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## *The politics of promoting gender equity in contemporary Uganda: Cases of the Domestic Violence Law and the policy on Universal Primary Education*

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## Abstract

The paper looks at the ways in which power and politics shape the realisation of women's rights and gender equity in Ugandan state policy adoption and implementation. The key question explored is around the nature of political power and its influence on gender policy incentives in terms of adoption and implementation. The argument is structured around the politics of recognition – recognition referring to what has been made possible in the form of gender-sensitive policy outcomes, the incentives for the different courses of action, and what influences the ability of the political system to channel women's interests and representation into effective policy formulation and implementation. This question is explored by investigating the progress of two policy agendas, namely the Domestic Violence Act of 2010 and the promotion of girls' education within the Universal Primary Education (UPE) policy instituted in 1997.

**Keywords:** women, political settlement, gender equity, policy incentives, patronage, Uganda

## Introduction

In the early 1990s, Uganda was counted among the trailblazers on the African continent in terms of women's inroads into policymaking (Goetz, 2003). Together with South Africa, Uganda was one of the few countries with a parliament made up of over 20 percent, and an apparent commitment to securing women's engagement with the state more broadly, including through the significant processes of constitutional reform being undertaken at the time. Since that point, optimism concerning women's trajectory as political actors in Uganda has steadily waned, as an apparent paradox has emerged. On the one hand, women have made inroads into important political and policymaking spaces, whereas on the other hand they are seen to have decreasing levels of autonomy and influence over the promotion of women's rights and gender equality. At the general level of feminist debates, Uganda as a case has generated a lot of questions, especially on the role of women's quotas and the possibility of them to serve as a vote bank for authoritarian regimes, as opposed to advancing women's interests within state processes (Josefsson, 2014; Ragnhild and Wang, 2012).

With the women's movement in Uganda apparently severely constrained in terms of making significant breakthroughs (Isis-WICCE, 2014), questions have increasingly been raised concerning the disappearing levels of political commitment from Uganda's political elite to gender equality and women's political empowerment.

However, the language of political will and/or commitment can hide as much as it reveals, regarding the extent to which key political actors support a particular agenda (Post et al., 2010, cited in Hickey, 2013). In particular, the language of political commitment tends to gloss over the broader context within which these key decision makers operate, particularly obscuring the more structural ways in which male privilege becomes institutionalised in the public sphere, obstructing the promotion of substantive gender equality (Goetz, 2003). Nor can the issue of promoting gender equity be reduced solely to the function of women representatives. Such a perspective not only ignores these structural forces at play, but also overlooks the role and responsibility of male political actors in promoting gender inclusiveness and serves to instrumentalise women's participation. The focus on individuals tends to overlook the gender politics of policymaking, hence glossing over the real incentives and obstacles in generating support for gender-inclusive development.

Hence this paper takes a slightly different turn from the now dominant question of whether women's presence in parliament is making a difference. Rather, it seeks to uncover the organisation of political power and how this animates the nature of gender policy outcomes in the context of Uganda's 'political settlement', basically relating to the underlying forms of politics and power that shape institutional outcomes and functioning. Rather than pose questions on women in parliament have made a difference (though the significance of this question cannot be discounted), the argument is structured around

the ways in which power and politics shape the realisation of women's rights and gender equity in state policy adoption and implementation. This approach goes beyond a focus on the relationship between women's political inclusion and their influence in delivering improved entitlements for women, though they unquestionably remain part of the spectrum of key actors. The key question explored is around the nature of political power and its influence on gender policy incentives, in terms of adoption and implementation. The argument is structured around the politics of recognition – recognition, in a sense, referring to what has been made possible in the form of gender-sensitive policy outcomes, the incentives for the different courses of action, and what influences the ability of the political system to channel women's interests and representation into effective policy formulation and implementation. This question is explored by investigating the progress of two policy agendas, namely: the Domestic Violence Act of 2010; and the promotion of girls' education within the Universal Primary Education (UPE) policy instituted in 1997.

The analysis is structured as follows: in the next section, the analytic frame and method is presented, setting out the political settlement framework employed here and how this helps to understand the politics of promoting gender equity, as well as the methods deployed in the study. This is followed by an historical overview of women's rights issues within state processes and how this informs the current trajectory of incentives for gender equity policy terrain. The next section presents a process-tracing narrative that gives an account of the actions, the actors and the discursive terrain around the two policies. These processes are contextualised within the political settlement framework critically analysing the success factors, as well as deficits, from adoption to implementation. The concluding part of the paper reflects on the meanings that can be drawn out of this understanding of the two policies.

## Analytical frame and method

'It is important to put women's political activity in the context of the institutional configuration of a particular political system', argues Annesley (2010: 50). Following on from this position, we anchored our study within the notion of a 'political settlement', a term that goes beyond the institutional arrangements within the political system, to look at how the general distribution of power in society between contending social groups establishes the basis for institutional arrangements to take shape (Hickey, 2013). The notion specifically talks to the ways in which this political power is organised and why some institutions perform effectively whilst others fail. It focuses in particular on the role of elite bargaining and the architecture of the ruling coalition.

Although political settlement analysis has so far been 'gender blind', Nazneen and Mahmud (2012) argue that there is a convergence between this approach and recent feminist analysis of women's political empowerment. This literature also focuses on the importance of informal institutions and coalition-building (e.g. Chappell and Waylen,

2013; Hodes et al., 2011), whilst also going beyond the focus on the incentives within political settlements analysis to also pay attention to the role of ideas in shaping political behaviour (Waylen, 2010). This study therefore employed an amended political settlements approach, which, borrowing from Hickey (2013) and Nazneen and Mahmud. (2012), explores how the general configuration of power establishes the key incentives and ideas that shape the ways in which institutions work to deliver gender-inclusive development.

According to Levy (2014), different kinds of political settlement generate specific incentives for political action and policy options. Uganda falls into the 'dominant party' type of political settlement, within which there is relatively little chance of power alteration and a relatively stable ruling coalition, on the one hand, with a highly personalised approach to public bureaucracy, on the other. Hence, in this analysis, we show how the dominance of the president in this system may facilitate quick, short-term dividends in terms of particular policy choices and their trajectories, but often in ways that severely constrain a long-term gender-transformative agenda within state processes.

The two policies were chosen to reflect the distinction between what have been characterised as 'ameliorative policies', which seek to alleviate female access to development (the focus on girls' education within policies on UPE), and more 'transformative' approaches that seek to achieve a deeper reconfiguration of gender power relations (the Domestic Violence Act). The logic here – namely, that one would expect transformative policy agendas to encounter stronger forms of resistance from dominant interests and ideas within a given political settlement than more ameliorative approaches – will be revisited after our analysis of how the politics of each case actually played out.

The method was as follows: a desk-based literature review was used to generate a sense of Uganda's political settlement and its development over time. There was a particular focus on women's involvement during key moments at which the dynamics of the settlement changed and on the achievement of women's political participation over time. We then employed documentary analysis and key informant interviews to trace the process through which each policy was adopted and implemented. Key informant interviews and focus group discussions (FGDs) were held with the main stakeholders involved in each policy process, particularly from within political and civil society and the donor community (see Appendix 1). This process-tracing approach enabled us to relate specific gender-related policy processes to wider shifts regarding the organisation of political power in Uganda. The value brought into focus by this approach is the explication process dynamics and how certain things become possible and not others, thereby adding to the critical understanding of political systems. The framework provides ample space to follow each actor, their role in enabling or constraining positive change and also to link the actors back to their respective broader social institutions.

**Women's rights as an issue in state processes in Uganda: an historical perspective**

Women's rights as a public issue and a reconfiguration of women's citizenship in Uganda can be firmly located within the rhythm of women's direct engagement with the state, which began in the 1940s, inspired by anti-colonial actions on laws such as on marriage and inheritance of family property. Women's mobilisation, in which elite women specifically played a vital role (Tamale, 1999), centred on contentious issues, such as property rights in marriage, especially inheritance on a husband's death. Women formed coalitions, such as the pioneering Uganda Council of Women (UCW) in 1947, to fight for women's rights (e.g. citizenship, voting rights, marriage, divorce and inheritance). The UWC served as a melting pot for women's engagement and through it, women gained ground for political mobilisation. For instance, the first African woman to join the colonial Legislative Council (LEGCO) was a UCW member.

