:1 114

¹³⁸ Stefan Lindemann, "Just another change of guard? Broad-based politics and civil war in Museveni's Uganda" (2011) *African Affairs* 110:440 392

¹³⁹ *Ibid*

¹⁴⁰ Sarkin (n 136) 112

¹⁴¹ Roger Tangri and Andrew Mwenda, "President Museveni and the politics of presidential tenure in Uganda" (2010) *Journal of Contemporary African Studies* 28:1 32

first *strongman* rulers of Uganda – Obote and Idi Amin – who maintained and fashioned their power based on violent displays of masculinity¹⁴², Uganda experienced years of insurgency from the north and south amounting to 14¹⁴³.

Given that each event in history is relative to its timing and spatial context, when the NRM takes over the country, we see the influence of the global trends of the time. The period of liberation from the colonial power differs greatly from that of the later period in which the NRM comes to power. The political leanings of the time being that of the Third Wave of Democracy, as named by Huntington, the period between the 1980s and 1990s in which many countries moved away from authoritarian regimes and opened themselves up to democratic reform and building democratic institutions¹⁴⁴. While some states focused on state-building, particularly in Africa, others experienced regime change with many fascist or militaristic regimes in parts of Europe and Latin America came to an end¹⁴⁵. States that had previously only concerned themselves with repression and fear moved toward including democratic innovations¹⁴⁶ including elections, party formation and disbandment, constitutional reform with human rights mandates¹⁴⁷ and advances toward transitional justice.

During this time, 1974 to 1990 as categorized as by Huntington¹⁴⁸, the fledging regime of the NRM in Uganda showed distinctive trends of democratic reform, allowing for better representation of the general political will, while also opening up the political space for parties, women, minorities to set their own agendas through new freedoms of association¹⁴⁹. While the feminist struggle for universal suffrage has varied, using different strategies throughout different societies, women's struggle for justice and equality with their male counterparts has taken a notably unique path in post-colonial African states. Women in these societies have found themselves to be historically burdened with a double layered discrimination. While their cultural contexts regressed responding to the oppressive pressures of colonial rule to subjugate women

¹⁴² Alicia C. Decker, In Idi Amin's Shadow: Women, Gender, and Militarism in Uganda (Ohio University Press 2014) 46

¹⁴³ Sarkin (n 136) 114

¹⁴⁴ Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, (University Of Oklahoma Press, 1991) 15

¹⁴⁵ Samuel Huntington, "Democracy's Third Wave", (1991). 21, *Journal of Democracy* 2:2

¹⁴⁶ Tripp (n 96) 4

¹⁴⁷ Bauer & Britton (n 15), 6

¹⁴⁸ Huntington, (n 143), 12

¹⁴⁹ Tripp (n 19) 112

traditionally¹⁵⁰, they also found themselves farther forced under the hand of a patriarchal colonial state. It is then seen that women in these regions of the world, particularly in Africa, have multi-layered motivations to participate in the new political spaces formed by liberation movements to ensure that their dignity is affirmed and their contributions not forgotten.

The Political Situation of Women

After official decolonization women remained excluded from the general public space. A figure that reflects this is that between the first parliament of 1962 and the final Obote parliament prior to 1989, only 3 women were present in some parliaments making up a percentage of 0 to 2.2% of the seats at a time¹⁵¹. In reality, especially under the military dictatorship of Amin, several sexist attitudes permeated policy making body allowing a several policies directed at controlling women and ensuring their insecurity in public spaces¹⁵². It is also reflective of the executive of the nation that several decrees were passed during this military administration such as the Decree on Mini-Skirts of 1972 – the banning of the wearing of mini-skirts by Ugandan women which also served as a basis for subsequent gender based violence against women in claiming the morality of women could be policed and monitored by state agents¹⁵³.

Even within such an administration, which acted on the bodies of women and asserted itself on the private freedoms of women like dress style, several global trends and the dynamic political arena began to change the course of Ugandan women's history. Amin's administration sent a delegation of women to the Mexican 1975 women's conference by the UN¹⁵⁴, which was the first international conference focusing on women's issues. Ugandan women found themselves in the privileged position to assess their situation in comparison to the global trend for women and base their efforts later on these experiences.

During the subsequent years of insurgency by several groups in different regions, political and economic instability, more and more women found themselves outside of

¹⁵⁰ Muna Ndulo, "African customary law, customs, and women's rights" (2011) *Indiana Journal of Global Legal Studies* 18:1 92-93

¹⁵¹ Tripp (n 111) 116

¹⁵² Decker (n 141) 62-63

¹⁵³ Decker (n 141) 63

¹⁵⁴ Decker (n 141) 93

the heteronormative family unit and in dire socio-economic circumstances¹⁵⁵. Of those who had not joined in on the physical war, some women found themselves compelled to form support groups¹⁵⁶ - spreading women's associations to all parts of the country. The years of armed conflict gaining momentum towards the end of Amin's rule up until the NRM managed to overthrow Obote's second government, led heinous human rights violations; while the war left multiple victims of rape, property destroyed or lost, and children left orphaned and traumatized¹⁵⁷. Women in Uganda began to collaborate, propelled to the socio-political space, they began to form associations which focused on safeguarding of women's livelihoods¹⁵⁸ and the general security of the society. When women throughout Uganda really began to organise politically, it was not particularly due to their recruitment into a liberation struggle nor some collective feminist ideological movement but in response to the needs of the community and this has informed how they fit into the political arena today.

Additionally, the NRM which managed to win the Bush War had a different conception of gender and the roles women may play in society to the previous administrations. In terms of political organizing the NRM had a practice during the Bush War of setting aside seats for women at a local level when discussing matters of the governance of the Movement¹⁵⁹. While women were a part of the combatants, they also were promoted to high ranks when they displayed ability¹⁶⁰. The Movement also had councils named Resistance Councils in which strategy was determined and the general aims of the Movement determined, these Councils would practice a type of informal customary quota for women¹⁶¹ within these Council meetings, setting aside space for women to participate.

However; as we have seen it is important to have women across the socio-political spectrum, exerting force in and outside of the main system. Thus, apart from the women who had joined the NRM as cadres, it was also necessary to have an independent women's movement within which women with experience with an understanding of grass-root

¹⁵⁵ Tamale (n 8) 21

¹⁵⁶ Tripp (n 51) 119

¹⁵⁷ Sarkin (n 136) 115

¹⁵⁸ Tamale (n 8) 21

¹⁵⁹ Tripp (n 34) 65

¹⁶⁰ Decker (n 141) 175

¹⁶¹ Tripp (n 34) 65

situations women and other vulnerable groups face. In taking part in community building, in order to recreate society and offer support to their fellow widows, traumatized victims of war and survivors; women then finally found themselves asserting their own social power to influence the arrangement of society¹⁶². Some of these groups could even be seen to be performing state functions and delivering social services¹⁶³.

Although women in Uganda have experienced a seismic shift since the times of fatal regimes and dictators, the road to political emancipation has often times been treacherous and subject to the level of benevolence of patriarchal power as well as gendered stereotypes. The implementation of quotas and the inclusion of women has been done in such a way as not to question the previous male dominated spheres. Rather than enforcing radical means to equality of opportunity and competition through quotas; the choice of seat reservations as a means to achieving gender balance at all levels of governance has implicated multiple negative consequences on the women elected through these means.

Commitment to Human Rights

A commitment to human rights protection has marked the contemporary administration of many African countries to a varying degree with most constitutions including a Bill of Rights, some states showing a commitment to carrying out procedures to do with transitional justice such as truth finding commissions, attempts at reparations, hybrid courts and judicial systems and quotas for redress¹⁶⁴. Uganda's truth commissions of 1973 and 1986 both attempt to set the precedent for better democratic and accountable governance¹⁶⁵. The progressive texts being produced regionally in Africa reflect a will entrench human rights by use of the rule of law with women and men benefiting mutually from more socio-economically beneficial context. African states have been proactive in developing their own legislation pertaining to women's rights and the rights of children¹⁶⁶ which is discussed further under 'Legislative and Policy trends' in Chapter IV.

¹⁶² Tripp (n 34) 53

¹⁶³ Tripp (n 51) 108

¹⁶⁴ Sarkin (n 136) 121

¹⁶⁵ Siphamandla Zondi, "Aluta Continua: The Struggle for Human Rights and Democratic Governance in Africa" In John Akokpari and Daniel Shea Zimble (eds) African Human Rights Architecture (Jacana Media 2008) 101

¹⁶⁶ Banda (n 27) 165

Over and above these independent policies and laws pursued by African legislatures, the most consolidated response to previous human rights violations on the continent is evident through the advent of constitution making¹⁶⁷. Through this process, many states in Africa have been able to incorporate a Bill of Rights into the texts and thus creating a context where human rights are guaranteed by the constitutions. Beyond these Bills of Rights, we also find the mandating of human rights institutions with the aims of creating human rights apparatus¹⁶⁸ either entirely independent or in some junction with the state. Many of these human rights institutions, such as the Ugandan Human Rights Commission (UHRC), which features quasi-judicial powers¹⁶⁹, take up the mandate of statewide human rights education and carry out monitoring duties that assess the state's compliance with the abovementioned international treaties.

Within the national framework of the Ugandan constitution we can identify that Uganda aims to domesticate and enshrine the international standards which have been written into their constitution and thus incorporated into local law practices. The Ugandan constitution making process itself was hailed as one of the best, most inclusive and locally engaged constitution making processes in the world¹⁷⁰. While the general public and civil society was engaged, the aspect of gendering the process was considered too. Women were often gathered and asked directly to contribute their concerns¹⁷¹, articulate their ideas and have their voices deemed equally valid throughout the process.

It is then a consequence of this process that the Constitution itself holds 8 provisions on women including laws on the rights of women and the girl child's access to education, right to a positive traditional context or culture in which the customs do not go against the dignity of their person¹⁷². Stemming from the various articles focusing on the upliftment of the status of women in Uganda, several laws and acts have been passed by the subsequent parliaments in accordance with upholding international human rights standards. Through a gender sensitive approach to human rights fulfilment, the legislation

¹⁶⁷ Akokpari (n 37) 4

¹⁶⁸ James Matshekga, "Toothless Bulldogs - The Human Rights Commissions of Uganda and South Africa: A Comparative Study of Their Independence" (2002) *African Human Rights Law Journal* 2 68

¹⁶⁹ John Hatchard, "A new breed of institution: the development of human rights commissions in Commonwealth Africa with particular reference to the Uganda Human Rights Commission" (1999) *Comparative and International Law Journal of Southern Africa* 32:1 33

¹⁷⁰ Oliver Furley and James Katalikawe, "Constitutional reform in Uganda: the new approach" (1997) *African Affairs* 96:383 259

¹⁷¹ Tripp (n 34) 18

¹⁷² Furley and Katalikawe (n 169) 258

produced in Uganda, encompasses many social, cultural and economic rights which are development focused and gender sensitive¹⁷³.

Concerning international human rights observance, many instruments, documents and universally pledged resolutions involve the advancement of human rights are signed or ratified by Uganda. This is a particularly popular phenomenon in countries which are traditionally a part of the global south. In fact, Uganda has a great track record for the ratification of international documents concerning women. Following is a table of the documents to which Uganda is a party:

Table 1: Signatures and Ratifications of International Instruments

Name of instrument	Date of Signature	Date of Ratification
Convention on the Elimination of All Forms of Discrimination against Women	30 Jul 1980	22 Jul 1985 174
Convention on the Rights of the Child	17/07/1990	17/07/1990 175
African Charter on Human and Peoples' Rights	18/08/1986	10/05/1986 176
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	18/12/2003 177	-
African Charter on Democracy, Elections and Governance	-	-
East African Community Treaty	30/11/1999	07/07/2000 178

¹⁷³ Vibeke Wang, "Women changing policy outcomes: Learning from pro-women legislation in the Ugandan Parliament" (2013) Women's Studies International Forum 41 114

¹⁷⁴ UN Treaty Body Database [Uganda] < https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=182&Lang=EN> accessed on 2 July 2019

¹⁷⁵ Ibid

¹⁷⁶ African Union Human Rights Treaties [status list - Uganda] < <https://au.int/en/treaties/1164>> accessed on 2 July 2019

¹⁷⁷ Ibid

¹⁷⁸ Treaty Establishing the East African Community (opened for signature 30 November 1999)

Real Political Situation and the NRM

It is imperative to recall that Uganda cannot be classed as a fully-fledged liberal democracy in that it does not show genuine and fair support for democratic practices¹⁷⁹ such as institutionalisation of multi-party politics, transparency and open civil society participation. Though there is little public space for social organizations some women's groups have managed to contend with organizing and interacting with a state with a dominant party. While the NRM itself behaves like a party and could be considered to be consolidated, for the most part of its rule the Movement considered itself to be a non-party entity¹⁸⁰. Other parties were subsequently banned until the overturning of the Party Act in 2001 and a 'return' to multi-party politics in the 2006 elections¹⁸¹ which then finally opened up the political space. The constitution of Uganda reveals negative attitudes towards partisan activities and also reflects a favouritism of the NRM¹⁸².

2.4.1 Women and the NRM

While the NRM privileges itself through the provisions of authority and enlisting of all citizenry it creates machinery of governance outside of itself solely for women. Running parallel to the Local Council (LC) system, there is the National Women's Council enacted by the Women's Council Act 1993¹⁸³, a five tiered system of what can only be termed as women's governance up until the level of the Council itself. Among its aims to unify and create a spirit of common national consciousness, the Council also seeks to address women's issues in relation to "social"¹⁸⁴ service delivery and "amenities"¹⁸⁵ needed for women's health and general welfare. While the Council has been designed for the good and welfare of Ugandan women, in most non-democratic states it is wise to be

¹⁷⁹ Tripp (n 96) 7

¹⁸⁰ Furley and Katalikawe (n 169) 250

¹⁸¹ O'Brien, (n 110), 60

¹⁸² Article 269 of the Ugandan Constitution of 1995 which stipulates highly restrictive laws regulating party activities curtailing many civil associative freedoms while giving special status to the NRM – Goetz, (n 85) 115

¹⁸³ Goetz (n 85) 125

¹⁸⁴ Chapter 318 The National Women's Council Act 1993 Part II 3(2)(c)

¹⁸⁵ Ibid

wary of state entities which can umbrella independent interests' groups such as the budding women's organizations at the time.

The reasons for this weariness can be spotted in a clause:

*(b) two representatives of nongovernmental organisations determined by the National Women's Executive Committee which are involved in women's affairs and which are registered under the Nongovernmental Organisations Act and recognised by the Minister;*¹⁸⁶

This clause necessitates women's groups and organizations which wish to have an impact on the general agenda of social service delivery as well as amenities to women to be a group which has registered with the state as an NGO under the Nongovernmental Organizations Act¹⁸⁷. By so doing the government then has multiple avenues in which they may monitor, sanction and withhold the ability of these groups to function within the state¹⁸⁸. Considering that the public space is already endangered by non-liberal acts found in most authoritarian governments, then it does come as a worry that there could be a body which is above all women's organizations, allowing it to restrict independent claims of women's groups which are not sanctioned by the Nongovernmental Organizations Act.

Aside from the structural limitations and implications of this body, the creation of a parallel structure of the Women's Councils did not consider to give them power or influence over policy of the agenda of the LCs which then highlights women's separateness¹⁸⁹ and creates the difference that undermines equality. It also means that women within the councils would have to create policy which is responsive to the policies created for the entire society within the LCs without their input. The women do not live in a vacuum in which their amenities may be addressed without the entire society being engaged.

Another systemic issue is that of the introduction of decentralisation to the political governing structure. While it is believed to be able to better deliver on social services and give communities a closer opportunity to engage with public authority, it tends to hinder women's access to power. Decentralization has the potential to fragment

¹⁸⁶ Chapter 318 The National Women's Council Act 1993 Part II s 4 (b)

¹⁸⁷ Chapter 113 The Nongovernmental Organisations Registration Act 1989 amended 2003 s 2

¹⁸⁸ Andrews (n 93) 13

¹⁸⁹ Goetz, (n 85) 132

gender equity policies at local levels where traditional, especially conservative roles are most intense¹⁹⁰ and inform the politics of the locality. It is much harder for women to garner political support at a local level as they are typically excluded socio-traditionally. Furthermore, these women also do not have the access to women's networks or the Women's Movement to enhance their campaigns. In cases of non-democratic regimes these local levels of government serve as the realpolitik for national movements to quell dissent¹⁹¹ and garner support from the general public, making them unfavourable towards women.

2.4.2 Quotas for women in Uganda

The Ugandan electoral system can be classed as a majoritarian electoral system. The plurality single-seat constituency system¹⁹², also known as FPTP, is one of the most basic electoral systems, demanding that the candidate to be elected is the one with the greatest number of votes in their favour - the elector is only granted one vote and goes to the polls only once¹⁹³. The vote is then cast for one member to represent a particular geographical constituency which in Uganda represents a particular district.

Uganda has a unicameral parliamentary system consisting of 296 directly elected 'constituency seats'. These are seats which are directly linked to a geographically determined locality bordered as a district of Uganda. There has been an expansion on these since 2015 where some districts have been split into multiple smaller constituencies. In addition to these seats are 122 seats which are reserved for women, of which the majority are the reserved women's district seats, and two of five from the seats reserved for the youth, for workers, and for peoples with disabilities are reserved specifically for women. The final three are from the 10 reserved for the army. Lastly there are 16 Ex Officio Members who are not voted into Parliament. That makes a total of 459 Members of Parliament¹⁹⁴.

¹⁹⁰ Goetz and Hassim (n 6) 22

¹⁹¹ Ibid

¹⁹² Sylvia Tamale "Introducing Quotas: Discourse and Legal Reform in Uganda", In *The Implementation of Quotas: African Experiences*, Julie Ballington (ed), Quota Report Series, (IDEA, Pretoria, 2004) 42

¹⁹³ Ibid

¹⁹⁴ Composition of the Tenth Parliament of Uganda as at 1 November 2018. Found on <<https://www.parliament.go.ug/page/composition-parliament>> accessed on 22 May 2019

Despite the setbacks of the integration of women into the NRM system, women's influence sprung from the fact that they had managed to organise amongst themselves enough to have a coherent constituent group and empowered enough to become a source of political support for the (incoming) regime and thus wielding a significant amount of power¹⁹⁵. Women in Uganda were able to show they are a formidable political base allowing them to influence legislative processes. While women on the ground constituted a unified and attractive voting bloc¹⁹⁶; women engaged with the Women's Movement and those with proximity to the NRM executive political circle were able to campaign women's involvement in the incoming regime, this was done through the use of spreading of Curriculum Vitae's of women who might fit certain bureaucratic positions¹⁹⁷ as well as convincing of the most important figure head in the Movement, Museveni himself. Due to the initial arrangement of power within the NRM system Museveni, as the leader of the Popular Resistance Army and soon the president of Uganda, was able to unilaterally adopt a quota system top-down¹⁹⁸. While women's groups used a bottom up approach strengthening women's advancement into education and advocating for a greater share in power exercised in their society.

The NRM had long relied on women to popularise the movement and had had a gender sensitive background in its conception which is reflected in the provisions on the political participation of women. Included in the Constitution of Uganda are provisions written aimed at protecting the rights of women in accordance with their "*full and equal dignity... with men*". It further entrenches this principle with article 33 (4) and (5) stating that:

"(4) Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities.

*(5) ...women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom."*¹⁹⁹

Furthermore, the constitution of Uganda contains additional provisions which protect and promote the presence of women within the decision-making affairs of the state by use of affirmative action. Under this constitution it is written that within the:

¹⁹⁵ Tripp (n 34) 52

¹⁹⁶ Ibid

¹⁹⁷ Tripp (n 111) 114

¹⁹⁸ Tripp (n 111) 115

¹⁹⁹ Constitution of the Republic of Uganda [Uganda] 1995 Chp IV art. 33 (4), (5)

“78. *Composition of Parliament. (1) Parliament shall consist of— (a) members directly elected to represent constituencies; (b) one woman representative for every district;*”²⁰⁰

It then commits Uganda not only to the ideal of promoting equality of men and women within the political decision-making process but also provides for affirmative action in order to accelerate the inclusion of women to political life of the country. The Ugandan system provides for a Constitutional Quota for the legislature or national parliament with an implied Election Law Quota²⁰¹.

However; to ensure that a 30% minimum was met for women in parliament and all other levels of governance, many bodies were expanded to accommodate this quota²⁰², meaning in reality the public service expanded, and parliamentary seats increased by one seat per district to include women. This has implicated multiple consequences for the women it aims to integrate. In much of the literature points to the negative aspects of this type of quota implementation are identified as I will mention below in the analysis of the quota implementation. Of the several negative implications mentioned, a positive implication which is often overlooked is the fact that women, due to the quota, will always be present if the constitution is observed.

Indeed, Uganda has managed to ensure an ever growing percentage of women are elected to parliament. Noted by O’Brien that “since quotas were first implemented in 1989, Uganda has continuously met its target for women’s presence in the National Assembly”²⁰³. While the national assembly has expanded from the initial 238 members in 1989²⁰⁴ in which women made up 17.6% of the members with 42 seats, so has the number of women in parliament steadily risen as well from 19% in the next elections in 1996 to 24.7 in the 2001 elections²⁰⁵. In general, the adoption of quota systems allows for the growth and acceptance of women or whichever affirmative action group to be accepted and steadily increased over time.

Nevertheless, the method of quota implementation is imperative to the positive inclusion of women to political decision-making. And multiple structural issues have

²⁰⁰ Constitution of the Republic of Uganda [Uganda] 1995 Chp VI art. 78 (1)(a)(b)

²⁰¹ Rosemarie Skaine, *Women political leaders in Africa* (McFarland 2008) 22

²⁰² Tamale (n 191) 41

²⁰³ O’Brien (n 110) 57

²⁰⁴ *Women in Uganda’s Electoral Processes: Mapping Positive Trends and Persistent Deficits in 2016 General Elections* In Rita H. Aciro-Lakor (ed) (UWONET 2016) 9

²⁰⁵ Ibid

been identified in the system Uganda has chosen to implement, holding different degrees of severity. The first factor of the constituencies or districts poses some challenges of legitimacy to the women representatives. Essentially, the expansion of the number of representatives per district, with the constituencies remaining the same can be seen as a way to not disturb previous wards and their male wardens or pose any threat as competition to men's incumbency²⁰⁶. This aspect which could have been positive – as to mentor and use power-sharing strategies as an initial introduction of women to parliament and to public office duties.

Instead, the NRM continues to promote campaigns run on the popularity and merit of the individual²⁰⁷ causing women to be disadvantaged in the race due to the nature of personal politics. Male candidates often have access to patronage networks and possess the social power needed to mobilize and attain voters within their constituencies. Multiple factors affect women negatively when they attempt to campaign for office. They face greater public ridicule²⁰⁸ when campaigning and suffer from social stigmas and other harmful stereotypes when running for local level positions. Moreover, women often lack the necessary resources to run²⁰⁹ – men who are often incumbents have access to resources which account for better campaigns. Thus, the quota has continued to be a key factor in ensuring that women remain included, struggling to move beyond the reserved seat positions.

Another major structural obstacle has been the execution of the elections. When the quota system was initially adopted women's elections took place on a different date to the general election²¹⁰. To further add to the issue, the elections were not subject to popular vote but rather by means of an electoral college²¹¹. Women were also only to compete with one another during this election, segregating them entirely within the electoral process. Rather than giving women the opportunity to stand for political contest with men right from the beginning they have been separated into their own group with “a

²⁰⁶ Goetz (n 85) 118

²⁰⁷ Josephine Ahikire, “Gender Equity and Local Democracy in Contemporary Uganda: Addressing the Challenge of Women's Political Effectiveness in Local Government” In Anne Goetz and Shireen Hassim (eds) *No shortcuts to power: African women in politics and policy making 3* (Zed Books 2003) 222

²⁰⁸ Tripp (n 111) 117

²⁰⁹ Tripp (n 111) 117

²¹⁰ Tamale (n 191) 42

²¹¹ Tamale (n 8) 84-85

new public space reserved exclusively for women”²¹². This not only alienated men who make up a great portion of their potential constituencies but it also misrepresented their mandate as they were often believed to only represent women rather than the entire district²¹³.

Aside from the capacity in which people believe the women to be qualified or underqualified, there is also an obviously dubious relationship which can develop between women running for seats independently or on the NRM’s ticket and the governing NRM itself. Wang identifies that semi-democratic or hybrid regimes maintaining high dominance of the state pose the threat of subjugating the incumbent by use of quota manipulation²¹⁴. This theory is not exactly supported by any evidence that women who run on the NRM ticket while kowtowing party expectations are more likely to get elected than others, but it does validate a weakness in the system which is susceptible to manipulation once the party feels under threat²¹⁵. There is a growing worry of cronyism and patronage for those women incumbent during the elections and having already had loyalties tied to the NRM.

This structural problem transcends the parliamentary women to the more local levels of wards beneath the districts. Women Councillors are voted for 2 weeks²¹⁶ after election and only in the wards which are said to have a woman only representative²¹⁷. Moreover, aside from the afterthought nature of the vote, the voting itself is public - people must line up²¹⁸ in the public eye behind the desired candidate in order to show their popular support. Following, these elections tend to boost a suboptimal voter turnout²¹⁹ putting the Women Councillors and Members of Parliament’s legitimacy at risk. Due to the confusion of their mandate, voters fail to come to the polls²²⁰ further tarnishing women’s ability to integrate into the system.

²¹² Gretchen Bauer, “Reserved Seats for Women MPs: Affirmative Action for the National Women’s Movement or the National Resistance Movement” In Manon Tremblay (ed) *Women and Legislative Representation* (Palgrave Macmillan 2008)

²¹³ Ahikire (n 206) 220

²¹⁴ Wang (n 172) 113

²¹⁵ *Ibid*

²¹⁶ Ahikire (n 206) 220

²¹⁷ *Ibid*

²¹⁸ Tamale (n 191) 39

²¹⁹ Goetz (n 85) 119

²²⁰ Ahikire (n 206) 220

Due to there being the operation of two Councils representing the people, a lot of harm has been done to the image of women in politics. While it is that women may or may not represent the interests of women, it is important to emphasize that women can protect the interests and rights of all. Women governing are not only given the mandate of representing women but rather of representing an entire constituent. This is a central point of tension given the electoral design and implementation of quotas in Uganda.

In Chapter IV, the effects of these increases in women's political and ministerial power will be examined. Regardless of the constraints which have been mentioned and the ways in which they work to curtail women's work in parliament, the system does indeed respond to the actions of new actors. The policies supported by women, the motions tabled by women as well as the collaborative works they have ongoing with civil society actors should reveal an impact of these above appointments and electoral gains.

CHAPTER III: METHODOLOGY

3.1 Background

The tale of women's progress in East Africa must be observed in accordance to the region's post-colonial and post-conflict past. It is evident that through the social upheaval of detrimental war, socio-historical context and the ability to establish women's organizations that women are able to make their demands on government²²¹ either within the structure as elected officials or as a part of civil society organizations. This, however, has not happened in a vacuum but rather at a time in which the global political trend was that of women's emancipation from exclusionary patriarchal state policy and efforts toward gender sensitive governance worldwide. And trends which occur in neighbouring states tend to be mirrored within the region²²².