During the first decades of independence, the women's movement continued to gain momentum, despite sustained exclusion from formal national politics and the narrowing of political space under increasingly authoritarian forms of political rule and civil conflict (see Mutibwa, 1992). For instance, Idi Amin's regime banned all women's organisations in 1978 and consequently a state-controlled structure – the National Council for Women (NCW) – was formed. The effect was to drive all women's mobilisation, networking and advocacy for women's rights underground. Individual elite women, some in government departments, ensured that UCW activities remained alive, at least at the district level. In 1980 the second government of President Obote sought to co-opt the NCW as the women's wing of the ruling Uganda People's Congress (UPC) party, although many female participants resisted this manipulation of the Council (Tripp, 2002).

The mass guerrilla struggle of 1981-85, led by the National Resistance Movement (NRM), brought about a reconfiguration of the public, with a large number of women, peasants, middle class and notables alike, drawn into the armed struggle at different levels. The language of representation concerning women, youth and people with disabilities that was deployed through the mobilisation in the Resistance Council system first established in war zones and later generalised to the entire country, as a people's self-governance structure, was a turning point in the construction of women's citizenship (Ddungu, 1994; Ahikire, 2007). The end of the guerrilla war in 1986, which directly followed the 1985 United Nations World Conference on Women in neighbouring Kenya, presented a window of opportunity for making direct demands for women's citizenship and entitlements on the basis of their contribution to the struggle (Tripp, 2002; Ahikire, 2007). In what Goetz describes as a 'hastily compiled women's manifesto', women:

> … called for the creation of a women's ministry, for every ministry to have a women's desk, for women's representation in local government at all levels,

and for the repeal of the law linking the National Council of Women to the government (2002: 555).

These early demands were specifically focused on entry into existing political structures made directly to the person of the president, in a way clutching onto ameliorative dividends of initial and systematic propagation of patronage politics of the NRM government (Goetz 2003). The politics of mobilisation focused in particular on consultations for the constitutional reform process from 1988-95 (Goetz, 2003). The Ministry of Women in Development, established in 1988, together with the women's movement, organised nationwide consultations whose outcome was a memorandum to the Constitutional Commission, seeking the repeal of legislation which discriminates on the basis of gender, particularly in relation to marriage and property rights (Goetz, 2003).

This process offered a window onto the bargaining amongst elites, and between elites and organised groups, around the rules of the game (Laws, 2012). It also enabled women to articulate a range of rights and gave a focus to the politics of mobilisation and recognition (Tripp et al., 2009), whilst related reforms around decentralisation also opened up further space for women's inclusion to be addressed in a direct manner. One outcome was that Article 31 of the new constitution stipulates that both men and women aged 18 years and above have the right to marry and to found a family, and are entitled to equal rights in marriage, during marriage and at its dissolution. The conversation and mobilisation around the family law impacted on the political discourse and largely formed the origins of the need to criminalise domestic violence hitherto constructed as a norm. The analysis that follows attempts to locate these reform processes within the understanding of Uganda's political settlement and, in this way, to identify the political potential of the political system to deliver gender-equitable development.

## Uganda's political settlement: short-term dividends, long-term losses for women

Uganda's post-conflict political settlement involved women becoming highly visible within the political sphere, underpinned by their role in the struggle, an active women's movement, as well as the broader politics of transition that was more amenable to inclusion. Ann Marie Goetz (2003) shows how the initial suspension of party politics and the institutionalisation of what was known as 'the movement system' freed women for over two decades from the constraints of party patronage. This, together with the policies of affirmative action that created reserved seats for women, saw an historic growth in numbers of women, especially in parliament and local councils (Table 1). Accordingly, the special seats, taken together with special appointments of women to important positions in the public administration and judiciary, by the president himself, 'seemed to make a major crack in the glass ceiling which so often holds women back' (Goetz, 2003:111). Special seats for women have clearly delivered in terms of numbers, from a situation where there was only one woman in a legislature of 126 members in

1980 (Tamale, 1999), to the current position, where 35 percent of parliamentarians are women. This places Uganda in 20th position on the global scale, well above the regional average for Sub-Saharan Africa of 22.5 percent.[1] There are concerns about the ghetto effect of reserved seats and the fact that women as a group could be politically constructed as primary beneficiaries of the incessant creation of district, or what has been known as 'districtisation', given that every additional district automatically creates a district women's seat (Green, 2010).

**Table 1: Trends in women's numbers in Uganda's National Assembly**

| Year | No. of districts[2] | Assembly | AA | Open seat | Others[3] | Total women | Total MPs | % women |
|------|---------------------|----------|-----|-----------|-----------|-------------|-----------|---------|
| 1989 | 39 | NRC | 39 | 2 | 9 | 50 | 280 | 18 |
| 1994 | 39 | CA | 39 | 8 | 3 | 50 | 286 | 17.4 |
| 1996 | 39 | Parliament | 39 | 8 | 4 | 51 | 276 | 19 |
| 2001 | 56 | Parliament | 56 | 13 | 6 | 75 | 304 | 24.4 |
| 2006 | 79 | Parliament | 79 | 14 | 1 | 100 | 319 | 31 |
| 2011 | 112 | Parliament | 112 | 11 | 8 | 131 | 375 | 35 |

Source:   Isis-WICCE (2014):

Key: AA = Affirmative Action, NRC = National Resistance Council, CA = Constituent Assembly,

However, concerns over the terms of women's inclusion and their influence grew steadily as Uganda's political settlement became increasingly characterised by the politics of patronage after the first decade of NRM rule (Goetz, 2003). As the NRM became increasingly used as a means to reproduce the power of the regime, as opposed to undertaking reforms to state-society relations, and with political competition based on individual merit and strategizing, rather than a programmatic platform, the movement became increasingly characterised by 'intrigue and clientelism', as people competed for access to opportunities to dispense patronage (Goetz, 2003: 115). The return to multiparty democracy in 2005 increased the incentives for the NRM to tighten

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[1] Inter Parliamentary Union (IPU) http:// www.ipu.org. Accessed 19 April 2014.
[2] Since the mid-2000s the number of women in parliament has been driven upwards, in part by the creation of new districts, a further means through which women's political participation has become embedded in the politics of patronage in Uganda. The creation of a new district automatically translates into a district woman MP seat, making women default beneficiaries of a politics that has placed patronage far above service delivery.

[3] These include representatives of people with disabilities (PWDs), workers, youth and presidential nominees.

its grip on power through clientelist means, and further de-institutionalised state power. We do not intend in any way to, underestimate the gains that women have made in policymaking so far. Right from the constitution-making process in the mid-1990s, the women's voice expanded its reach on the public agenda. It is noteworthy that the 8th parliament, in particular, passed several gender-related pieces of legislation, in addition to the DV law. These were: the Prevention of Trafficking in Persons Act 2009 (passed as a private member's bill of the then chairperson of UWOPA); the Prohibition of Female Genital Mutilation Act 2010; and the Equal Opportunities Act 2010. On the whole, women in parliament, through their association, the Uganda Women's Parliamentary Association (UWOPA), have been able to push through concerns around maternal health and gender-responsive budgeting. They also influenced the amendment to the Sexual Offences in the Penal Code Act and some of the key provisions in the Employment Act 2006, as well as keeping the legislative advocacy for the (albeit shelved) Marriage and Divorce Bill.

Space does not allow for detailed treatment here of all the legislative gains that have in some way been achieved as a result of a combination of efforts by women MPs, women's organisations and donors. The main point to demonstrate in the analysis is that the architecture of power allows for a particular kind of policymaking. It is a policymaking that is heavily encumbered by the need for cleintelist incentives, and hence not able to impact on the larger delivery function of the state bureaucracy. The DV law therefore exemplifies Uganda's typical political settlement story of populist laws with little implementation, while the UPE demonstrates the patronage side of the political settlement.