While the statistical advancement of women into politics remains elusive even in secure liberal democratic states, post-conflict states of Africa show a unique pattern of women's liberalisation and push to the highest offices of government²²³. Regarding the legislative branch of government, responsible for creating laws, bills and often building on, refining and expanding the constitution, women's presence in the parliament's impact on governance has not yet been thoroughly researched from a gendered human rights based approach. Knowing that women, when given political power are seemingly more likely to defend the interests of women and other minorities such as children, the disabled and poor²²⁴; it is important to ask questions about their influence, capabilities as well as the manner in which they are able to transform politics within political systems which deviate from liberal democratic formations of government. If there is such a transformation how does it inform human rights delivery and protections?

While the theme of women's rights and interests increasing in legislative functions after the integration of women to these spaces has taken a central role in the literature, an integrated approach of gendered human rights promotion as a result of gender mainstreaming and women's legislative work remains deficient. It is my conviction that

²²¹ Hughes and Tripp (n 13) 1517

²²² Tripp and Kang (n 105) 340

²²³ Muriaas *et al* (n 32) 90

²²⁴ Tamale (n 8) 147

human rights delivery which does not assess or ascertain the access that women have to the equal opportunity to human rights benefits misses the opportunity to be partial and accurate about the human rights situation of any place. Women in every country in the world still suffer from the feminization of poverty, are oppressed by gender blind socio-economic policies and lack in human security in the home²²⁵ in states considered to show exemplary human rights observance.

3.2 Research Question

This dissertation aims to vindicate the international instruments motivating the presence of women to decision-making positions within their political context. Especially in states which do not manage to function fully democratically, if it is that the inclusion of women to such political systems may still have some real positive outcomes for the human rights situation of that state. Thus, with the question: ““*Strong-woman*” Leadership in Africa: can gender equality and legislative representation lead to greater human rights observation?”; I aim to ascertain the human rights impact resulting from political inclusion of women particularly in at-risk governing structures, prone to regression into state failure, internal conflict or state repression.

Considering the aforementioned aims of this dissertation, I have chosen to focus particularly on Uganda due to its history of the exclusion of women from any governing structure post-colonial times²²⁶, its history of gross human rights abuses²²⁷ and long term relationship with *strongman* leadership. Bearing in mind that women have only began to participate effectively in governance since the rise of the NRM, this dissertation will then aim to ascertain the human rights commitment as well as impact of the female parliamentarians since women have been given the ‘seat’.

My ultimate question is if there is a visible challenge to *strongman* leadership in Africa in general and Uganda in particular with the presence of “*strongwomen*”? Do women naturally or boldly challenge human rights violations when given the political power to do so through access to state leadership? Are women more inclined to promoting

²²⁵ Bunch (n 5) 489

²²⁶ Bareebe and Titeca (n 131) 86

²²⁷ Sarkin (n 136) 115

political discourse which frames the human rights challenges faced by those who have and are the least of the society? Do women parliamentarians then also seek to expand and collaborate with civil society organisations to ensure a partnership between the public and governance is formed? Finally, would a greater presence of women then lead to higher levels of human rights enjoyment even in non-democratic societies?

In turn, this dissertation will focus on the impact that the increasing number of women in the legislature in Uganda has had on the human rights content from a gender perspective on the policy formation of the legislature's work. In looking at particularly controversial bills which have been passed or tabled by women parliamentarians and male allies lobbied by these women or the women's caucus. Being that the theory that women parliamentarians tend to be more committed to the defending marginalised groups of society and the human rights enjoyment of society has been confirmed by Tamale, Wang, and Tripp. I would like to assess the validity of this theory in states which are not fully democratic. As this theory has not been situated in contexts of non-democratic or authoritarian-functioning states we cannot be certain of the outcomes of an increase in women parliamentarians. If it is that the same outcomes can be anticipated, then the inclusion of women to these legislatures should have a positive impact on the human rights situation of (any) country, then it would prove to be another strategy to curb violent forms of authoritarianism.

3.3 Methodology and Data Collection

Methods

The main intent of this dissertation is to try to understand if there is a perceived and meaningful shift towards greater human rights observance when the presence of women is increased in the legislature. In an attempt to analyse this, I have chosen to mainly use an approach of a qualitative research for this thesis. "Qualitative research aims to understand the world from the subject's points of view"²²⁸, while there may be the risk of bias²²⁹ it is through the plurality of views – individual and subjective interpretations of

²²⁸ Steinar Kvale, *Doing interviews*, (Sage 2008), xvii

²²⁹ Kvale (n 227) 87

the subject's environment that we are able to draw meaningful conclusions from the collective contributions. Thus with the intention to interpret the experiences of the actors within an environment, it is important to engage in a qualitative arrangement of research.

While a quantitative approach would allow me to gather numerical evidence of the amount of motions passed by women, I do not feel that this would accurately reflect the socio-contextual issues which this thesis seeks to engage. Often the numbers do not show the real situation – such as the changes in social attitudes, nor the political manoeuvring that happens behind any policy gains. Sometimes the system is also being symbolically altered without the numbers which reflect the real situation.

While I am trying to quantify perception I realise that this is something that is in itself subjective – my role as a researcher is to ask leading questions while not influencing the answers of my subject. Thus ensuring that I take on the direction which the subject identifies for themselves I intend to follow the method of seeking elaboration²³⁰ and having loose open questions which stem from the previous answer of the subject. Thus I will use the method of semi-structured interview which is context-sensitive and flexible²³¹.

In order to understand the real contextual situation, I have also chosen my subjects as 'elites' or professionals in the field – who have been mentioned in previous studies of this subject as they are too researchers in this field and produce their own documents and reports about women in leadership in particular. Thus their opinions are based on evidence-based information which they are able to access through their various studies as well as their collaborative work with government.

I will use a thematic analysis of the notable or contested bills in order to determine the legislative clout that WMPs have. To do so I intend to examine the impact of the women's caucuses in parliament, as this is chiefly women based and pushes the 'women's interests' as identified specifically by its female members. Furthermore, I intend to assess their ability to pool MPs across parties and genders in the process of legislating. This will involve the amalgamation of results found in previous studies and literature on women's impact in parliament in the country of my case study Uganda with the research I am able to gather from my interviews.

²³⁰ Kvale, (n 227) 3

²³¹ Kvale, (n 227) 86

Thus, in order to formulate conclusions, I deploy an inductive approach of reasoning, where my premises depend on the the accessibility of WMPs and the caucus to women's civil organizations; the positive gendered human rights evaluation of the bills passed, motions made, agendas set and promoted by women within parliament should then give provide a generalisation of their commitment to human rights observance, popular responsiveness and accountability. By so doing, I can deduce some general trends related to the increasing presence of women within the legislative branch of government in semi-authoritarian contexts in Africa.

Data Collection

The research also involves a series of semi-structured interviews from two prominent NGOs which are women's NGO networks operating in multiple regions of Uganda with the access to parliament for lobbying. The two NGOs, namely Uganda Women's Network (UWONET) as well as Women of Uganda Network (WOUGNET), collaborated with me in enabling me to interview their senior staff tasked with either leadership program tasks which roll out capacity building activities for women or positions with lobbying tasks – thus in close connection with WMPs. Through the performance of semi-structured interviews, I was able to engage with the participants about the general perceptions of women in parliament and the general human rights situation. Participants of the interviews were encouraged to share their views by answering some direct questions pertaining to the perceived competence that women in parliament display, the human rights and women rights commitment they display; while in turn allowing them to determine the direction of the interview by exploring the ideas which tie into the research question brought up in the interview process.

Concerning ethical issues, only those who wished to speak with me were asked to do an interview. As to not influence my subjects I did not reveal questions unless they asked to see the questions I would ask them. Subjects were also asked to sign a consent form, upon doing so they were able to state their preference to be named as well as their opinions included in the production of this thesis. After signing the consent form then subjects would be recorded – according to their consent and have the interview documented in the

form of an audio clip. Being that my participants asked to remain anonymous I will label them “Employee” while using the alphabet to distinguish them.

The information obtained from the interviews will be aggregated into a thematic information which will be used to motivate literature based findings or to further elaborate on impacts expected in this research. I will analyse the kinds of expressions used to refer to women’s leadership in Uganda in order to determine the perceived positive or negative evaluations. Furthermore, I will listen to the observed gains and losses for WMPs in their legislative work which is collaborated with these institutions.

In order to have a more balanced research dissertation, I also include an interview from a female Member of Parliament as well as the staff of the Uganda Women Parliamentary Association (UWOPA). Through these interviews, a process of self-reflection and self-evaluation of these innovations to the general Ugandan legislative system should provide for a different perspective to make the research more comprehensive. The interviews with these actors do differ from the previous methods, as the WMP was busy, the interview was done via text media with written questions and written responses.

Limits

Due to the fact that my research trip to Uganda was fairly short I was only able to contact and arrange interviews a minute fraction of the relevant women’s groups and networks working in Uganda. With this in mind, I would like to be humble with the outcomes of the interviews. Though the views held by the women working in the women’s networks are contextually and generally valid, I was only able to interview 7 women from the field, 1 WMP and 1 UWOPA staff member. With this in mind the views in this thesis will aim to coincide with the previous research found on this topic for accuracy.

I was also not able to evaluate the role of certain other major factors to the bills considered in parliament such as the role of the media in writing about policy outcomes, for example the journalistic framing of controversy around certain bills, the media driven representation of women in parliament and finally, its ability to denote gendered human

rights demands on government or not. Thus by not engaging with the media I cannot fully capture the situation in which WMPs find themselves working in.

3.4 Relevance

In terms of the policy outcomes of women in parliament, as seen, a majority of the literature focuses on women's policy outcomes in established democracies. For example in USA through the work of Sue Thomas we are aware that women in fact will in their legislative work prioritise, more often than men within the same positions, the concern and issues of women, children, and the family²³². Thus having more women within the democratic system will ensure that policies which are aimed at the welfare of the family, the protection of children and women (usually seen to be victims of violence and deprivation) will be promoted and furthermore a shift in the focus of the legislature towards the policy interests of women will occur²³³.

The literature for many years also looks at the successes and failures of the quota systems in getting African women into parliament. Focusing on the work of Tamale, she looks at the implementation of Quotas in Uganda, reflecting on the expectations and use of the quota system in seeking to achieve a critical mass to influence decision making²³⁴. Later I will explain Others like Yoon and Bauer analyse the empirical factors which shape the kinds of women who are promoted to parliament and their backgrounds in connection with the use of the quota systems.

There has also been significant scholarship about women's movements and groups forming and transforming associational public life within African states. Bauer and Britton analyse the pressures exerted by well-established women's movements on transitional governments in order to ensure women's inclusion in post-transitional states²³⁵. Tripp explores the freedom within which women's groups operate and may influence government and policy in the direction. She has also analysed the dangers of co-optation and silencing within semi-authoritarian contexts within which the public

²³² Sue Thomas, "The impact of women on state legislative policies", (1991), *The Journal of Politics* 53:4, 961

²³³ Thomas (n 231) 963

²³⁴ Tamale (n 191), 39

²³⁵ Bauer and Britton (n 15)

space constantly constricts. While Goetz quantifies the margins which allow women's groups to be able to make their demands according to the nature, number and unity of women's groups²³⁶.

The literature diverges, and misses the opportunity to merge women's impact post-quota systems and their ability to influence government from within and still organizing outside of it. Though there have been some studies done by Wang and Goetz about the policy outcomes of Ugandan women. Wang highlights the positive feature of the women's caucus in parliament while Goetz assesses the risks taken by women in political systems which use patronage to maintain power. I will draw my main observations within the scope of these previous studies however, the literature is extremely limited. Women in Africa have managed to secure quotas within non-democratic states²³⁷ and enter legislatures which work under the pressures of authoritarian executives. Yet this has not managed to be a central topic of interest in the literature. I believe that this is something which is critical to examine at this time in which we are experiencing the decline of democracies and a shift away from democratic values globally.

When adding women to the political system, the trends of impacts found within Chapter IV, show that women are able to bring to the fore a discourse about discrimination, equality of opportunity and that women tend to aim to legislate for the welfare of their constituents. Bearing this in mind, it is then a matter of scholarly interest to investigate if these trends remain the same within non-democratic systems. Authoritarianism and its lesser forms, like most structures of power evolve when new actors are introduced to the system, would then begin to reformulate itself in order to exert its dominance to the same aims of coercing all in the system without being outright dictatorship.

Thus, it is that when women, in the context of semi-authoritarian, institutionally weak states bring about the benefits of greater human rights enjoyment through their resistance and transformation of legislative scope; then having women participate in the legislature may be regarded as transformative politics. The addition of women within non-democratic systems may be a means to improve the human rights situation of any state

²³⁶ Goetz (n 90) 43

²³⁷ Dahlerup (n 107) 18

emerging from violence or experiencing state fragility. Furthermore, that the inclusion of women may curb violent, repressive types of authoritarian forms of government.

This study should attempt to engage the successes and limits of women's efforts within non-democratic states and their ability to include human rights innovations through their articulation of women's interests and the performance of 'motherhood' politics. The significance of this study is to add to as well as answer questions which are neglected by contemporary literature which often only focus on the quota models which allow women in Africa to participate in political decision making without fully assessing their real ability to engage in such decision-making.

CHAPTER IV: EVALUATING IMPACTS

Performance of Feminine Leadership

At the core of the argument for women's involvement in politics and decision making is the hope for change for the better. Women, found to be resourceful in the home, in a period of post-conflict then provide for the community and reweave the social fabric of the people²³⁸. Through their aims to recreate normalcy, to rebuild what was lost in the wars, women have been seen to take on roles which enable them to regenerate entire societies. From this then, springs the hope for women in leadership. From both the western and more so the African perspective of women and gender, the role of 'motherhood' and the gendered stereotypes around *care* allow women the platform on which to launch their political action. Due to this, it is then an expectation and self-fulfilling cycle created through the inclusion of women who in particular perform these sorts of roles in their private lives, or show an extension of these qualities supposedly intrinsic to women in the public area. What we then may expect to see in the impacts of women's presence in leadership is the coming to life of some forms of *motherhood politics*.

Particularly looking at the African context, which most times shies away from the mainstream or western feminist agenda²³⁹, I am interested in questioning how transformative and exactly how impactful the presence of women in the general scheme of politics in the region has been. Because though women's presence can change the discourse and content of the political agenda, it is often said that women tend not to be ideological leaders. Even when they do come from feminist backgrounds, women as leaders tend to stay away from highly ideology driven campaigns, though they are seen as opposing to the status quo – be it a militaristic, patronage-based, corrupt incumbent elite – it often does not lead to radically feminist leadership²⁴⁰. More so, in particular

²³⁸ Doris Mpoumou, "Women's participation in peace negotiations: Discourse in the Democratic Republic of the Congo" In Julie Ballington (ed) *The Implementation of Quotas: African Experiences, Quota Report Series*, (IDEA, Pretoria, 2004) 122

²³⁹ Banda (n 27) 91

²⁴⁰ Jalalzai (n 4) 12-13

regions of Africa where women do not identify with Western popularised feminism, it leaves open a wider possibility of interpretation of so called *motherhood politics*.

Analysing Impacts Globally

Once women have achieved a critical mass as described by Dahlerup, women's agency in parliament may no longer be challenged and from this point on we can observe several trends. In fact, when this critical mass has been secured then women are able to cross party lines and are seen to be able to co-opt men²⁴¹ for more gender sensitive legislation. As observed in the United States, the first is that there seems to be traditional areas of policy which women are interested in across the board – being education and welfare²⁴². This trend is reflected in several other parliaments²⁴³. Women tend to transform the once masculine spaces that legislatures are by changing the discourse not only that of the legislative discourse but also how women are to be spoken to, what kinds of jokes are appropriate or sexist while managing to create public awareness of these issues thus gender sensitising society²⁴⁴.

Several comparative studies show that women legislatures do act more on behalf women's policy interests even after other dynamics are factored in such as party are controlled for²⁴⁵. Generally, it is evidenced that when women enter politics in significant numbers issues such as child care, gender based violence and unpaid labour are brought to the fore in policy making²⁴⁶. So much so that women tend to legislate for issues around men, women and the family's issues at double the rate that men do²⁴⁷. These consequences stem solely from parliaments within which the WMPs have to have distinctive views on women's issues, be able to advocate and bring policy interests that align with women's issues. Hence the importance of non-partisan collaboration between WMPs and their awareness of particular gendered issues and how to then address them

²⁴¹ Karam and Lovenduski, (n 17) 189

²⁴² Thomas (n 231) 968

²⁴³ Azza Karam, "Conclusions" In Julie Ballington and Azza Karam (eds), *The Implementation of Quotas: African Experiences*, Quota Report Series (IDEA, Pretoria, 2004) 254

²⁴⁴ Karam and Lovenduski (n 17) 198

²⁴⁵ Jalalzai (n 27) 4

²⁴⁶ Bauer and Britton (n 15) 5

²⁴⁷ Thomas (n 231) 972

through policy making is crucial²⁴⁸. When this occurs, it is possible to distinguish several themes of policy identification made by women when they are able to influence the policy agenda. It is said that the social aspects of policy are particularly championed by women and often the agenda is far more encompassing²⁴⁹ of social, cultural and economic rights in the Global South than the North. This is illustrated in the framing of the gendered aspects of the HIV pandemic, a recognition of the social problems created by this pandemic like the advent of child-headed households²⁵⁰. WMPs also often challenge and engender policy aimed at protecting sexual health or autonomy and finally addressing violence against women²⁵¹.

Though the concept of *motherhood politics* is not unanimously endorsed by feminists; but rather some aspects of it have been seen to be true or merit worthy in that women have in fact managed to construct a recognisable conception of ‘feminine’ politics. Women entering politics can and have changed what is considered to be ‘political’. Indeed, the political discourse of any state can change²⁵² or be affected by the presence of women in an inclusive power arrangement. Until recently, many of the vocabularies used by women who ascend to the political office have been borrowed from feminist perspectives²⁵³ about discrimination, sexual harassment, unpaid labour etc. The political language, the content and the scope of political discourse is greatly affected when new actors such as women find themselves in positions which allow them to articulate these perspectives and special interests.

On the occasion that women manage to receive elected and appointed legislative positions within the state, women prove to use their powers resourcefully by creating innovative state organs with functions to respond to human rights issues as well as women’s interests generally. Moreover, once women are in charge of state apparatus, this allows them to create women’s institutions and agencies directly serving women’s interests²⁵⁴. These innovations are utilised in Uganda in the creation of gender-based

²⁴⁸ Karam (n 242) 253

²⁴⁹ Bauer and Britton (n 15) 19

²⁵⁰ Bauer and Britton (n 15) 20-21

²⁵¹ Ibid

²⁵² Karam and Lovenduski (n 17) 202

²⁵³ Ibid

²⁵⁴ Karam and Lovenduski (n 17) 204

ministries. First looking to the legislative gains of women in Uganda I will highlight the influential women who have changed the face of women in politics in the region.

Legislative Gains and Appointments

Africa experienced its first woman vice president with the appointment of Dr. Specioza Wandira Kazibwe, a woman who served in this position from 1994 until 2003 and has gone on to work the UN envoy for HIV/AIDS in Africa²⁵⁵. By appointing women who are not only well educated but also very familiar with the political scene, it has ensured that the reputation of women and the idea of tokenism is debunked. Another notable appointment has been that of the speaker of the house Rebecca Kadaga with the title of Cabinet Minister of Parliamentary Affairs²⁵⁶. Women not only hold high positions such as that of the vice presidency and chair of parliament but also manage to hold certain cabinets as well. Furthermore, the appointments are not only made to gender related ministries but even ministries involved in state security, finance and core state entities. An example of this was the previous appointment of Ruth Nankabirwa as the minister for state defence²⁵⁷. While the current appointments include Hon. Ruth Sentamu Nankabirwa as the parliamentary chief whip, a woman who served in the abovementioned Constituent Assembly²⁵⁸.

With the greats mentioned above, a closer look at the election results of 2016 show that of the 459 Members the number of women who are in the legislative branch make up 160 of the total members. In terms of women who are directly elected by a certain district constituency, 20 women have been directly elected by the people whereas for men 276 members have the popular vote. An interesting development is that in the Ex Officio seats women hold the majority of 9 seats while men hold 7. The consequences of 'open' and 'reserved' seats are obvious in the numbers for women, forming a *real* 0.07% of the vote in terms of general constituency seats²⁵⁹.

Moreover, with quotas in Uganda having been a hard won feat for women by the advocating for them, the use of 'reserved' quotas can be seen as somewhat of a regression

²⁵⁵ <<http://www.aidsfreechampions.org/speciosawandirakazibwe>> accessed on 18 June 2019

²⁵⁶ Goetz (n 85) 127

²⁵⁷ <<https://opm.go.ug/government-chief-whip/>> accessed on 2 July 2019

²⁵⁸ Ibid

²⁵⁹ Composition of Parliament (n 194)

considering the composition of the earlier Constituent Assembly. The incidence of women participating in the constitutional assembly of 18 % or 52 women able to voice their opinions at the debate from 1994-5 also ensured that their ability to argue for affirmative action and the 30% quota. Moreover, it also included 2 women, Miria Matembe and Betty Bigombe, who were prominent figures of the women's movement²⁶⁰ – thus allowing the voice of seasoned women's movement actors knowledgeable of women's struggles and interests to directly influence and be a part of the constitution's drafting.

Notwithstanding, Since the implementation of their quota system which saw a jump from 0.7% of women in 1980 elections for parliament to 17.6% in 1989²⁶¹. The figure, which has been on a rise since, now sits on 34.9% as of the last 2016 elections²⁶².

Local Impacts of Women in Positions of Power

The state and the women who are elected into state positions find themselves in a mutually reinforcing relationship. Women have used the NRM as a tool to gain political participation while the NRM has capitalised on and depended on women's support as they make up a loyal and robust voting bloc. Indeed, many women have been the strongest supporters of the NRM against multi-partyism and the opening of the political system to competition²⁶³. Though they have not remained uncritical of the system they have been adopted into. Women have often addressed and pushed for the changes we see to the political arrangement, election procedures and often calling for oversight and measures to ensure accountability²⁶⁴. In this way women have been able to influence the political system itself, enabling greater shows of engaging in transparent governance and the investigation of corruption in state institutions.

Women are appointed or often elected on the basis that they will resist corruption and networks of patronage, for this reason, WMPs are also able to take greater stands

²⁶⁰ Miria Matembe and Nancy Dorsey, *Miria Matembe: Gender, Politics, and Constitution Making in Uganda*, (Fountain Publishers, 2002) 168

²⁶¹ Aciro-Lakor (n 203) 9

²⁶² Ibid

²⁶³ Muriaas and Wang (n 45) 324

²⁶⁴ Tripp (n 96) 9

against coercive corrupt state bodies²⁶⁵. Indeed, checks are being created in agencies which once enjoyed impunity, like the police force of Uganda. The initiatives taken by notable women in powerful places seen through the works of Honourable Lady Justice Julie Sebutinde who opened the Judicial Commission of Inquiry into Corruption of the Police Force²⁶⁶. She not only opened this inquiry, dealing with all forms of corruption within the forces but also followed up the networks of corruption up until the highest office of the police²⁶⁷. It is evident that the horizontal checks which women can exert not only from a policy-making perspective but also in the interpretation of policy by courts, judgements and investigative powers which can be used to inhibit excessive licence by state actors.

Similarly, the work of the Ugandan Human Rights Commission (UHRC) has displayed equally robust measures in seeking to uncover human rights abuses under the (previous) leadership of Margaret Sekaggya²⁶⁸. The UHRC has come out strongly particularly against the use of state force, one of the interests identified by the Commission has been the proliferation of detention without trial²⁶⁹. The UHRC has handed down decisions against government officials and managed to speak to issues of abuse of power, particularly in the executive. Judgments have also particularly centred on the lack of enjoyment of civil and political rights which often run against state actors²⁷⁰. It manages to display more than independence, but a commitment to human rights defence in directly challenging the state when it lacks in delivery.

A collaboration between women in parliament and human rights agencies also has positive policy results as seen with the tabling of the Human Rights (Enforcement) Bill 2015 by Honourable Jovah Kamateeka²⁷¹. She acted as the Chairperson for the parliamentary Human Rights Committee and was able to bring this bill into parliament as a private member's bill thus taking initiative and steering the agenda of parliament and also managing to enact the bill. The bill itself provides a clearer legal framework for protecting human rights covered under Chapter 4 of the Ugandan Constitution – the Bill

²⁶⁵ Tripp (n 96) 9

²⁶⁶ Ibid

²⁶⁷ Ibid

²⁶⁸ Ibid

²⁶⁹ Matshekga (n 167) 73

²⁷⁰ Matshekga (n 167) 74

²⁷¹ Human Rights (Enforcement) Bill 2015 [Uganda] Bill No. 26

of Rights²⁷². While it gives substantive and formal recourse for rights claims it also solidifies the human rights commitment of the parliament through the allowance of submissions and investigations led by the Human Rights Committee through the disallowance of law used against this body²⁷³.

In this regard, women are seen to be performing transformative, democratically mandated tasks in ensuring a greater human rights-based style of governance. Women in parliament in particular, often align themselves with NGOs with human rights missions, creating public awareness for the issues which they take up while also being able to transfer them into policy. The Honourable Miria Matembe, a self-proclaimed feminist and prominent member of the Ugandan Women's Movement risks her popularity in parliament in order to take on the task of changing Uganda's contentious land legislation with a gender based perspective²⁷⁴. As the chairperson of ACFODE (Action for Development)²⁷⁵ which is a member of UWONET she worked in close collaboration with civil society in order to best draft for greater gender parity. Though the co-ownership clause which the women had worked so hard to include did not make it into the later Land Act 1999, a relationship has formed between women's groups, NGOs and women parliamentary member which I will explore further below in the interviews with UWONET members.

Finally, the presence of women does not only transform the scope of what is deemed to be 'political' but also allows for the shift in policy priorities. The substantive inclusion of women also allows for male allies to positively be able to advocate for gender-mainstreamed policy outcomes with the assurance of support from a gender mixed group in parliament. Women, when given the opportunity, and holding strategic positions in the political system will most certainly affect the policy outcomes. The real question is then how robust the outcomes are, are women able to guarantee not only human rights based policies but also curtail the abusive expansions of an executive which is non-democratic and lacks in accountability? The most curious theme to explore how close to the fringes of authoritarian power women may act on.

²⁷² Constitution of the Republic of Uganda [Uganda] 1995 Chp IV

²⁷³ Human Rights (Enforcement) Bill 2015 [Uganda] Bill No. 26

²⁷⁴ Sheila Kawamara-Mishambi and Irene Ovonji-Odida, "The 'Lost clause': The campaign to advance women's property rights in the Uganda 1998 land act." In *No Shortcuts to Power: African Women in Politics and Policy Making* (Zed Books, 2003) 178

²⁷⁵ Matembe and Dorsey (n 259) 119

In the following section I will take a closer look at the policy outcomes of the women inclusive parliament of Uganda. Through highlighting some key policies, and the women as well as men behind them, I will build my results based on what has been said through my interviews with my participants. These reflections will be captured in the connection with the prevailing literature on the impacts of women in the Ugandan legislature.