In very specific ways, Uganda's political settlement limits the parameters of a gender-inclusive agenda and severely constrains women's capacity to develop a long-term gender equality agenda, as also seen elsewhere (Rai, 2008). As Castillejo (2011) notes, political business in clientelistic political settlements is conducted through informal networks and informal spaces, thereby structuring political negotiation around individuals, as opposed to institutions. Where such informal rules and negotiations largely determine the character of the state, this closely shapes the extent to which women's mobilisation can occur and have meaningful and enduring effects. The following section attempts to trace how the Domestic Violence Act 2010 and the promotion of girls' education within the Universal Primary Education policy agenda unfolded within this broader context. We trace the ideas, incentives, actors and broad outcomes in the two cases, with the critical understanding that the particular of balance of power determines what is accommodated and what is not, why and with what implications for substantive gender equality from state policy.

## Policy case 1: Domestic Violence Act (2010)

The Domestic Violence law came into force in 2010 as an act of parliament. The Act provides for: the protection and relief of victims of domestic violence; punishment of perpetrators; procedures and guidelines to be followed by the court in relation to the protection and compensation of victims of domestic violence; jurisdiction of court; enforcement of orders made by the court; empowerment of the family and children's court to handle cases of domestic violence; and related matters. The Act provides an elaborate understanding of domestic violence, to encompass various forms of abuse, including economic, physical, sexual and emotional.

The Act also provides a wider understanding of what constitutes the domestic relationships within which domestic violence is committed. Domestic relations encompass, among others, family relationships by consanguinity, affinity or kinship; marriage; shared residence between the victim and the perpetrator; employment status, e.g. the house servants or a relationship determined by court to be a domestic relationship. The DVA constitutes a landmark, as the first instance of the state in Uganda passing legislation on the domestic sphere.

### The story of the law

The story of the law on domestic violence in Uganda is firmly rooted within the women's struggle around domestic relations. As noted above, this stretches back to the 1940s, and can take as its first landmark the 1959 Private Members Marriage Registration Bill, tabled by Hon. Sarah Ntiro, a member of Uganda's first parliament (the Legislative Council). The bill requested a government enquiry into the status of women generally and specifically into marriage, inheritance and family property. In 1964 a commission chaired by William Wilberforce Kalema produced a report on marriage and divorce, which gave recommendations for improving married women's rights (including over property), although little action followed. In 1974, the marriage and divorce laws reform project was established within the Ministry of Justice, and had by 1980 produced a working document, commonly referred to as the draft Domestic Relations Bill (DRB). However, the political turmoil at the time meant that no action was taken on the document until the NRM took power in 1986.

The debate on the Domestic Relations Bill re-surfaced in the 7th parliament in 2003,[4] largely as a result of the optimism and momentum created by the constitutional review process and the law reform that followed it. However, the bill came under severe attack on several accounts, including on marital rape, cohabitation as a marriage, and the issue of polygamy. It was attacked by religious leaders, men, women and conservative

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[4] The object of DRB 2003 was to reform and consolidate the law relating to marriage, separation and divorce; to provide for the types of recognised marriages in Uganda, marital rights and duties, grounds for breakdown of marriage and rights of parties on dissolution of marriage.

organisations from across society, for example, churches, Islamic and cultural leaders alike. In 2005, there was a large protest against the bill held by key religious and cultural lobby groups, including Muslim women, who organised a demonstration against the bill under their national coalition (Uganda Muslim Women Dawaa (UMWDAA)), a move that caused a backlash within the women's movement. However, the most prominent actor in this case was the president, who took personal responsibility for withdrawal of the bill from the 7th parliament, deeming it to be an anti-African and elitist document. The president criticised middle-class women for seeking to turn marriage into a business, and later issued a statement to members of parliament on the Marriage and Divorce Bill 1999, which read in part:

> I do not want women who pollute our women emancipation movement by introducing elements of mercenarism in marriages. Why do people get married because of property or what? … People, especially the middle class, should marry because of love, companionship, having children in order to perpetuate humanity … Mixing up domestic chores with property claims is stretching the argument too far …The greatest point in all this is not to antagonise our pre-capitalist traditional societies with ultra–modern liberal ideas of the elite.[5]

The stiff resistance to the DRB, particularly the personal stake of the president, led to its splitting into three pieces of legislation, namely the Domestic Violence Bill, the Marriage and Divorce Bill, and the Muslim Personal Law Bill. The splitting of the DRB was animated by consultations between the women's right activists, the Uganda Law Reform Commission (ULRC), the Ministry of Justice and Constitutional Affairs and the Ministry of Gender, Labour and Social Development. The intent of splitting the DRB was to make it less controversial. In 2008 the ULRC drafted the Domestic Violence Bill, which constituted the first attempt at drafting legislation to deal exclusively with domestic violence in Uganda and to provide a legal definition for the problem. This followed the ULRC's 2006 nationwide study, which found high levels of domestic violence in Uganda.[6] Now shorn of its more controversial elements, the bill was wholly embraced by the president.

The key moments in the passage of law included the formation of a coalition in 2008,[7] initiated by the Uganda Women's Network (UWONET) and later CEDOVIP (Centre for Domestic Violence Prevention), which included women's civil society organisations (CSOs), rights organisations, academics, the Ministry of Gender, Labour and Social

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[5] http://www.monitor.co.ug/News/National/Museveni-writes-to-MPs-on-marriage-Bill/ Accessed 4 January 2015.

[6] Uganda Bureau of Statistics (UBOS) and Macro International Inc. (2007). This report estimated that 60 percent of people in Uganda experience domestic violence.

[7] This was the same year as the ULRC was beginning to formulate the DV law, more or less as a smooth transition from the DRB coalition formed in 1999.

Development, and the Uganda Women's Parliamentary Association (UWOPA).The coalition spearheaded the framing of ideas around the DV bill, mobilising the public through workshops and peaceful demonstrations, and engaging the media to ensure that DV legislation remained in the limelight. This coalition was also able to bring a range of actors on board, including, the president himself, religious leaders, male MPs and rural women. Following the controversy of the DRB, the coalition adopted a different discursive strategy, by framing the need for legislation not in terms of rights, but in terms of the developmentalist benefits and protection of family values. Intended to win over sceptics, and in particular to get religious leaders onside, this discursive shift would, during the campaign, converge in unforeseen ways with events that helped accelerate the legislative process, by framing men as also being potential victims of domestic violence. The bill was tabled in June 2009 and was due for its second reading in November, when news of the murder of General Kazini by an ex-girlfriend was announced (Hansard, Wednesday, 11 November 2009). The case of Kazini's death, on 10 November 2009 seemed to re-define domestic violence and add momentum to its passage, with the DVA Act, or the Kazini Law as it became known, passing into an act of parliament on 11 November 2009. During the third reading of the bill in parliament, the future minister for gender had this to say:

> (Gen Kazini) lived his life as a valiant soldier, but it is the way he has gone that is really hurting most of us and this brings to mind the bill which is about to come before us, the Domestic Violence Bill. I was reading in the press that when some of the neighbours heard the screams, some of them said, "No, we are not going there because this is a domestic quarrel". So, you can see, honourable colleagues, how important it is that we pass this bill. It may be able to stop some of these deadly actions that we are witnessing day-in and day-out. We should not *genderise* it and say that men should not support it or that women should support it. We should all support the bill. (Hon. Mary Karooro Okurut, NRM, Woman Representative, Bushenyi (Hansard, 11 November 2009).

The story of the DV law specifically highlights the need to look at actors and their interests, the significance of the framing of ideas and the long-term outcomes of this potentially transformative law. The analysis that follows attempts to unravel this case by relating the progress of the law to the underlying organisation of political power in Uganda.

**Key actors, actions and ideas**

Waylen (2009) alerts us to the need to go beyond recounting institutional change, to specifically characterise how and why institutional change occurs. This, she argues, is in recognition of the fact that political contestation is mediated by the institutional context in which it occurs, thereby signifying the important role of both structure and agency in

shaping outcomes (Waylen, 2009: 247). The following section seeks to identify the range of actors in the DVA adoption process, including the policy coalition, members of parliament and donors.