4.1 Legislative and Policy Trends

The Women's Caucus

In remembering the classifications of representation, descriptive and substantive representation, I will aim to look at women in politics who do not simply symbolize the 'role-model' view of women representatives to office. As there is a threshold for the strategic representation, a threshold which has been surpassed in my case study of Uganda at 34.9% of women, it is vital to be able to state that these changes occur can be ascertained and then qualified as resulting from the presence of women within the system. Especially when women have been a part of tabling and introducing bills, proposing motions and often chairing several committees in parliament; then women are able to positively affect the policy-making process. An imperative aspect is also having a forum within which women are able to collaborate that is non-partisan. This is usually possible through the creation of a women's caucus.

As previously mentioned women made up 18% the Constituent Assembly, which enabled these 52 women to form a Women's Caucus²⁷⁶. The women delegates to the Assembly agreed that participating in the Caucus, that was nonpartisan, and aimed at building consensus among the female delegates²⁷⁷, particularly on issues related to women's rights, was beneficial to the general plight of women in the country. This Caucus in fact led to the aforementioned advocating for and constitutional adoption of affirmative action strategies for women to attain a 30% threshold presence in parliament.

²⁷⁶ Tripp (n 34) 185

²⁷⁷ Ibid

Fortunately, this caucus was not the last of women's caucuses. The NRM and 4th Ugandan parliament of 1989-1994 established a caucus named UWOPA²⁷⁸. It is open for any former female Member of Parliament to join and also has honorary membership for male MPs who align themselves with its cause²⁷⁹. It aims at engendering the legislative process, fostering awareness on women's rights issues and also encouraging lobbying, advocacy, networking, training and organizational capacity building²⁸⁰. The caucus requires that the WMPs have distinctive views on women's issues, be able to advocate and bring policy interests that align with women's issues in order to be considered as a fully-fledged member.

In turn, many legislative reforms have been spearheaded by UWOPA even in the face of opposition from traditional social organizations or actors such as the church. For example, the ratification of the Maputo Protocol was not supported by the church but through the lobbying of parliamentary members Uganda²⁸¹ ratified it on 22 July 2010. UWOPA has shown a great ability to bypass partisan politicking in order to have greater influence on the legislative process for securing women's interests in the form of women's human rights observance. UWOPA, through its secretariat is responsible for the easing of non-governmental organizations access to MPs and in particular WMPs who, traditionally, are known not to possess abundant networks. This has been done through multiple strategies under UWOPA's main principles of the promotion of partnerships. The Secretariat serves as channel of access to parliamentarians, their schedules, their committee memberships and a non-partisan environment has greatly improved the means to public accountability.

The impact of having a functioning, staffed Secretariat has been fundamental in ensuring that the legislative trends of the 8th parliament of Uganda are more gender sensitive²⁸² in comparison to previous administrations. Continuing from this trend the 9th and 10th parliaments have as well produced gender sensitive legislation which will be stated below. By establishing innovative means to passing certain controversial and often loaded bills it has also helped MPs to work on the splitting of bills in order to pass less

²⁷⁸ Promoting Gender Parity in Policies and Development UWOPA Annual Report 2017 (Kampala) 16

²⁷⁹ Ibid

²⁸⁰ Ibid 2

²⁸¹ Tripp (n 34) 219

²⁸² Wang (n 172) 116

controversial clauses²⁸³ and mitigate the delay of necessary women's based bills. Other strategies include co-opting of male MPs to champion 'controversial' bills as they are less likely to face the harsh backlash that women often face²⁸⁴. Another imperative aspect is budget analysis for gender-sensitive budgeting. UWOPA has supported WMPs to lobby government to increase the maternal health budget from 8% to 15%²⁸⁵.

The impacts of this caucus, as well as the collaboration of women in general is to be assessed below through a series of headings. The first focus is on the legislative and policy trends we see WMPs to be bringing up. Here we can see if women essentially possess a human rights culture in how they align the human rights agenda with policy making as well as which bills they chair. It is also to be seen which bills the UWOPA's 2016-2021 Strategic Plan includes and intends to have passed into legislation.

Legislative Gains for Human Rights

Many significant bills have been supported by UWOPA, which works on creating a strategy for lobbying and promotion of the bill on the parliamentary floor. While many significant gains have been made through the use of women chairing bills, passing particularly contested bills has been the greatest feat of this collaborative caucus. The first systemic gains which we can see is that of legislating for universal suffrage for women in their election for district representative²⁸⁶. Thus the electoral system may have a way to include women into the legislature which in turn can be legislated for, through policy identification women can then legislate for fairer electoral proceedings.

In positively affecting the electoral system which in turn can be used to add women to the system in greater numbers as was seen with an increase of women in parliament from the 24% in 2001 to 31% in 2006²⁸⁷, moving up 7 points in one election and staying about the 30% threshold in subsequent elections. With more women in parliament, the pool for women participating in UWOPA and being able to further the

²⁸³ Muriaas and Wang (n 45) 332

²⁸⁴ Wang (n 172) 118

²⁸⁵ UWOPA Strategic Plan 2016-2021: Promoting Gender Parity in Policies and Development, (Kampala UWOPA) 7

²⁸⁶ Wang (n 172), 116

²⁸⁷ Aciro-Lakor (n 203) 9

agenda of the women's caucus, many more policies can be motioned for by multiple Members of Parliament.

Knowing that an increase in the number of women in Parliament has in fact contributed to policy outcomes which are particularly pro-women in Uganda from the 8th parliament, it is not only evidenced through the above mentioned women's intervention but also through the lobbying and allying of men in parliament who themselves are becoming gender aware. Some male members who have aligned themselves with human rights and gender-based human rights observance have been at the fore of ensuring gender-based legislature is passed. The Prohibition of Female Genital Mutilation (FGM) Bill 2010 was tabled as a private member bill by Honourable Doctor Chris Bayromusi. The bill itself includes a comprehensive definition of FGM including "all"²⁸⁸ procedures done to female genitals for non-therapeutic reasons. It also manages to attribute a duty to report²⁸⁹ as well as excluding the use of culture or religion as a reason to perform the act²⁹⁰. The law is comprehensive and direct allowing for the direct enjoyment of the right of women to enjoy a positive cultural context while also a violation of what is considered to be an international fundamental right – the rights to dignity and bodily integrity.

Another bill that had success in being passed in the 8th Parliament of Uganda due to the collaboration with UWOPA has been the passing of the Prevention of Trafficking in Persons Act. The law takes on a very localised and African contextualised interpretation of what can constitute trafficking²⁹¹. The local issues it deals with include the prohibition of kidnapping for forced or arranged marriage²⁹², the use of biological tissue or the trafficking of organs of children²⁹³ and finally, the use of children in armed conflict²⁹⁴. The bill also addresses the issues of state immunity by stating explicitly that the law may prosecute state officers and military personal who are charged with the violation of the act of trafficking²⁹⁵. A bill that is so comprehensive, contextualised and focuses on protection strategies for vulnerable groups is a true testament of the changing

²⁸⁸ The Prohibition of Female Genital Mutilation Act 2010 [Uganda] 5 Part I s 1

²⁸⁹ Ibid Part IV s 16

²⁹⁰ Ibid Part II s 10

²⁹¹ The Prevention of Trafficking in Persons Act 2009 [Uganda]

²⁹² Ibid Part II s 3 (1)(b)

²⁹³ Ibid Part II s 5 (c)

²⁹⁴ Ibid Part II s 5 (b)

²⁹⁵ Ibid Part II s 4 (g) (h)

trends of policy making through the impact that women have had in being able to participate in parliamentary proceedings.

Even laws that have been at an impasse have managed to find a new channel to legislation through the efforts of women in parliament. Various forms of the Domestic Relations Bill have been debated in parliament since 1964 making it an impossible bill to pass²⁹⁶. The bill initially aimed to protect human rights in cases of polygamy, divorce, bride-wealth, child custody, inheritance, consent to sexual relations and property ownership²⁹⁷ which was deemed too wide to attempt to legislate for and pass in parliament. The strategy that UWOPA used was to separate some issues being addressed by the bill in order to make sure that the bill passes in efforts to protect human rights. Thus the issues of marital rape have been delegated to the bill relating to Sexual Offences. Though a worry of the watering down of bills may arise the use of stratifying issues under multiple bills gets them passed and also allows for greater legislating to the benefits of ‘socially vulnerable’ groups like women and children. The Act itself defines domestic abuse widely as it constitutes harm which can be sexual, psychological, emotional, verbal, physical and economic²⁹⁸.

Another contentious bill has been the Sexual Offences Bill 2015. With interventions by state actors like the Minister of Justice, who took it upon himself to redraft the legislation lowering the age of consent to 16²⁹⁹, it was a battle to pass through the house unhindered. Due to the diligence of women in parliament, with women’s popular support, parliamentarians managed to raise it to 18. Under this bill any sexual act that is committed with a person under the age of 18 constitutes defilement³⁰⁰. While the bill neglects to criminalise marital rape in all circumstances it does at least address it, it also includes a clause which can be open for interpretation by the court as “reasonable grounds”³⁰¹. It does go on to assert that any spouse who performs a sexual act with a non-consenting spouse in fact commits a sexual offence³⁰². Thus, the tactics used by women

²⁹⁶ Goetz (note 85) 127

²⁹⁷ Goetz, (note 85)

²⁹⁸ The Domestic Violence Act 2010 [Uganda] Part I s 2 (a)

²⁹⁹ Goetz (note above) 128

³⁰⁰ The Sexual Offences Bill 2015 [Uganda] Part 3 s 21 (1)

³⁰¹ Ibid Part II s 2 (2)(c)

³⁰² Ibid Part II s 2 (3)

in parliament vary and may involve changing language, relenting on uncompromising laws, and ensuring that male partners are on board in order to pass legislation.

A final bill I would like to mention is that of the Employment Act (2006). This bill included a provision which allowed women 45 days' maternity leave. Women in parliament managed to get it extended 60³⁰³. Furthermore, Hon. Agnes Kunihira and seconded by the earlier mentioned Hon. Jovah Kamateeka, have now placed a motion to introduce a subsequent private member bill entitled The Employment (Amendment) Bill 2019³⁰⁴. Within this bill, a greater protection for vulnerable, mostly female, workers who are often employed irregularly in the care sector can be seen through the proposed by the motion. It intends to recognise the often invisible domestic, migrant and casual workers by law and curtail any avenues left open for the exploitation of labourers³⁰⁵.

When it comes to Motions, women tend to move to bills which involve progressively socio-economic human rights protections and aims to deliver services targeting these various issues. To name a few motions by WMPs, during a parliamentary the 'Motion for a Resolution of Parliament to Urge Government to come up with Tangible Solutions for Menstrual Hygienic Management' was moved by a woman's representative MP Hon. Judith Akello (Shadow Minister of Education and Sports). This motion includes the resolution of government to enhance the implementation of education as well as budgeting specifically for the material supplies needed by the girl-child from the Ministry of Education and Sports³⁰⁶. This was a motion seconded by both men and women as noted by the speaker of the House Hon. Rebecca Kadaga³⁰⁷.

In the same session, another 'Motion for a Resolution of Parliament to Urge Government to Create Child Labour Free Zones', moved by a woman's representative Hon. Rosemary Seninde. With this Motion the government resolves to:

"2. That Parliament urges Government to amend the legislation with regards to education, employment of children, making universal primary and secondary education not only free but also compulsory, child employment prohibited and provide punitive

³⁰³ Wang (n 172), 116

³⁰⁴ UWOPA Strategic Plan 2016-2021 (n 285) 9

³⁰⁵ Ibid

³⁰⁶ Parliament House 13 November 2014, 4.27

³⁰⁷ Ibid

sanctions for noncompliance for parents, guardians and employers, thereby creating child labour free zones”³⁰⁸

These kinds of motions, prioritising the mainstreaming of documents ratified by the state like the UN Convention on the Rights of a Child (CRC) as well as recognising certain articles pertaining to the wellbeing of the child and the realising of rights like access to education ensure greater human rights observance of the legislature.

To name some other titles of motions which have been moved by women, the ‘Motion for Presentation, Consideration and Adoption of the Report of the Fact-Finding Mission on the Conflict at the Border Areas between Uganda and South Sudan’ moved a seasoned woman MP Cecilia Ogwal who is also the Opposition Chief Whip³⁰⁹. Another is the ‘Motion for Adoption of the Report of the Standing Committee on HIV/AIDS and Other Related Matters on the State of the HIV/AIDS Response in Uganda’ moved by Hon. Judith Alyek who was then the chairperson for the Committee on HIV/AIDS and Other Related Matters³¹⁰. These examples show the real work of women in parliament – when given the positions which wield enough power to enable them to perform the expected duties of a parliamentary member as identified by the constitution – do in fact deliver and attempt to address issues ranging from conflict resolution, health and even economic matters which disproportionately affect certain members in society like children, migrants, women³¹¹.

While I was in Uganda I was able to attend parliament for a session on the 22nd of May 2019. I was pleasantly surprised to see how many women spoke and presented findings, tabled motions and generally replied to inquires about their committees. It was evident that many steps are being taken to ensure the positive inclusion of women in parliament, not only from the male colleagues who are deploying power sharing tactics – seconding motions of WMPs and collaborative work done with the caucus in order to reflect a non-partisan woman’s front in parliament. Thus I also went to the Secretariat of UWOPA which is housed in the Ugandan Parliamentary buildings in order to speak with the Association to further understand their agenda, strategies and really be able to engage with their perspective in how they work.