**Policy coalition**

The advocacy campaign for legislation against domestic violence was led by a coalition of actors that was formed specifically for the task at hand by the Uganda Women's Network (UWONET), which since its formation in 1993 had focused on the elimination of violence against women (executive director, UWONET, March 2014). Known as the *Coalition of the 24*, with reference to the number of organisations involved, the coalition was chaired by the Centre for Domestic Violence Prevention (CEDOVIP) and had at its core organisations working directly on women's rights, such as Action for Development (ACFODE), FIDA-Uganda, Akina Mama Wa Africa (AMwA), Mifumi and the Council for Economic Empowerment for Women in Africa (CEEWA). However, the coalition pursued a deliberate strategy of extending its support base by enrolling a much wider set of actors as the campaign moved forward. This included international actors, such as UN Women, UNFPA, Club de Madrid and Care International, who funded the coalition's awareness-raising, research, and mobilisation efforts, but also extended to less likely actors, such as the Catholic Church of Ireland. International events in support of ending violence against women were also drawn on, particularly the 16 Days of Activism on Violence against Women, as well as International Women's day.

Importantly, the campaign was shaped by the coalition's own political analysis of the key drivers for and against the bill. This power mapping identified both the most powerful actors and the means of gaining their support, with a particular focus on making personal contact with key players involved in Uganda's political and policy process and framing the proposed legislation in ways that would be persuasive to them. The key categories identified were: those within official positions of political and policy-making power; those who had a direct influence over them, particularly women with a vested interested in supporting the bill; and those with political influence, but not holding formal office, including religious leaders and the media.

**Political and bureaucratic power holders**

The mapping of those with official power over the legislative process included (in descending order of significance) the president, the ppeaker and the deputy ppeaker of parliament, the state minister for justice and constitutional affairs, and individual legislators. The key route to influencing these actors would be through the Uganda Women Parliamentary Association (UWOPA). Although not a direct instigator of the bill, once it was mobilised by the civil society coalition, UWOPA worked tirelessly to mobilise women MPs to ensure that they all actively supported the bill, lobbying cabinet ministers and developing position papers together with the coalition.

Top of this list was the president, the support of whom was identified by the coalition as critical to the campaign's success. As soon as March 2008, in the early months of the campaign, the president called for expediting the law on domestic violence:[8]

> by battering their wives, men are breaking the laws of Uganda which advocate for equal rights and protection of people. Therefore we need legislation on domestic violence. I hear there is one in the pipeline, so we need to expedite it.

That the president talked more than once about domestic violence greatly raised the profile and credibility of the campaign. Closely attuned to the nature of power within Uganda's dominant party political settlement, the coalition repeatedly replayed the recorded voice of the president on domestic violence during their campaign.

Within parliament, the then deputy speaker, Hon. Rebecca A. Kadaga was seen as a key point of entry, both as a woman in a powerful position and because she had already demonstrated her capacity for raising issues of women's rights in the previous parliament. The chair of the coalition noted that in the 8th parliament:

> She had a clear strategy on the three key pieces of legislation: domestic violence, female genital mutilation and the one on trafficking in human persons – all passed in 2010. The deputy speaker at that time kept raising these issues on the floor of parliament and helped in creating space for discussions on domestic violence in parliament (interview with executive ddirector, CEDOVIP, 20 February 2014).

UWOPA members undertook a specific mapping of male MPs, to identify those known as gender-sensitive men and those with considerable power over parliamentary debates. As discussed in more detail below, concerted efforts were made to frame the bill as being for men as well as women and to work through informal networks and spaces, given the highly personalised nature of political relationships in Uganda's type of political settlement (Castillejo, 2011). Women MPs would target specific male MPs in parliamentary corridors and canteens, and strategically sit in the House with selected male MPs, especially those with a track record of determining the direction of debate in the House to win them over. More formally, men who held critical positions in the passing of the bill, such as the state minister for justice and constitutional affairs, and the chairpersons of relevant parliamentary committees, were targeted, including the chairperson of the standing committee on legal and parliamentary affairs, Stephen

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[8] *The Monitor Newspaper*, 9 March 2008.  Available online: http://www.unwomen.org/en/what-we-do/ending-violence-against-women/take-action/16-days-of-activism

Tashobya, who made a significant intervention during the second reading of the bill, on 11 November 2009.

Within the bureaucracy, obvious alliances were made within the Ministry of Gender, Labour and Social Development (MGLSD), which was responsible for initiating the process to have a law on domestic violence. The ministry worked closely with the coalition in facilitating the drafting of a bill by the Uganda Law Reform Commission and the Ministry of Justice and Constitutional Affairs. According to UWONET's executive director,

> The Ministry of Justice and Constitutional Affairs was very helpful. They understood and apparently appreciated the need for the domestic violence law, so they were always at the forefront of explaining and defending the need for this law. The minister of state, Fred Ruhindi, was key – he was receptive, more approachable and he appreciated issues of DV. We knew he would front the bill (interview with executive director UWONET, 21 March, 2014).

More innovative relationships were also built, including with the police force, which would be critical to implementation. The coalition worked with police to develop a pilot project in Kawempe, one of the populous divisions in Kampala city. This would act to demonstrate the workability of the proposed law.

**Utilising the perceived NRM power base: role of rural women's voice**

Given the increased extent to which the NRM leadership had to be responsive towards the concerns of voters under the return of new multi-partyism, and the specific reliance on voters in rural areas, the success of the coalition in mobilising significant numbers of rural women behind the campaign was a significant coup. Also keen to avoid the usual charge of being 'elitist', the chair of the coalition recalled how:

> Each of the 24 organisations was requested to go through their networks to gather views and petitions from local women on the need for DV. Local petitions were then delivered to area members of parliament and the speaker of parliament. The coalition got children to deliver their petitions (interview with executive director, CEDOVIP, 20 February 2014).

In a significant moment, which campaigners felt helped to accelerate the legislative process, the coalition mobilised over 1,000 women from rural districts to march to parliament protesting the high levels of violence and demanding to have a law. According to the chair of the coalition, 'We filled the parliamentary gardens; we filled the gallery in parliament. The government was shaken' (executive director, UWONET, April 2014). Officials within the Ministry of Gender, Labour and Social Development and the

Uganda Law Reform Commission also noted that the physical involvement of rural women in large numbers was a turning point, because of the convergence with the general elections that were due the following year.

**Power of ideas: pros and cons of reframing domestic violence as an ameliorative policy agenda**

Ideas as well as interests played a key role in securing the institutional changes associated with the passage of the DVA. The discursive strategy adopted by the coalition was strongly informed by the problems experienced by the campaign to promote the Domestic Relations Bill. Members were keen to remove the 'rough feminist edges' from their campaign. The over-arching or 'paradigmatic' ideas (Schmidt, 2008) that the bill became associated with were therefore not concerned with women's rights per se, but with more instrumental ideas around the developmental benefits of tackling domestic violence, and a broader appeal to 'family values'. Advocates argued that ending domestic violence would increase women's productivity and thus help achieve the Millennium Development Goals (MDGs). The appeal to family values was intended both as a means of bringing on board powerful religious and traditional actors who might otherwise oppose the bill, and as a means of bypassing (rather than challenging) patriarchal tendencies, by showing that men as well as women stood to gain from the bill. These messages were actively promoted through a range of discursive channels, including the media and parliamentary speeches. Wary of the tendency for journalists to report negatively on gender issues, and on gender-based violence in particular, efforts were made to integrate them into the advocacy strategy, including by parliamentary press training on gender-based violence (GBV) and the DVB in September 2008. The DVB coalition collaborated with the Uganda parliamentary media association to help ensure that the media did not present issues in a sensational or biased way. Within parliament, women MPs tried to move the debate away from DV as an issue of women's rights and also to render it more relevant to the political elite, through the use of high-profile cases:

> …according to the police reports, there is increasing violence by women against men. I think many of you have seen in the papers incidences where women and children have been murdered. This bill is not only to address the question of violence against women, but violence in the family, which affects the woman, the man and the family. That is why I think we should support this (interview with Hon. Betty Amongi, female MP Oyam County; 14 April 2014).

> In our mobilisation, we used cases of violence against prominent people – the case of General Kazini, the police officer who killed his wife, and many others. We know that there are very many people in rural areas dying of violence, with undocumented cases, but when violence started affecting

prominent people, it became a national concern (interview with Hon. Alisemera, former UWOPA chairperson, 26 March, 2014).

The messaging around family values was deemed critical to winning over influential religious leaders, to the extent that several became leading proponents within the campaign. This included the imam of the Uganda Muslim Supreme Council and the influential Catholic archbishop of Kampala archdiocese, who devoted his 2009 Easter sermon to the relationship between violence and the Bible, specifically advancing the idea that it was sinful to keep quiet about violence in homes.[9] For the first time in the history of Uganda, the issue of domestic violence was constructed as a sin and integrated into the preaching of the different religious discourses.

This kind of reframing helped relocate domestic violence into a different frame compared to the DRB. For one proponent,

> The narrative was clear. It was not controversial at all. What we have realised over time is that for those bills that are controversial, it's because men have a high stake in such issues, e.g. issues of sexual offences, property and inheritance. They [men] would protect it and defend it strongly, but men did not have a high stake in DV. Nationally, DV was a problem (interview with chairperson UWOPA, 9th parliament, 14 April 2014).

However, whilst this move certainly seemed to help advance the progress of the bill, this non-threatening and instrumentalist narrative tended to undermine the bill's more transformative elements and directly shaped the substantive content of the DV law, which for some observers constituted a watered down version of the original ideas as envisaged by the women's movement and its allies. For example, the final version of the bill that was passed into law largely focused on physical, psychological and economic violence. Offences of a sexual nature were removed, on the basis that other existing pieces of legislation on rape and defilement could take care of the issue. The DVA (2010) identifies sexual abuse as one of the offences, but sexual offences are not unpacked in the interpretation (section 2) in the way that economic, physical and emotional violence aspects are. A former member of parliament had this to say:

> The most controversial issue was sexual violence. Men were opposed to the idea of including marital rape as an aspect of violence. Male legislators argued: "how can a woman say she does not want to have sex with her husband?" Even the president one time opposed that provision, saying that

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[9]Archbishop Cyprian Kizito Lwanga has been a powerful voice on Uganda's political scene, not only based on the historical fact that Catholics are the majority in terms of demographics in the country, but also on the fact that he has political influence in his own right.

we cannot start legislating on bedroom matters (former MP, 8th parliament, in FGD, 23 June, 2014).

The fact that marital rape does not explicitly appear in the written text of law limits the protection role of the state in this regard, and reflects the problems the politics of compromise can create for the enforcement of gender equity policies (Waylen, 2014). A standard argument for giving way to opponents in this way when promoting a transformative agenda is that getting at least something onto the policy books is not only better than nothing, but may open up space for more radical progress down the line. Here, the fact that the state has pronounced itself on domestic violence as illegal may enable other purportedly private matters to become issues of public concern. It is too soon to be conclusive on this, although the early signs are not positive. For example, most of those male champions who supported DVA would later be at the forefront of shooting down the Marriage and Divorce Bill that was tabled in 2013, to the extent that it could not even be debated on the floor of parliament. This may suggest that, rather than opening up a new front on women's rights through adopting an ameliorative approach to promoting domestic violence, women may have created a turn that played more into a patronage mode, as well entrenching male privilege in terms of determining what should matter for state policy.

## Aftermath and the challenge of implementation

On 27 August 2014, the Monitor Newspaper reported that the Minister of Gender Labour and Social Development, Mary Karooro Okurut, was expected to appear before the gender committee of parliament to explain the slow progress regarding the implementation of the DVA 2010. Over a year earlier, in June 2013, Justice Stella Arach Amoko of the Supreme Court of Uganda and also president of the National Association of Women Judges, had reported research which revealed that some judges and magistrates had not even accessed the DVA 2010, whilst others had ignored an Act that they considered to fall under the heading of 'women's issues' (Mujuzi, 2014: 267). Here we explore: the limited enforcement of the DVA to date, through a focus on the efforts made by the lead Ministry of Gender; the broader capacity and commitment of the government to support this and of the implementing agencies to deliver on the ground; and the uptake of the DVA by victims of domestic violence themselves, and their experience of this.

The DV law gave the Ministry of Gender two key roles, the first being to draw up regulations to guide DVA enforcement, which was done on 6 July, 2011. The regulations identify the responsibilities of different actors concerning the Act's enforcement. This oversight role has involved the ministry collaborating with the police, Ministry of Health (medical practitioners), Justice, Law and Order Sector (JLOS), local governments and NGOs to monitor the response to GBV prevention programmes, including through a reference group on GBV formed for this purpose. The ministry has also provided training

to implementing agencies, including the police around the reporting of cases, health practitioners, and state attorneys with regards how to keep and present evidence on domestic violence cases. A ministry source claimed that: "We have done training in almost 30 percent of Uganda", whilst acknowledging that: "Unfortunately, in all the areas where we have done training and sensitisation, it is under the support of development partners such as Irish aid, UN Women, Norwegian Embassy, and UK Aid". This meant that government had not substantively invested in the implementation of the DV law (official from Ministry of Gender, Labour and Social Development, 3 April, 2015).

The second role of the Ministry of Gender, Labour and Social Development was to design guidelines for operationalisation of 'shelters', as custodial places where victims of violence are referred to while investigations are being carried out or while waiting for further referrals. Through intensive consultations, the ministry came up with GBV shelter guidelines that are now being used by NGOs (sometimes with minimal inputs from local governments) in sheltering victims of violence. However, the fact that, according to Mujuzi (2014), there is no single state-run shelter, could be a pointer to the government's half-hearted approach to addressing domestic violence.

**Implementing agencies**

The two key institutions for enforcement of the DVA at the local level are the police and local government, including local councils. Observers note that the role of local council courts as primary duty bearers in the implementation of the DVA is the major obstacle. In addition to lacking the basic human and financial resource capacities to implement legislation, the fact that the lowest two levels of the local council system last held elections in 1996 severely reduces their political legitimacy. Although the law provides for a protection order restricting a person from harassing, threatening or even contacting another person, the post-legislative phase did not involve adequate resourcing to ensure such elaborate responses to DV survivor situations. As noted in earlier research (Khadiagala 2001), local councils and courts are ill-equipped to handle cases of domestic violence, as they are heavily embedded in unequal and highly gendered power relations at the local level.

The police force appeared to take this responsibility seriously in the first few months of the legislation being passed, including through the upgrading of its family and child protection department into a directorate. Police respondents note that significant energy has been invested in training them, including around expanding their view on domestic violence towards a more holistic appreciation. Some CSOs have helped specific police posts by enhancing the infrastructure of the family and child protection units. UN Women prepared a compendium of laws on sexual and gender-based violence to aid police in

their work. UWONET also worked with police and the Ministry of Health to amend Police Form 3 in ways that facilitated swifter processing of cases.[10]

However, there are structural problems in relying on the police to enforce this legislation in Uganda, given the broader institutional failings. Police officers observe that the DVA presents a very broad agenda that goes beyond the limits of what the police force as currently configured could handle, particularly given the lack of investment in human and financial resources from government. Police respondents reported feeling overwhelmed by having to deal with this new legislation, and of lacking the preparation and facilities to do this effectively:

> By the time the DVB was enacted into law, the duty bearers did not know what to do. We had many police officers arresting perpetrators of DV and charging them under assault, using the Penal Code … We used to look for a wound for us to know that you have been abused. Our understanding of DV before the Act came was a victim coming to police with a wound. But later, we were made to understand that the Act covers economic violence, physical violence, and psychological violence – that it's not about having a wound (interview with commissioner, Family and Child Protection Department, police headquarters, Kibuli, Uganda, April 2014).

> The kind of office space is also limiting.  Look at our office space here; it is like a classroom. All officers are seated together, listening in to what is being discussed, yet issues of DV are sensitive. For someone to open up they need secrecy. You cannot get details from clients if he or she knows that other people are listening in. In our recording of cases, we ask many details which victims cannot reveal when others are listening. For example, if you come to report that you were raped, we shall ask, what happened, how did he rape you? Then you start – he forced himself on me, removed my clothes, then he got his penis and inserted it … All this cannot be revealed in this setting (interview with commissioner, Family and Child Protection, April, 2014).