³⁰⁸ Motion to Urge Government to Create Child Labour Free Zones in Parliament House 13 November 2014, 5.19

³⁰⁹ Parliament House 13 November 2014, 5.19

³¹⁰ Parliament House 29 June 2017, 4.54

³¹¹ Wang (n 172) 119

UWOPA

When speaking with a volunteer staff member of UWOPA I noticed the positive and women's centered aims of the association. More than simply being a woman's caucus, they practice activities of oversight in assessing budgets and seeking budgetary accountability in projects rolled out by government. As see when Promise³¹² spoke about the economic empowerment projects being run for Ugandan women; *“we work with the Ministry of Gender and [the Ministry of] Social Development ... We work with Uganda Women's Entrepreneurship Fund [who have] money that has been put in place to help the local women to really economically develop. We advocate for that money, and then we go and monitor.”* UWOPA then checks to see if the money is being well managed and reaching its intended recipients.

If advocacy and oversight was not enough they also aim to identify problem areas for gender mainstreaming within government staffing and its policies. *“It is our mandate to look at ...if committees are all being chaired by men, to see if they will have women chairs.”* Furthermore, when looking at the staffing of state bodies they *“notice even people who are at ministries, women are always secretaries and the commissioners are only men”*. Thus highlighting the gendered recruitment practices and calling to attention their deviation from the constitution and other government commitments to integrate women into decision making positions.

When asked what she thought of women's impact in parliament and their overall work ethic as parliamentarians she had a very positive response. Maintaining that when it comes to the work being done in the constituencies of women *“you can really see results”*. However; she did not want to generalize the idea of women's presence as entirely transformative, noting that most parliamentarians behave as individuals motivated by their different interests to be in the legislature. Therefore; when it comes to really controversial motions and bills *“there are those, of course their number is really small, there are those that really can actually stand up at whatever cost... they will stand and*

³¹² Interview with Promise Nisiiima, Volunteer, UWOPA, (Kampala, Uganda 22 May 2019) [all the quotes within this section are from Promise]

speak and follow up something” but this cannot be seen to be a feminine or masculine trait as it simply depends on the MP.

Finally, in regarding the work done by UWOPA she did confirm that “*some countries come to benchmark on UWOPA*” for their women’s caucuses. From the literature it is verifiable that the Secretariat of UWOPA does in fact manage to place pressure on government, create non-partisan policy strategies for the betterment of policy formulation. The greatest asset of UWOPA is its openness to collaborate with civil society and close connection with grassroots level groups.

A Word from Parliament

When discussing the roles of an MP, being that she is a female parliamentary member, Hon. Adeke felt that above the ordinary duties of any MP she also would have to monitor the budget allocations to women’s causes. “*Of course I have to always ensure that they [the budgets] are gender sensitive*”³¹³, to quote her, it appears that women MPs feel they do in fact have a duty to guaranteeing the budgetary allocations to all government projects. She also mentioned that human rights based service delivery and observance is something which all MPs take seriously, though not all rights seem to attract equal interest especially sexual reproductive rights. Not surprisingly, the human rights delivery can be framed from a patriarchal perspective and thus causing gendered human rights delivery. The advent of having women in parliament at least challenges this. Indeed, Hon. Adeke affirms, “*having more women in these spaces has made it impossible for gender insensitive policies to come though*”.

In mentioning the issues faced with by WMPs it is clear that she does agree that male MPs are able to work and make decisions at a legislative level without the same amount of public judgement as WMPs who face backlash from the “*patriarchal*” society at large as well as voters their own constituents. Thus the true benefit of UWOPA has been the ability to join in under a “*collective umbrella without being specifically targeted and isolated*”. It appears that women even when in these positions of power must still toe the line of patriarchy even if it goes against human rights guarantees. Finding strategies

³¹³ Interview with Hon. Anna Adeke Ebaju, Youth Member of Parliament, 10th Parliament of Uganda, (Kampala, Uganda, 16 June 2019) [all the quotes within this paragraph are from Adeke]

to mitigate the repercussions of standing out, challenging the male formation of social order and service delivery must be done whether it is through such institutional practices such as creating caucuses or other means.

Interestingly, I met Hon. Adeke while at a press conference a victim of sexual assault held by UWONET and other associated civil society organizations for a (female) senior state attorney. In having public visibility on sensitive issues such as sexual and reproductive rights to which Hon. Adeke admits that “*not all human rights issues cause high concern*”; she is able to bring attention to what may be a neglected issue or at least one that men MPs do not rush to remedy. However, she, as a WMP has publically worked to align herself with such marginalized rights which affect women disproportionately. Another impressive factor was the accessibility of the MP, through the attachment to grassroots connection to the people, WMPs have availed themselves to be close not only to constituents but women’s groups and victims whose plight needs attention.

4.2 NGOs on Women in Parliament

The most striking memory I will have from Kampala is seeing the amount of organization, associations, groups and especially women’s related NGOs while riding around the city. There is an incredibly high number of NGOs working in Uganda itself, estimated to have thousands of different groups working with state boarders³¹⁴, their impact through their public work mandates, assistance in service delivery and as a possible formation of opposition to any attempts at human rights abuse by government³¹⁵, cannot be understated. The role of civil society and NGOs on the continent of Africa in general should not be taken for granted. Often the drive has come from them, through educational and open dialogues with elders, lobbying for law reforms and assisting in drafting or framing laws and other informal/symbolic practices³¹⁶. In understanding this I decided to immerse myself in the works of some of the most formidable NGOs known for their lobbying, assistance in policy writing and organising around women’s issues.

³¹⁴ Susan Dicklitch and Doreen Lwanga, "The politics of being non-political: Human rights organizations and the creation of a positive human rights culture in Uganda" (2003) *Human Rights Quarterly* 25 496

³¹⁵ Dicklitch and Lwanga (n 313) 485

³¹⁶ Banda, (n 27) 239

Indeed, the role of civil society in cultivating democratic and rights based behaviours is similar to that of constitution making in Uganda. The collaborative work between the two sectors of society allows for learning of democratic practices such as ensuring accountability, creating structured procedures for seeking recourse and engaging with local government through the understanding of policy and service delivery standards. This is something which WOUGNET does as their “*aim is to teach the communities to use ICT to engage their leaders*”³¹⁷ using an SMS platform in order to ensure accountability and create a dialogue for claims for service delivery between the leadership and civilians. This is done by using technology in order to close the gap between them. Constituents who have reported a lacking service may then create or attend community engagement meetings in which they discuss the delays and issues which are being dealt with within the community – making the community aware of their rights to services and sensitising them to the democratic process by entrusting representatives to liaise with government.

Furthermore, with the successes in legislating for the protection of substantive human rights such as the many bills passed in the 8th and 9th parliament of Uganda, the real success can be attributed to the collaborative work seen between mainly WMPs and actors in civil society³¹⁸. Often seen is that WMPs may chair or be affiliated with NGOs which then attribute to their legislative work. An example of this was seen with the Hon. Miria Matembe was elected to chairperson of ACFODE, the organization also served as a catalyst to revive other dormant women’s organizations to mobilise around gender equality and development³¹⁹. Thus with the awakening of civil society in the early and fertile days of freedom delivered by the NRM many NGOs flourished³²⁰ This has closed the proximity in which government works with civil society, as in one of the NGOs, WOUGNET which I managed to interview that also hosts the parliamentary caucus on ICT.

The collaborative efforts between women in parliament and this sector of civil society – groups which focus on lobbying, the law making process and service delivery through legislative provisions has proven to be a complicated mix of success and

³¹⁷ Interview with Employee f, WOUGNET, (Kampala, Uganda 20 May 2019)

³¹⁸ Wang (n 172) 118

³¹⁹ Kawamara-Mishambi and Ovonji-Odida, (n 273) 119

³²⁰ Tripp (n 34) 9

failure³²¹. This is due to the fact that these groups do not necessarily function in a conducive environment – while operating in a non-democratic system these groups often find themselves having to balance human rights advocacy and their survival. Unfortunately, the public space has often been under attack by the executive to ensure that any NGOs operating perform their duties without being “too political”³²² or else. In fact, any group operating within Uganda that is not state owned must come under the fold as the government has systematically undermined the strength of cooperatives and trade unions³²³. The creation of state sponsored institutions which oversee the operations and registrations of organizations has been used to curb free, healthy civic organizations³²⁴.

The curtailing of NGO work has been one of the most contentious topics in parliament. The Non-Governmental Organisations Registration Act 2006 allowed government to monitor and sanction NGOs working within Uganda by necessitating a registration in order to operate lawfully and annual renewals³²⁵. Though this legislation had been in the works for years with opposition from the many WMPs who have fought against the co-optation of NGOs by government³²⁶ it has now been operating to the whims of government. Often when an NGO is seen to be supporting the opposition or issuing statements critical to the ruling government then registration documents are often delayed and operations brought to a halt as the statute is extremely restrictive³²⁷.

Diving further into the work which NGOs can do and diplomatic manoeuvring necessary to survive the NGO Act’s review board, it is vital to look into the areas in which NGOs may operate, how far they may advocate a certain human rights issue and especially how political they may be. The idea of being “engaged in the politics of being non-political”³²⁸ and how removing the ‘political’ from the agenda of NGOs in order to survive within this semi-authoritarian ruled public space is then an interesting space in which to observe human rights advocacy. In the following interviews I speak with Program Coordinators and Policy Advocates about the benefits of having WMPs in parliament and how they manage to ensure a greater human rights observant government.

³²¹ Kawamara-Mishambi and Ovonji-Odida, (n 273) generally

³²² Tripp, (n 96) 14

³²³ Tripp, (n 96) 13

³²⁴ Ibid

³²⁵ Andrews (n 93) 13

³²⁶ Tripp (n 19) 119

³²⁷ Andrews (n 93) 13

³²⁸ Dicklitch and Lwanga (n 313) 495

Thus the following interviews will show the successes of having women in parliament as identified by these NGOs as well as their perceptions of the progress made by the women's caucus itself UWOPA.

On UWOPA

UWONET takes pride in being a network of NGOs which help women in leadership to perform to the best of their abilities through capacity building, support through campaign training and leadership skills. In fact, Employee a could affirm that when women are trained, certain results may be expected of them: *“capacity building initiatives and information sharing, with the mentorship we are seeing women who have taken up leadership... performing better in terms of influencing budgets towards specific gender needs especially areas of health and education... They seek budgets directed towards GBV, they are looking at issues of economic empowerment... We also see them link the women within their communities with the available government programs”*³²⁹. This is seconded by a fellow colleague also named Employee b who said *“we have been able to see changes in the districts, they are able to pass budgets and allocate resources”*³³⁰ particularly referring to the women's leadership and political roles in the local government structures.

Concerning the women's caucus UWOPA, the NGOs have all had positive responses about the work, aims and policy collaborations they have had with the association. Employee a states *“with UWOPA we support them by creating platforms to link them to district level women so that they can share information that can inform the debates the debates of these women [WMPs] at the national level”*. Thus, there is not a hierarchal structure to their work – in fact UWOPA takes advantage of the skills and abilities of these networks by becoming members or seeking to refine their interests to align them with local women's interests. Thus she further affirmed that UWONET *“work(s) hand in hand with UWOPA to inform their strategy as a women's legislative team ... therefore linking their voice to the grassroots voice”*. She also stated that *“currently with the training, mentorship, exposure”* which is offered to women in

³²⁹ Interview with Employee a, UWONET, (Kampala, Uganda 15 May 2019)

³³⁰ Interview with Employee b, UWONET, (Kampala, Uganda 15 May 2019)

leadership by the network “*their deliveries have beaten our expectations and they perform better than their male colleagues*”³³¹. By bridging the gap between WMPs and women’s groups UWOPA has enabled a channel of feedback and effective means of collaborating with women across public institutions.

On women’s rights as human rights

When identifying the fine line between human rights and women’s rights or interests, I found that many women within the field affirmed my initial ideas of identifying human rights as a gendered issue. Especially on a continent on which, out of the 51 countries surveyed, only 3 are seen to be within the distance of achieving their Sustainable Development Goals (SDG) goals of gender equality, 19 are evaluated to having an increasing distance between their policy implementation and SDG achievement and the remaining countries (except for Seychelles which has no information) sustain major challenges to the achievement of gender equality³³². On a continent with such dire indicators for women, to attempt to evaluate human rights without engaging on the gender impacts of policy making (whether it be human rights targeted or not) would be to miss an opportunity to really confront human rights issues. As concurred by Employee a “*women’s rights is part of the bigger human rights (discourse). Gender is anchored on rights; my rights to opportunities, my rights to privileges, my right to access determines the gender manifestation’s impact on me. If my gender roles curtails me from those opportunities, then I am not able to exercise my right*”. Employee c also identifies the bridge between women’s rights and human rights by stating that “*once there is gender inequality then just know that there is going to be a breach of a human right*”³³³.

On Gender and women’s leadership

Interestingly, the elements of motherhood politics are brought up when considering the role in which women play while performing leadership; as Employee a

³³¹ Employee a (n 328)

³³² Africa SDG Index and Dashboards Report (2018) The Sustainable Development Goals Center for Africa and Sustainable Development Solutions Network

³³³ Interview with Employee c, UWONET, (Kampala, Uganda 15 May 2019)

puts it “we are seeing appreciation for women’s leadership within the communities... We are seeing that kind of trust”³³⁴ growing in the community due to the fact that “women are seen to be less corrupt and more motherly”³³⁵. The perception that women are also less inclined to engage in corruption is seconded by Employee d who says “the female leaders are actually easy to access, and they are even more truthful in comparison to their male counterparts”³³⁶.