There are also other broader concerns about the enforceability of the DVA. On the one hand, the numbers of cases of domestic violence being brought forward since the Act was passed has increased greatly, with reports of domestic violence increasing by almost 500 percent between 2008 and 2013 (see Figure 1).

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[10] Police Form 3A constitutes the basic component of the charge of violence that indicates the nature and extent of injury.

**Figure 1. Trends of reporting domestic violence**[11]
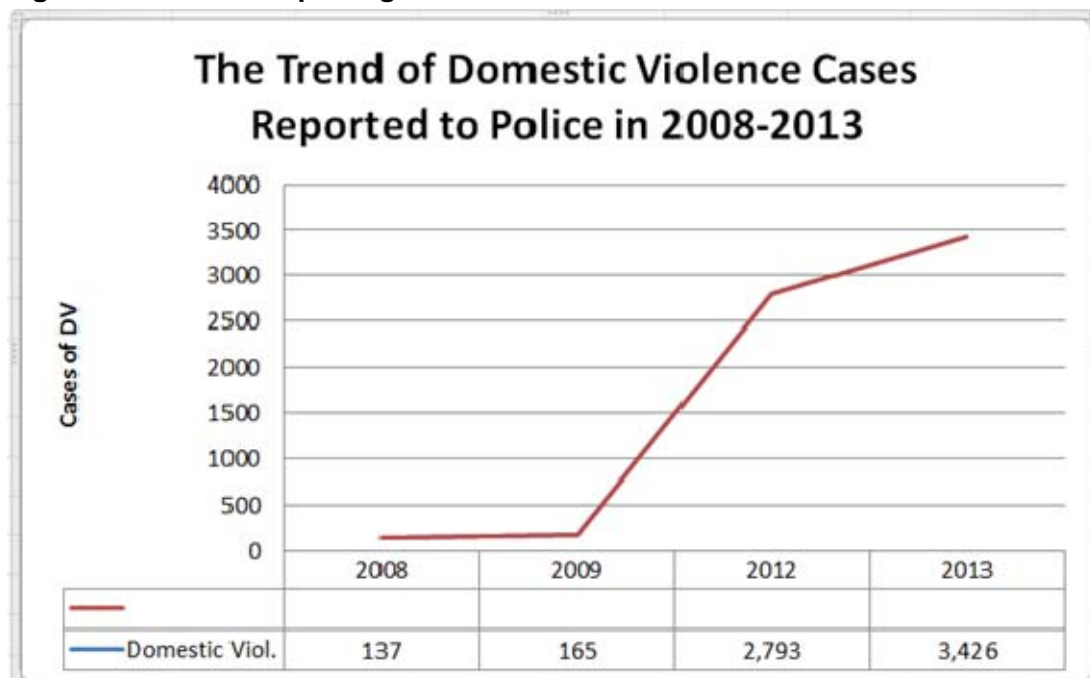


Although the vast majority of cases are brought by women, there is some anecdotal evidence that the number of men reporting DV was also on the increase, although we could not find any concrete data to support this.[12] This increased level of reporting is very likely to have saved many women from further abuse and perhaps saved their lives. According to the director of gender in the Ministry of Gender, 'The law has taken domestic violence into the public realm – it is no longer private and "acceptable"' (interview, 3 April, 2015). Accordingly, the increase in reporting is a clear indicator of rising consciousness about domestic violence.

However, serious challenges remain in terms of the process through which victims have to go in bringing forth cases of domestic violence. Police officers note that most victims, and especially women, are compromised by cultural ties which tend to hinder investigations. Married women often live amongst their husband's relatives, which makes it very difficult to speak out against their son and bring in officers to investigate.

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[11] Source: Uganda Police, *Annual Crime and Traffic/Road Safety Report*, 2013. Available at: http://www.upf.go.ug/publications/

[12] According to the in-charge, Child and Family Protection Unit (CFPU), old Kampala police office, there is an increasing trend of men reporting emotional violence as a result of their uncertainty about paternity of their children (interview, March 2015).

According to one local police commissioner, many cases are abandoned at this point: 'You will call the concerned woman and say, "The file is ready, come and make a statement," and the woman replies, "Oh no! Now we are ok" … she can even hang up on you as you are still talking to her on the phone'. The same commissioner notes that:

> Victims who report cases of violence do not want you to open up a file and proceed with the case. They will tell you, "I want you to talk to him," or "I have come for advice, what do I do?" And when you want to follow up, they will withdraw. People value families, they value their relationships and would not want to go as far as a court case (interview with commissioner, Family and Child Protection, April, 2014).

The relatively hazy implementation architecture of the DV law raises at least three main points. One is that the DVA is a complex law that involved several compromises along the legislative path and also involves multiple stakeholders for its adequate implementation. For one state attorney in Masaka, the law is quasi civil and quasi criminal, which makes it difficult to implement, especially from the perspective of the courts (Masaka resident state attorney, April 2015). Also, once women refuse to pursue cases on a criminal basis, this requires police to go into an arbitration process, for which it is ill-equipped. Second, is that the energy that was invested in the adoption process was not invested in equal measure when it came to implementation, with little pressure from parliamentarians, civil society groups or donors on government to address the significant gaps that emerged in terms of implementation. Third is that implementation has been poorly resourced, both by donors who did not follow through their catalytic role into funding implementation, apart from the shelters, and by government itself. This in turn reveals the inability within government to actively pursue a policy that was perhaps only agreed to under duress and does not fit within the dominant interests and ideas of a ruling coalition that lacks a substantive programmatic concern with women's rights. DVA implementation, then, has not been promoted either as part of the 'goodies' to be dispensed by the ruling elite, or rather ruler, or as a means of actively promoting the rights of women.

## Policy case 2: girls' basic education within Uganda's Universal Primary Education (UPE) initiative

The case of how girls' education came to form part of the wider push for universal primary education (UPE) in 1997 is less clear as a policy story than the DVA (with the literature still unclear on whether the provision was a policy, a programme or a political pronouncement). But the politics of this initiative is rather more straightforward, and creates a neat fit with the dominant party (DP) type of political settlement. Universal primary education commanded the full support of all key political and policy players within Uganda, as it was closely aligned with dominant incentives and ideas within the political settlement at the time and since then, particularly in terms of the growing need

for the president to secure his legitimacy through the support of his core rural constituency following the return of elections in 1996. As discussed below, the focus on girls' education within UPE came as something of an afterthought. Although gender equity has been achieved in terms of access, deep-seated problems and inequalities remain between boys and girls in terms of the quality of the school experience, regarding both scholarly achievements and completion rates, and in a broader social sense.

**Political origins of UPE**

In technical terms, the idea of universal primary education in Uganda was first posited through the 1987 education review commission, popularly known as the Kajubi Commission, and the resulting 1992 government white paper on education (Hansard, 10 May, 1994**)**. The commission's report was submitted on 30 January 1989 to the then minister of education, and amongst its many recommendations was to reduce expenditure on higher education and invest in lower education levels (Hon. Kubeketera James, former MP 8th parliament, chairperson social services committee). However, this policy agenda lacked momentum until it became a political issue during the campaigns for the 1996 general elections. First announced as a policy initiative of one of the leading opposition candidates, its apparent popularity amongst voters saw President Museveni adopt it as part of his and the NRM's own campaign (Bantebya and Mwiine, 2014; Kisubi, 2008). UPE would go on to be articulated as a flagship measure introduced under the first Poverty Eradication Action Plan (PEAP) in 1996-97. The officially expressed goal of UPE was to provide basic access to quality and affordable education for all Ugandans, helping to secure the goals stated within the Education for All (EFA) campaign and the MDGs by 2015. It was described as 'the provision of basic education to all Ugandan children of schoolgoing age, guaranteeing access, equity, quality and relevance of primary education to all Ugandans at an affordable cost' (RoU, 1998). Although it was never intended to be 'free', the populist way in which the policy was introduced led it to be interpreted in this way by the majority of parents.

**UPE and the gender question**

The idea of promoting girls' education was not a critical focus in either the Kajubi Commission's report or the 1992 government white paper on education, but rather emerged along the way. According to an announcement by the Ministry for Education, UPE was originally intended to cover four children per family, two of whom were supposed to be girls where the family had them:

> Girls have equal opportunities as boys for selection among the four children and where there are both boys and girls; at least two of the four children shall be girls (RoU, 1998).

> In the beginning, the policy proposed that UPE should provide for four children per family. It was left to the family to decide on who these four

children should be. But because of the history of girls missing out on education, there was emphasis that two children should be boys and two should be girls. Where there was a child with disability in the family, she/he was supposed to be given priority (interview with commissioner, basic and secondary education, 20 August, 2014).

The 1998 Guidelines on Policy, Roles and Responsibilities of Stakeholders in the Implementation of Universal Primary Education indicated that UPE was for *all* Ugandan children of schoolgoing age, in order to eliminate disparities and inequalities. However, the 1998 policy guidelines largely remain silent on critical gender issues in education, with little explicit justification for a focus on girls' education. According to the assistant commissioner, policy analysis Ministry of Education and Sports (MOES), the gender question was brought directly into focus especially through the sector-wide approach brought by international donors:

> The question of gender in UPE was brought on board after discussions and public dialogues with stakeholders and education-funding agencies such as Unicef, the World Bank, USAID, and the European Union. They indicated that there were fewer girls in schools who were remaining and completing primary education. They noted that girls were enrolling but dropping out much earlier and not completing the primary cycle (interview, MOES official, August 2014).

Within the broader context of the focus on gender mainstreaming following the 1995 UN Women's Conference in Beijing, some CSOs also lobbied for a stronger focus on girls' education within UPE. As UPE continued on its journey for conceptual clarity, it coincidentally provided a vent for the increased articulation of issues of access, especially for the girl child.

The difficulty in achieving technical policy objectives within a populist political pronouncement soon became apparent when it came to implementation from January 1997. In particular, the registration limit of four children per family proved problematic, especially regarding the exact definition of a family. As there was no criterion for selecting the four children, the government decided to shift from four to all children aged six to 12 by 2000 (Kisubi, 2008).

The UPE programme had an immediate and positive impact on the numbers of children enrolled in school, including girls. Gross enrolment in primary schools increased by 73 percent in the same year of 1997, in contrast to 39 percent in the year preceding the introduction of UPE (Bategeka and Okurut 2005). By 2008 (slightly over a decade of implementation), Uganda had hit the 50/50 mark in terms of enrolment and in some cases a slight gender gap of 49/51 in favour of girls (RoU, 2010b). By 2013, gross

enrolment in primary schools stood at 8.4 million, with girls constituting 4.2 million (RoU, 2014).

From 2000 onwards the curve of focus on girl child education has been in an upward direction. The entry of large numbers of girls into the largely unprepared schools soon meant that gender concerns were approaching crisis levels. The gaps within the UPE implementation, such as overcrowding, high dropout rates and limited sanitary facilities, all affected girls more acutely which attracted more direct attention from CSOs and donors. The general momentum of gender mainstreaming in the country, even in its limited technicised manner, thence generated a gender-focused policy environment within the education sector. This led to the revision of the Education Sector Strategic Plan 2007-2015, the introduction of the Gender in Education Policy (2009) and the National Strategy for Girls Education (2000). Development agencies such as Unicef have been a key ally in buttressing this curve. Women's organisations such as the Forum for African Women Educationalists (FAWE) and ACFODE have all sustained the momentum of the girl child focus and progressively introduced more rights perspectives into UPE, for instance relating to issues of the school environment, such as sexual abuse and the gender barriers embedded in the school curriculum.

**Politics of UPE implementation**

Given its genesis, UPE was implemented as a matter of urgency by public officials. They clearly understood the initiative to be a political imperative that had the strong personal backing of the president, and moved ahead with implementation in 1997, despite official guidelines not being in place.[13] The president's initial pledge was followed by a series of political orders, either personally by the president or through the political appointees within districts, particularly the resident district commissioners (RDCs), on how UPE should be implemented. As one Ministry of Education official in post at the time told us:

> Political pronouncements were so strong, to the extent that when they came in, you [MoES] needed to move fast and look like you are the ones who initiated them (interview, June 2014).

International donors, who were then highly influential policy actors, moved swiftly to provide the resources necessary for the government to make good on this election pledge. Press reports were awash with reports on big donations (see Table 2).

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[13] The guidelines were developed in 1998 as a reactive measure, and even then were not sufficient, as expressed by actors in the education sector. As policy implementers, they expect, under normal circumstances to have implementation guided by a policy or guidelines; in the case of UPE, guidelines were developed during implementation as a reaction to the challenges along the way.

**Table 2: Press reports (1997) on donations to UPE**

| Headline | Newspaper, publication date |
|---|---|
| US gives UPE 8bn/= | Daily Monitor, 29 March |
| UPE in 6.7bn boost – from the Netherlands | New Vision, 3 December |
| Shs. 100bn to boost UPE– The World Bank | New Vision, 24 November |
| USAID donates Shs. 8 bn to UPE | Daily Monitor, 14 October |
| Britain donates 34bn to UPE | New Vision, 8 October |
| Irish boosts UPE in Kibaale with 200 million | New Vision, 4 August |
| Rakai gets 61m/= UPE funds – World Vision | New Vision, 17 June |

This convergence between the interests and ideas of the president, powerful donors and the NRM's core constituency of poor rural people meant that UPE and, within it, the near accidental focus on the girl child, had the strongest possible political backing. The intervention of donors helped to avert the near catastrophe in UPE and worked to establish relative normalcy to the patronage project that inadvertently bore it in the first place. The only group to express disquiet about the initiative in the first years was middle-class parents, who were concerned both with the declining levels of quality associated with rising class sizes and the reduced influence of parent and teacher associations over school governance. The latter was introduced as part of UPE reforms and for some represented a direct challenge to the middle classes by the president, both in favour of his core constituency and against those parents with the capacity to organise independently of the state's patronage structures (Dauda, 2004; Tripp 2010).

This move, and the convergence between a populist, politically driven policy and large amounts of often poorly monitored finance from largely unaccountable donor sources, meant that basic education in Uganda soon became characterised by the politics of patronage that was deepening in Uganda at this time. This involved a steep rise in corruption scandals, such as UPE funds not reaching the schools, head teachers swindling the funds and school facilities constructed on UPE funds under the school facilities grant collapsing before they were completed (Uganda Debt Network [UDN] 2003; Tumwebaze, 2007).[14] With middle-class parents withdrawing their children from UPE schools, there has been an apartheid-like effect on rural populations, with less vocal, poorer parents left to flounder in increasingly unaccountable UPE schools.

The president has consistently dismissed concerns about the quality of UPE as elitist. He has actively encouraged the division between the poor and the elite, including by stating that middle-class parents who insisted that their children have lunch at school

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[14] The near normalisation of shoddy work as a standard government works procedure found its clear expression in the UPE implementation process.

should move their children to private schools instead of forcing poor parents to pay for meals.[15]

The implementation of UPE, largely cast as a presidential gift of patronage, rather than as a right, has worked well in the hands of the dominant leader. It has for example had a big contributory effect on the construction of a citizenry on its knees, expressed in the popular saying, *'tusaba gavumenti etuyambe'* – meaning: 'we beg government to come to our rescue', with parents viewing their children as 'Museveni's children' (FGD with former MPs, June 2014). This displacement of the autonomous agency of PTAs in favour of positioning the president as the sole guarantor of educational provision both reflects and reinforces the interests of Uganda's dominant party settlement, leaving the majority of people as clients, as opposed to citizens. In terms of the quality of provision, the overcrowding, limited sanitary facilities and high dropout rates all affect girls more than boys, and despite efforts by civil society and donors to address some of these problems,[16] the rates of achievement and completion remain much lower for girls than boys (RoU, 2014).

On the whole, criticism of the UPE policy was largely directed, not at the principle but rather at its politics, the language used in shaping policy statements and the ultimate critical deficits during policy implementation. For example there are arguments that the depreciation of education standards and heightened division between UPE and non-UPE schools led to an eroded image of government-aided schools. There exists a strong sentiment to the effect that the very leaders who praise UPE do not send their children to UPE schools. An elderly woman was quoted as saying:

> How come those who praise UPE do not send their children there? Can someone deny his or her children something good and give it to the neighbours' child? (Ahikire et al., 2013).