While most of the gendered aspects of women in leadership may be positive, the feminizing and gender stereotyping of female politicians at times abates their ability to challenge the status quo and really engage in transformative work. Often sticking to the role of mothering, caring for all, and sacrificing for the family or nation can also place women eternally in the backseat. As articulated by Employee d that when it comes to most women in power; they have not as yet given up feminine roles and precisely “they do not want to be radical... Every time a woman tries to speak up they are branded as the evil woman, uncultured woman... So women have found themselves in places of power but they want to keep their reputation as good women – they do not want to be rebels... this has kept the dictators in power”³³⁷. This is further explored by Employee b as she reflects on the manifestation of women’s leadership in Uganda saying “how do women embody leadership? ... For most Ugandans, leadership is about the elective position, they view leadership as being by appointment – they do not look at it as a person having the capacity of doing what needs to be done, take responsibility and be accountable”³³⁸. This is coherent with the literature on women being consensual actors who only manage to enter the political system by appointment or chance elections³³⁹. These limitations on the conception of women’s leadership then limit the way in which the actors may engage and accumulate power within the system. This for example is the reason why women will more likely be vice presidents than presidents³⁴⁰.

When lamenting on traditional conceptions of women’s roles in society, I discover that this too informs women’s leadership at higher levels. As explained by Employee b

³³⁴ Employee c (n 332)

³³⁵ Ibid

³³⁶ Employee f (n 316)

³³⁷ Interview with Employee d, UWONET, (Kampala, Uganda 16 May 2019)

³³⁸ Employee b (n 329)

³³⁹ Jalalzai (n 4) 112

³⁴⁰ Jalalzai (n 4) 2

“for women in particular, if you go back to our patriarchal society which places men above women we are led – we do not lead, even in matters that are perceived to be the domain of a woman, like house chores... your average woman is very likely to have to seek permission from her husband”³⁴¹. Women then find themselves engaging with men from a position of socially constructed subordination even when they are in the same positions.

On barriers

While gender stereotyping may be a great feat to overcome, another major issue has been that of ensuring women’s competence and confidence when entering governing structures which have long excluded them. Employee c notes that *“most of them [women] when they come to parliament they take one year to understand the environment and what is happening and through that at times they are accessed as not performing ... Because of their levels of education... You can find most of them, even quoting a rule of procedure or an article in the constitution, this is a challenge. And they need the backing from the men.”³⁴² This is more profound at local levels where women have less access to the same educational and professional experience. So much so that *“because... in terms of articulation in counsel ... it is mainly the men who do the articulation because of English.”³⁴³**

Due to these particular issues, you find fewer women are able to transcend from the councils to parliament. There are clear tier-based barriers to the political inclusion of women. Women in turn lose confidence in themselves and their abilities. As identified by Employee c *“the socialisation of women is to sit, be seen and not be heard... A lot of the training that we give women is as simple as saying speak up”*. On the opposite side of the spectrum, women who do have the confidence, and competence to attempt to run for open seats face unwarranted opposition. *“When you want to compete for the open seat, it is assumed you are big-headed”³⁴⁴*. Which is understandable as the mainstream seats have

³⁴¹ Employee b (n 329)

³⁴² Employee c (n 332)

³⁴³ Employee c (n 332)

³⁴⁴ Employee b (n 329)

been claimed to be men's seats or translated in Luganda "*ekifo kyabasajja*"³⁴⁵. Thus eroding the little sense of equality that there is in the electoral system.

4.3 Impediments to Policy Implementation

While grand strokes of pen have managed to usher in the age of human rights since 1948, simply passing law, ratifying treaties and legislating policy has never delivered on the promises of bills and conventions. Rather the implementation of law, through physical service delivery and the guaranteeing of at least the most basic of human rights, such as security of person, reveals the real human rights situation of any state. The implementation of policy often depends on culture of civil society, nature of political system and usually the means or budget to do so³⁴⁶. MPs may legislate with pure intentions but without the socio-economic conditions to secure the real implementation of these policies, all it might amount to is lip service.

Employee c states it boldly by being critical of the gap between law and enforcement: "*when you look at the laws that we have, ratified at international level, regional and also here in the country. Almost every aspect, if you are talking about violence against women there is a law, if you are talking about FGM there is a law, minimum wage – we have just passed a bill ... we have tried to cover up every aspect. But in terms of implementation ... if you look at certain laws like the land act, you find that they prefer to use customary law. That is because there is no enforcement, enforcement comes with resources*"³⁴⁷

Another great logistical issue particularly endemic to the African continent is that of the ever-expanding public service³⁴⁸. The plan for progressive decentralisation may lead to better representation as well as resources for districts, as explained by an MP, that the same logistical resources are afforded to all districts regardless of the size and population of the region³⁴⁹. There are several issues brought up by this situation, the first being that the government budget does not grow as fast or as large as the districts which

³⁴⁵ Aciro-Lakor (n 203) 27

³⁴⁶ Goetz and Hassim (n 6) 6

³⁴⁷ Employee c (n 332)

³⁴⁸ Muriaas and Wang (n 45) 327

³⁴⁹ Ibid

require state funding. Budgetary strains often being the main impediment to decently implementing laws is exacerbated by the need to also grapple with state institutions which have had their accountability eroded by widespread corruption³⁵⁰. With the lack of oversight measures it simply bloats government expenditure at the expense of the taxpayer while not being able to guarantee effective service delivery.

The real locus of power in Uganda still very much rests in the executive³⁵¹, even when the legislature aims at making independent strides to ensure certain rights which are not in the interest of the ruling elite clique, legislation is soon undone and certainly not to be implemented. If there has been any doubt about how the executive may undo the workings of the parliament it can be seen in the passing of, and implementation of the Land Act 1998. The executive persists to have the final and undemocratic say on what may be debated and the laws which will govern the land. The bill was written to simplify and liberate lands grabbed during colonial times from native users, so that civilians have greater access to lands used for sustenance³⁵². Beyond this, family land should be jointly held by all parties within the marriage through the legislating for a ‘co-ownership’ clause³⁵³. However; in personal opposition to this Museveni took it upon himself as President to intervene and edit the law as he saw fit and had it passed without the co-ownership guarantee³⁵⁴.

At many levels “*there is a lot of political interference.*”³⁵⁵ It has become clear that when the leadership has chosen a particular stance “*none of his subordinates will deviate from them*”³⁵⁶. After the amending of the constitution to allow Museveni indefinite rule³⁵⁷ it has been accurately questioned just how independent the legislature is in Uganda. Some have lost all faith in the transparency of the legislature, principally with the support of WMPs, as shown by this statement “*they are a rubberstamp parliament, because there are decisions that have been taken which have not been beneficial to the country but they have voted for it.*”³⁵⁸ Further on the issue of the constitutional amendment, it was evident

³⁵⁰ Tripp (n 34) 228

³⁵¹ Goetz (n 85) 134

³⁵² Kawamara-Mishambi and Ovonji-Odida (n 273) 163

³⁵³ Kawamara-Mishambi and Ovonji-Odida (n 273) 160

³⁵⁴ Tripp (n 92) 7

³⁵⁵ Employee b (n 329)

³⁵⁶ Employee b (n 329)

³⁵⁷ Tangri and Mwenda (n 140) 32

³⁵⁸ Employee b (n 329)

that “*much as there was cogent evidence that there was a significant portion of the population against the amending of the constitution, it was passed anyway... And that begs the question that yes, we have the women but do they have a voice? Do they have the clout to push for any change? Do these numbers represent power? Do they actually represent the voice of women?*”³⁵⁹ Even when considering the basic functioning of institutions in terms of debating the change of leadership of the party within the NRM, often the top tier leadership insists on asserting their power by chairing debates on such matters making sure to gag³⁶⁰ certain actors or steer the conversation.

A major impediment comes directly from the nature of politics within predominantly single party states as seen above. Partisan politics and the slight deviation of candidates from the party doctrine no matter the interests may lead to the expunging of said candidate³⁶¹. Often parliamentarians are unable to go against party consensus and may even impede policy adoption or the rolling out of a policy plan.³⁶² Women find themselves even more constrained by party politics in that they tend to owe their positions, support to the party rather than their independent efforts. However, it is not all negative as Employee e says “*what we see is that they go back to their parties and demand accountability, demand that there are more women in leadership in their own political parties, demand that there are more women in those nomination cards... demand that the policies in their own political parties are gender sensitive, demand that the women’s leagues have a fair budget as well*”³⁶³.

Further, the ability to appoint and remove any actors during their work in order to secure the parameters of power within in the executive is often practices to the detriment of parliamentary debates, policy implementations and projects being rolled out. An example of this was when the land co-ownership clause was being debated and the motion put forward by Hon. Miria Matembe who was soon appointed a cabinet minister – making her unable to continue on her role with the bill³⁶⁴ and then later purged from her position along with a fellow MP Hon. Eriya Kategaya (then Minister of Internal Affairs) when

³⁵⁹ Employee d (n 336)

³⁶⁰ Tangri and Mwenda (n 140) 39

³⁶¹ Tripp (n 96) 8

³⁶² Bauer and Britton (n 15) 22

³⁶³ Interview with Employee e, UWONET, (Kampala, Uganda 16 May 2019)

³⁶⁴ Kawamara-Mishambi and Ovonji-Odida, (note 273) 183

they criticized Museveni's attempt to run beyond the constitutionally mandated term limit³⁶⁵.

Focusing particularly on women in their policy implementation, the way in which women are integrated into the governing structure has effects on how they are able to deliver on their mandate and perform in their duties as MPs. FOWODE has found that women often have cabinets which are far from any kind of decision making, holding low budgets and their offices understaffed³⁶⁶. Employee f from WOUGNET believes that this is not only a barrier but also hinders the work being done by women even in spaces which are meant to be created for the promotion of women; *“if you are following the hierarchy...and when you are engaging UCC (Uganda's Communication Commission) most of the management are men, so it goes back there, and when you go to the ministry of ICT the minister himself is a man. So still the leadership somehow – the men are more in these spaces... Even in the ministry of gender it is mostly the men who make the decisions. The women may work there but the men are in charge”*³⁶⁷

While women are included into the system they ought to push against the structures which hold them back. Thus creating multiple mandates for women, this is exacerbated by the structural issues which persist within the construction of the districts³⁶⁸. WMPs who are representatives of districts discover that they are not given the same resources as their male counterparts³⁶⁹ and also being from sectors which do not yield high economic connections. Thus WMPs find they suffer from budgetary deficits while also not having the personal networks to fundraise, negotiate deals and bring capital to their districts; forcing women to depend on their male counterparts and thus placing them in a subordinate position, less able to deliver on their duties³⁷⁰. For this reason, men have to be cajoled into partnering with women in order to further the plight of women. As put by Employee g *“This is why we make ensure that even these policies, however much we are advocating for issues of women, men are included... In the caucus there are also men.”*³⁷¹

³⁶⁵ Tripp, (n 96) 8

³⁶⁶ Goetz (n 85) 133

³⁶⁷ Employee f (n 316)

³⁶⁸ Muriaas and Wang (n 45) 327

³⁶⁹ Ibid

³⁷⁰ Leonardo Arriola and Martha Johnson "Ethnic Politics and Women's Empowerment in Africa: Ministerial Appointments to Executive Cabinets" (2014) American Journal of Political Science 58:2 498

³⁷¹ Interview with Employee g, WOUGNET, (Kampala, Uganda 20 May 2019)

4.4 New Face of Authoritarianism?

A reality to face within the region is that of a mutating form of authoritarianism. Logically it follows that non-democratic regimes are more likely to beget non democratic regimes than to transform into fully fledged democracies³⁷². While the trappings of authoritarianism, especially the perpetual incumbency³⁷³ of dictatorship thrive in these semi-democratic arrangements some modern democratic innovations are adopted and even safeguarded by these leaders. Indeed, the safeguarding and political mandated inclusion of certain once marginalised vulnerable groups such as the disabled is certainly progressive³⁷⁴. But how far it really goes is the area in which we need to ascertain if it is that these forms of leadership are being transformed by the inclusion of once side-lined characters or if it is that we are witnessing the mutation of the authoritarian (male) figure in Africa. It may be that these particular leaders are in fact perpetuating ‘dictatorship in democratic clothing’.

Considering the features of dictatorship as seen on the continent previous to the current arrangements, usually the regimes were characterized by the consolidation of power and the impunity of the military or state armed forces³⁷⁵. Furthermore, a reliance on decrees³⁷⁶ and executive official orders rather than creating legislation from debate in parliament, in fact parliament was usually under the direct control of the executive, only present to second the ideas of the president. Usually an institution used solely for repressive work such as a state security agency or in the case of Uganda, the Public Safety Unit, is deployed to perform and perpetuate violence³⁷⁷ on the general public as to cement fear of the ruling *strongman*. Using coercion rather than inclusivity, previous forms of dictators were able to secure their tenure by stifling associations of the general public and bribing their elite network³⁷⁸ in order to remain popular.

³⁷² Huntington, (n 143) 35

³⁷³ Tangri and Mwenda (n 140) 32

³⁷⁴ Tripp (n 51) 123

³⁷⁵ Jackson and Rosberg (n 2) 425

³⁷⁶ Ibid

³⁷⁷ Decker (n 141) 51

³⁷⁸ Jackson and Rosberg (n 2) 434

However, as perceived after the 1990s, long term male leaders in Africa, like women, have begun to use the political machinery – using covert means to ensure that constitutional amendments to term limits guarantee their legal and extended tenure³⁷⁹. In cases where multi-party politics are installed, elections are sabotaged but not directly by the leadership, through electoral incompetency – ballots missing and voting delayed³⁸⁰. Leaders of the opposition are charged with serious legal accusations such as treason, defamation and are often detained³⁸¹. Uganda's Anti-Terror law has been criticized by opposition members for lowering the standard of proof to be provided on which one can be held and convicted of terrorism, unsurprisingly the opposition leader Kizza Besigye has fallen under it³⁸². A final characteristic that is often seen in these political arrangements is the personalization of the military³⁸³ though Museveni initially criticized this aspect he has failed to separate himself from the army and in fact he keeps it close in order to ensure support for his leadership in extra-democratic fashions. In fact, Uganda could qualify as a *quasi-military* state³⁸⁴ in the way that the military is budgeted for, included in the parliament and deployed within the state.