There is a notable degeneration of popular public perception of the schools as representing the promise of *bonabasome (*'let all study or go to school'*)* to the reality of *bonabakone* ('illiteracy/mediocrity for all') (Bantebya and Mwiine, 2014). However, this general sentiment does not seem to substantively undermine the patronage architecture.

The progress of UPE vividly demonstrates key features of Uganda's political settlement, with political logics far outweighing other elements of the policy process. The programme was driven through swiftly, in line with the political incentives, with the bureaucratic basis of directives and guidelines prepared long after commencement. UPE reflects both the

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[15] Bukedde Newspaper, 7 July 2002. http://www.bukedde.co.ug/
[16] The requirement for separate toilet facilities for girls and boys followed the analysis that girls tended to be discouraged from attending school due to the lack of privacy.

significance of the rural poor as a core constituency within the NRM's ruling coalition and the clientelistic mode of rule which the dominant leader employs to secure their loyalty (Golooba-Mutebi and Hickey, 2013). Despite the generally low standards of quality within UPE schools, UPE projected a government that cares for the poor. The dominant leader here becomes the embodiment of this caring government, with some parents apparently viewing their children as 'Museveni's children', and some choosing to ignore the nominal roles, such as providing food for lunch and uniform for their children (FGD with former MPs, June 2014).

## Beyond dichotomies: ameliorative versus transformative policies

The two policy cases analysed in this paper tend to undermine the use of a distinction between ameliorative and transformative gender policies as hard-and-fast categories. For some, legislation on domestic violence falls within the category of transformative legislation, as domestic violence is largely embedded in patriarchal power relations which would be challenged in potentially transformative ways by such legislation. Basic education for girls, meanwhile, is usually taken to fall within the ameliorative category of polices (Htun and Weldon, 2010).

In the process of the research, however, it was found that the DVA and the manner in which it was cast in instrumentalist terms progressively evened out the final legislation, thereby emptying it of its strongly transformative potential, particularly around the issue of marital rape. The momentum built towards the enactment of the DVA could not be maintained through to its implementation, thus further undermining its transformative potential. Of course, we are not yet in a position to judge the extent to which matters will improve over time, including the possibility that the law constitutes a starting point for longer-term institutional change and an opening upon which more radical interventions can be built. However, the current signs are not promising in this regard. For example, the same people who rallied behind the DVB – male MPs, religious leaders and some women MPs – strongly opposed the Marriage and Divorce Bill, which would have more directly challenged the subordination of women to men. In this sense, it might be more useful to distinguish between laws on gender that touch on doctrinal, as opposed to non-doctrinal, issues, with the DVA being non-doctrinal, whereas the Marriage and Divorce Bill is doctrinal (Htun and Weldon, 2010)[17].

The case of UPE representing ameliorative policies can also be viewed from a different perspective. UPE set off as a government directive, with little focus on the rights of girls. However, and even though largely a byproduct of a wider political move, once in place the commitment to girls' education provided an important point of engagement for the gender mainstreaming lobby. Despite the inherent weaknesses of the programme, say, in terms of the quality of education and facilities, the general idea is that UPE as a

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[17] We are grateful to an anonymous peer reviewer for alerting us to this point.

process helped to entrench the notion of girl child education. On the basis of this, more rights-based focused questions about high girls' drop-out rates, female teacher placements, curriculum, early marriage, teenage pregnancy and sexual abuse in schools are being raised.

## Concluding reflections

The two policies discussed here differ in terms of genesis, process and intent: whereas the domestic violence law originated, and was fully anchored in, the struggles of the women's movement, UPE originated from the executive with the full blessing of other powerful players. Despite this difference, the two policies tend to intersect at the point of their relationship with the dominant leader and the extent to which personalised power animates policy directions. Taken together they reveal a good deal about the politics of promoting gender equity in contemporary Uganda. Ultimately, the context of political power and the nature and interests of the ruling coalition have a lot to tell us about the nature and state capacity for gender-inclusive development. The organisation of power also impinges on the manner in which the policy outcomes are deployed and channelled to impact on substantive gender transformation.

The fact that girls' basic education, as located within the broader UPE initiative, has progressed much further than the DVA in terms of implementation directly reflects the extent to which UPE was closely aligned with the dominant interests and ideas of powerful players within the ruling coalition (most notably the president, voters and donors) in the context of a political settlement characterised both by presidential dominance and increased susceptibility to demands from lower-level factions.

By contrast, the DVA emerges as a more tokenistic form of legislation that has barely moved from the statute books and was perhaps offered more as a means to appease a more marginal constituency upset by the loss of more radical legislative reforms (around DRB) than through any genuine commitment. It is striking that the feminist activists campaigning for the DVA had to go to great lengths, both to form a coalition capable of securing the legislation and to reframe the issue of domestic violence as essentially an ameliorative agenda that was non-threatening to male interests. The fact that domestic violence has now been ruled illegal has increasingly taken hold in Uganda, as evidenced by the large and growing number of cases brought forward under the legislation, and could over time lead to a shift in norms concerning men's treatment of women. Despite this, however, the most striking features remain the limited capacity and commitment shown by government to ensure the implementation of even this relatively diluted law, the resistance to any more radical advances for women's rights in relation to domestic relations and the ways in which fields of power relations at multiple levels reduce the enforcement of women's rights in relation to domestic violence. Taken together, these policies suggest that the dynamics of Uganda's political settlement remain inimical to the promotion of policies genuinely aimed at gender equality in the long term.

In terms of policy implications, the DV case reinforces the need for those campaigning for what might be seen as transformative change not only to generate a clear understanding of what influences the ability of the political system to channel women's interests and representation into effective policy formulation and implementation, but perhaps also to think through more carefully the trade-offs between getting something accepted and this being too diluted to achieve the original objectives. The case of the DVA also strongly suggests that campaigners need to plan much more carefully for the post-adoption phase, with a much stronger focus on trying to generate the capacity and commitment required for implementation. Finally, policies need to be monitored and evaluated in order to generate the evidence of positive impacts required to sustain them over time, including in relation to the kinds of arguments used to promote the policy in the first place (e.g. the developmental benefits of the reforms).

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## Appendix 1. Participants in the study

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–       Civil servant, Ministry of Education and Sports.
–       Civil servant, Ministry of Education and Sports.
–       Civil servant, Ministry of Gender, Labour and Social Development.
–       Senior civil servant, Ministry of Gender, Labour and Social Development.
–       Programmes officer, Ministry of Gender, Labour and Social Development.
–       Member of the Uganda Women Parliamentary Association (UWOPA).
–       Senior officer, Uganda Law Reform Commission.
–       Child and family protection officer, Uganda Police Force, Kampala.
–       Education specialist, Unicef-Uganda.
–       Senior member, Uganda Women's Network (UWONET)
–       Senior manager, Forum for Women Educationalists – Uganda Chapter.
–       Senior manager, Center for Domestic Violence Prevention (CEDOVIP), Kampala.
–       Senior manager, Uganda National NGO forum, Kampala.
–       Professor at the School of Law, Makerere University
–       Former woman member of parliament.
–       Former Member of Parliament.
–       Former woman member of parliament, 8th parliament.
–       Former woman member of parliament, 5th and 8th parliaments.
–       Former member of parliament, 8th parliament (male).
–       Former district woman member of parliament, 8th parliament.
–       Former district woman member of parliament, 8th parliament.
–       Former member of parliament, 8th parliament (male).

### The Effective States and Inclusive Development Research Centre

The Effective States and Inclusive Development Research Centre (ESID) aims to improve the use of governance research evidence in decision-making. Our key focus is on the role of state effectiveness and elite commitment in achieving inclusive development and social justice.

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The other institutional partners are:

• BRAC Institute of Governance and Development, BRAC University, Dhaka

• Center for Democratic Development, Accra

• Center for International Development, Harvard University, Boston

• Department of Political and Administrative Studies, University of Malawi, Zomba

• Graduate School of Development, Policy & Practice, Cape Town University

• Institute for Economic Growth, Delhi

In addition to its institutional partners, ESID has established a network of leading research collaborators and policy/uptake experts.