Thus what has really changed for the better about male leadership on the continent has mainly been the inclusion of many actors to the political system. This may even be seen as an expansion of patronage to the ruling dictator. The presence of an opposition is to be used only as a barometer of the incumbent's popularity but may not in any challenge the rule or accountability³⁸⁵ of the Movement nor its leadership. While several actors may attempt to push through their agendas – for the protection of children or whatever social group – the executive remains dormant until it is challenged in anyway. The adoption of a human rights mandate is popular and is used for to garner popular support, this too is used as a means to signal³⁸⁶ to the international community that they are indeed improving human rights situations in their states – allowing them to gain funding. Thus dependent on international acceptance of their regimes, in order to avoid sanctions and the collapse

³⁷⁹ Tangri and Mwenda (n 140) 37

³⁸⁰ Ibid

³⁸¹ Tangri and Mwenda (n 140) 33

³⁸² John Akokpari "Human Rights and Human Security in Post 9/11 Africa" In John Akokpari and Daniel Shea Zimble (eds) African human rights architecture (Jacana Media 2008) 83

³⁸³ Joe Oloka-Onyango "'New-Breed' Leadership Conflict and Reconstruction in the Great Lakes Region of Africa: A Sociopolitical Biography of Uganda's Yoweri Kaguta Museveni" (2004) Africa today 36-38

³⁸⁴ Oloka-Onyango (n 378) 38

³⁸⁵ Goetz (n 85) 113

³⁸⁶ Hughes and Tripp (n 13) 1520

of their power, the strain of authoritarianism seen in the region has managed to curb the violent repressive forms of leadership to a more consensus based, inclusive style of dictatorship which tolerates opposition but ensures that it squashes legitimate opposition³⁸⁷. The type of governing style seen within the region could be classed as a “combination of liberal democracy with illiberal rule”³⁸⁸. In doing so they have increased the longevity of their rule and also managed to gain the support of the international community while not surrendering to the necessary checks on power provided in liberal democracies. “*Benevolent dictators have learned something, they have put forward a good face and learned to clean things on top... We have realised that women’s rights are respected as long as they play to the whims of the benevolent power*”³⁸⁹ notes Employee d.

In further examining what has been learned by these figureheads it is also worth mentioning that the use of donor funding and the dependency³⁹⁰ which certain Global South states have on it has also managed to change the relationship which they have to their states and their styles of rule. When it is necessary to fulfil certain requirements in order to receive funding, often women and gender related issues – considered to be ‘hot topics’ have come to the fore. In order to ‘signal’³⁹¹ to the other states of the compliance with basic international standards of gender equality, often these rulers will allow for small openings of the public space, if not endorsement of women to politics. So much so that Tangri and Mwenda believe that semi-authoritarian regimes have only survived as they are “propped up”³⁹² by international donor funding. It is therefore a logical worry to be cautious of how women have been included in the political system, and furthermore to what extent they may act within the system if it is dependent on creating a façade in order to keep the authoritarian in place.

³⁸⁷ Tangri and Mwenda (n 140) 33

³⁸⁸ Tripp, (n 46) 7

³⁸⁹ Employee d (n 336)

³⁹⁰ Tripp (n 96) 6

³⁹¹ Hughes and Tripp (n 13) 1520

³⁹² Tangri and Mwenda (n 140) 45

4.4.1 The Cooptation and Complicity of Women in the Legislature

Thus the real crux of the issue lies in questioning women's cooptation by such *bigman* rulers. as there is a growing concern that women, their advancements and inclusions in political power, may be used to cushion dictators³⁹³ who are then able to gain popular support for their authoritarianism through the support of women. During the first decades of Museveni's rule, women remained his most loyal voter base and many felt they owe their positions³⁹⁴ in national and local governing structures to Museveni himself. Considering women in parliament, it has been observed that women often find themselves more constricted by partisan politics³⁹⁵ than their male counterparts as they are often not independent candidates but rely on their parties for protection in parliament and in political campaigns. WMPs elected on the NRM ticket tend to display partisan behaviours even when it is against did not allow for greater collaboration through these women's groups addressed the feminist agenda in dealing with women's issues such as genital cutting, reproductive rights and health³⁹⁶. In the case of Uganda WMPs find themselves trapped in partisan politics which in turn strengthen the authoritarian leadership of the state and undermine individual liberties³⁹⁷. So much so that the woman's league was used as a way to promote Museveni's third and unconstitutional term³⁹⁸.

Remembering that the inclusion of women to any political system also has a double effect of firstly stabilising the political arena while also allowing male political leaders to use women to cushion themselves from the volatile systems of governance that plague post-conflict societies³⁹⁹, it is a worry that women may not challenge *bigmen* dictators even when it is necessary to. African incumbents have primarily relied on the selective distribution of patronage to build governing majorities under both authoritarian and democratic regimes⁴⁰⁰. This now includes the absorption of women into the system in particular ways. Women may be present but not question the top management of the NRM as that will bring on negative consequences for these women. And those who are

³⁹³ Jalalzai (n 4) 112

³⁹⁴ Tripp, (n 13) 118

³⁹⁵ Bauer and Britton (n 15) 8

³⁹⁶ Tripp, (n 13) 115

³⁹⁷ Bauer and Britton, (n 15) 22

³⁹⁸ Tripp, (n 13) 128-129

³⁹⁹ Jalalzai (n 4) 112

⁴⁰⁰ Arriola (n 365) 497

out of favour of the NRM can expect harassment and intimidation such as Hon. Winnie Byanyima and Hon. Winnie Babihuga who supported probes into corruption⁴⁰¹.

The most problematic innovation has been the manner in which women have been incorporated into the political system. The use of and reliance on quotas in order to place in parliament has left them at the mercy of Museveni who has stated that their deployment has been a merciful gesture towards women⁴⁰² and not their constitutional right. Thus a concerning pattern arising is the usage of the reserved seat quota being gradually adjusted to suit the political circumstances of a time, as the onset of the multiparty system, which is the same time in which women were able to secure universal suffrage in their votes rather than through the electoral college in that it coincided with the needs of the executive⁴⁰³. Thus the political structure and technicalities of the electoral processes could work to suppress women within the political system in order to further promote the aims of the executive. These tendencies are exacerbated by the lack of democratic consolidation in these systems which remain illiberal.

Despite this, in the face of stagnation of democratic consolidation, general trends show that women are taken more seriously and seen to be vital partners in decision making in a multi-level political tiers⁴⁰⁴. It is undeniable that certain vulnerable groups such as children and people with disabilities have had their political, socio-economic issues identified and given special rights and representation⁴⁰⁵. While some civil liberties may be curbed, it is also not entirely without opposition to women actors in the system who do in fact attempt to stand up against bold power grabs by the executive, sometimes to the detriment of their own political careers. Furthermore, women's leadership is seen as legitimate, popularly viable and human rights based by both civil society and the women themselves.

Still, the sense of symbolic representation does not escape these women. In the same way in which women feel they have found respect in their societies⁴⁰⁶; the presence of women in these places has boosted the self-esteem of women nationwide, concurred by Employee g saying "*at least there is someone there who faces the same issues that I*

⁴⁰¹ Goetz (n 85) 134

⁴⁰² Tamale (n 8) 20

⁴⁰³ Muriaas and Wang (n 45) 328

⁴⁰⁴ Zondi (n 164) 100

⁴⁰⁵ Ibid

⁴⁰⁶

do’’⁴⁰⁷ in a position to defend the rights of women. Employee f then adds that “*even when women do not play a key role in parliament, they are role models to young girls*”⁴⁰⁸

While a fellow colleague seconds this stating that “*women’s representation and leadership has been for everybody, in terms of being responsive to the concerns – they have been responsive to men, women, boys and girls*”⁴⁰⁹ Employee c goes on to say “*whatever decisions they take, are responsive to all, women tend to go an extra mile to make sure to account to women and girls.*”⁴¹⁰

As the road to political representation has remained challenging, subject to the benevolence of the ‘man-in-charge’ women have continued to make in-roads where there were obstacles. Women’s resilience in politics has faced attacks and structural impediment. However, where women have faced difficulties in elections they have infiltrated and legislated for the better, where women have seen social disparity they have motioned for the better. The inclusion of women may not be able to topple a system or completely revolutionise the system of governance. But, when seeking to protect the unprotected and change the outcomes of policy in order to secure wider social issues – the addition of women is a proven way to allow for better human rights based policy making.

⁴⁰⁷ Employee g (n 370)

⁴⁰⁸ Employee f (n 316)

⁴⁰⁹ Ibid

⁴¹⁰ Employee c (n 332)

CHAPTER V: CONCLUSION

In exploring the research topic of the possibilities for *Strong-Women* leadership seen in the legislative representation and gender equality on the continent of Africa; the aims of this dissertation were to ascertain the impact that women have in the policy formulation and implementation as well as its human rights content. Human rights within this dissertation have been conceptualised from a gendered perspective due to the secondary nature in which women's rights protections are regarded and the general subordinate status of women. Not only does this research try to engage in capturing the shifting focus of the legislature but also the ability women have to integrate into a semi-autocratic political system while still managing to ensure that human issues, women's issues, children's issues are addressed.

In an attempt to evaluate the effectivity of women in parliament, what this study discovers is that women have managed to achieve sizable gains within the larger scheme of an ever evolving ever-masculine authoritarian form of political power on the continent of Africa. As women learn to use or infiltrate the state, create gender-sensitive state apparatus, international standards and political procedures such as quotas to attempt to gain access to the decision-making faculties, so do the old powers learn to incorporate these new actors to the system through arrangements of patronage and subordination. While women continue to strive to combat human rights abuses, and challenge the inevitable consequences of patronage such as corruption through the checking of powers by parastatal bodies they are in and their positions in the judiciary, they in turn must resist the forces of assimilation.

What this study also discovers is that the prospect to brand legislatures within non-democratic formations of states as 'rubber stamp' legislatures would be to simplify a very nuanced phenomenon. While these legislatures may often play to the tunes of the executive, they are still able to legislate and implement projects for their communities. The legislative space is still often wide enough to cover important topics such as land and its distribution, social services policies, policy for the special protections for certain groups in society like women and children. Especially due to the capability they have to perform their parliamentary duties in direct response to their constituencies as well as the

advent of caucuses which in turn increase the lobbying and policy making capacities of this body.

As observed women's groups and the women's movement has often encompassed the public space in many African countries. Often the organization of women has been the only hope and possibility for a change for the better from governments which engaged in flagrant human rights abuses such as the administrations prior to the NRM. Women; once they recognise in themselves a consolidated social group, members to a single movement, an attractive voting bloc, are able to transform any state through their participation within and outside of governing bodies. Upon entering parliament women MPs are able to delineate the discourse of parliament, align policy with women's interests, set new standards for gendered human rights protection.

That said, women still do not transcend the secondary position, whether it be in the form of the vice-positions or possessing leadership in ministries which are underfunded and undervalued in terms of the influence they have over major state decisions. This poses a threat to gendering state positions and ensuring that women remain in the 'vice' position. Worse still, women who attempt to challenge the executive leadership quickly find themselves out of their position – purged, removed or reassigned to impede their efforts. There is a mutual struggle that can be observed from women who find their feet, seasoned by their political work and inspired to uphold the constitution, and the top tier of leadership who attempt to hold onto power while coaxing the public with the advent of inclusivity.

In finality, women within these unfavourable political arrangements have still managed to set the legislative agenda, pass bills which deviate from the priorities of the executive to the betterment of the general public and manage to forge partnerships with their male counterparts. Furthermore, the real success has been the triple participation effect – of women in the parliament pushing for policies, lobbied and assisted by the women's groups and the presence of women in the LC/WC system. The ability to collaborate with women at lower levels, responsible for service delivery plans and projects for economic and social assistance which has in turn reaches constituents through Women Councillors.

Final Comments

The highlight of this thesis has been the discovery of women's based organizations working to enhance the efforts and capabilities of women in parliament. The NGOs which work on capacity building, legislative advice and restoring a connection between women's interests and their representation in parliament manage to secure a support system for women in parliament. WMPs may then act on the information shared, present the studies and data from constituencies in order to defend their policy positions.

Moreover, the use of a woman's caucus – an association within which WMPs may transcend partisan politics – has a great and positive impact on policy outcomes. This is especially the case when the caucus has a clear mandate to ensure gender mainstreaming and policy which is gender sensitive. The practices of UWOPA in also ensuring that male associates are targeted, lobbied and partnered has ensured a slow but effective winning over of the male counterparts in parliament ensuring that the aims to greater protect human rights, especially those of women, become policy priorities of MPs across genders.

In conclusion, the importance of the incorporation of women into decision-making is not only just, mandated by international texts but also vital in attempting to secure the rights of vulnerable groups. Women display their leadership through their socialisation of '*womenhood*', often leading to a politics of care and in an attempt to secure peace, prosperity and just societies, will often legislate for education and social protections. While liberal democracies cannot be guaranteed especially in states which possess reoccurring authoritarian leadership, it is important, with the aims to advance human rights to seek avenues in which human rights may continue to be tenable. Women may not possess the political or even social clout to defend their states from autocratic forms of rule, however, it has become apparent that women will in fact set the limits to which despotic forms of rule may act out particularly on gender-sensitive human rights observance.

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