

# Harmful COVID-19 response practices violating Women's rights in Uganda



## Background

The World Health Organisation (WHO) on March 11, 2020 declared the Covid-19 virus a global pandemic. This was due to the wide and fast spread of the virus across the globe from Wuhan-China where it was first discovered in December of 2019. Within a short span of weeks, the virus had made its way into

more than 100 countries and has killed tens of thousands of people. The WHO thus called on governments to take urgent action to stop the aggressive spread of the virus to communities.

Against the above background, the Ugandan government has taken steps including passing emergency presidential directives to shut down public

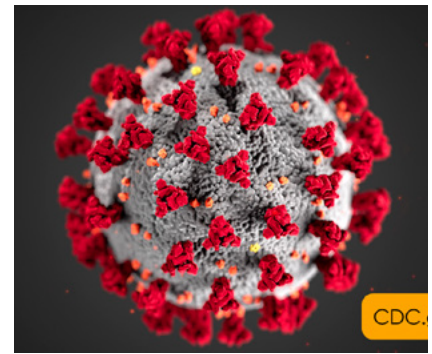
gatherings including schools, malls, churches, institutional meetings, court processes save for emergency cases, banned public and private transport, is enforcing a curfew from 7pm till 6.30am, locked down non-essential markets except those selling food and agricultural produce, government activities have been put to a stand still save for armed forces, roads construction, health services to mention but a few.

# Human rights in the face of emergency presidential directives to fight Covid-19


Under International human rights law and the Ugandan Constitution (Article 44), enjoyment of human rights can be limited in the face a public health crisis such as in the face of a global pandemic (Covid-19 situation). The limitations are however supposed to be demonstrably justifiable in a free and democratic society. In the Ugandan instance these limitations ought to be legally justifiable, of absolute necessity and at the very minimum have a scientific

basis upon which they are being applied. The limitations should apply to all persons, indicate when they'll end and at all times promote human dignity, be subject to review in the face of abuse of minorities who can not abide and be equitably applied to achieve the intended purpose.

The principle of what human rights can be restricted and which may not was tested in the constitutional case of *Salvatori Abuki Versus the Attorney General of Uganda*, Constitutional Case No. 2 of 1997. Justices of the Constitutional




Court unanimously held that there are human rights that can not be deviated from no matter the circumstance at hand and these include the right to be free from torture, cruel, inhuman and degrading treatment (Article 24); the right to a fair trial, freedom from slavery and involuntary servitude and the right to habeas corpus (right to be produced before a court of law within 48 hours of arrest) under article 44 of Uganda's 1995 Constitution. Further in construing what amounts to a constitutional (legally acceptable norm/law/policy) directive, the policy makers ought to consider purpose and effect of the law on the subjects (citizens) expected to comply with it. Indeed in this case *Salvatori Abuki* had been banished from his village for 10 years for practicing witch craft, and the court held that where government had not provided alternative shelter and food, this was un-acceptable and an abuse of basic dignity rights of *Abuki*. It is therefore important that policymakers, enforcement officials uphold human dignity as a right that cannot be derogated from even in the face of Covid-19 in Uganda today.










## PRESIDENTIAL GUIDELINES TO MANAGE THE SPREAD OF CORONAVIRUS

Effective 1st April 2020



@kagutamuseveni

<h3 style="margin: 0;">SUSPENDED</h3> <ul style="list-style-type: none"> <li>● Movements in and out of country 32 DAYS</li> <li>● Public Transport 14 DAYS</li> <li>● Private Transport 14 DAYS</li> <li>● Boda Boda 14 DAYS</li> <li>● Tuk-Tuks 14 DAYS</li> <li>● Coaches 14 DAYS</li> <li>● Buses 14 DAYS</li> <li>● Air Transport 32 DAYS</li> </ul> 	<h3 style="margin: 0;">CLOSED</h3> <ul style="list-style-type: none"> <li>● Shopping Malls 14 DAYS</li> <li>● Arcades 14 DAYS</li> <li>● Hardware shops 14 DAYS</li> <li>● Lodges 14 DAYS</li> <li>● Salons 14 DAYS</li> <li>● Non-Food stores 14 DAYS</li> <li>● Non-Food Markets 32 DAYS</li> <li>● Garages 14 DAYS</li> </ul> 
<h3 style="margin: 0;">PROHIBITED</h3>  <ul style="list-style-type: none"> <li>● Gatherings of more than 5 people</li> <li>● Parties</li> <li>● Bars</li> <li>● Communal weddings</li> <li>● Churches</li> <li>● Political rallies and events</li> <li>● Movements of any form between 7:00pm and 6:30am</li> </ul>	<h3 style="margin: 0;">ALLOWED (WITH PRECAUTION)</h3>  <div style="display: flex; justify-content: space-between;"> <ul style="list-style-type: none"> <li>● Food markets - 4 metres circumferential distance, workers must stay at camp</li> <li>● Supermarkets - Regulate numbers that come and leave</li> <li>● Construction sites - workers must stay at camp</li> <li>● Factories - workers must camp</li> <li>● Pharmacies</li> <li>● Vet shops</li> <li>● Agric stores</li> <li>● Banks</li> <li>● Judiciary</li> <li>● Media houses</li> <li>● Private security companies</li> <li>● Garbage collection services</li> </ul> <ul style="list-style-type: none"> <li>● Fuel stations</li> <li>● Water departments</li> <li>● KCCA staff</li> <li>● Telecommunication</li> <li>● Door-to-door delivery</li> <li>● Cleaning services</li> <li>● Medical centres</li> <li>● Agriculture</li> </ul> </div>
<h3 style="margin: 0;">FOOD</h3>  <p style="margin: 0;">Government will</p>	<h3 style="margin: 0;">BUSINESS</h3> <ul style="list-style-type: none"> <li>● URA shall not close businesses on account of not paying taxes</li> </ul> <div style="display: flex; justify-content: space-around;">   </div>

# Harmful practices to women arising from Presidential directives on Covid-19

## 1 Increase in Domestic Violence Cases

The Covid-19 lockdown has affected women and men disproportionately. The Uganda police is reporting an increase in violence against women in homes.<sup>1</sup> Before Uganda registers deaths to covid-19, reports of women and vulnerable children dying from violence meted to them by husbands and close relatives have ensued. Due to their allotted domestic and care duties in the home, with more family mouths to feed and take care of in the home, the work is too much, tensions have arisen and yet the Ugandan government has not availed emergency response numbers that are toll free for legal, justice, psychosocial support and or emergency shelters they can run to for temporarily relief.

<sup>1</sup> NTV News available at <https://www.youtube.com/watch?v=WlKaegv6-58> accessed on April 6, 2020



### Recommendation

- a Provide emergency toll free lines at local police stations that women can call for emergency support in cases of domestic violence
- b Make communities aware of referral facilities they can go to for shelter, psychosocial support and legal support
- c Equip local authorities with relevant knowledge on how to handle domestic violence. Let them help transport and make referrals to shelters as opposed to forcing women to live with their abusers.
- d Arrest perpetrators to answer for their crimes



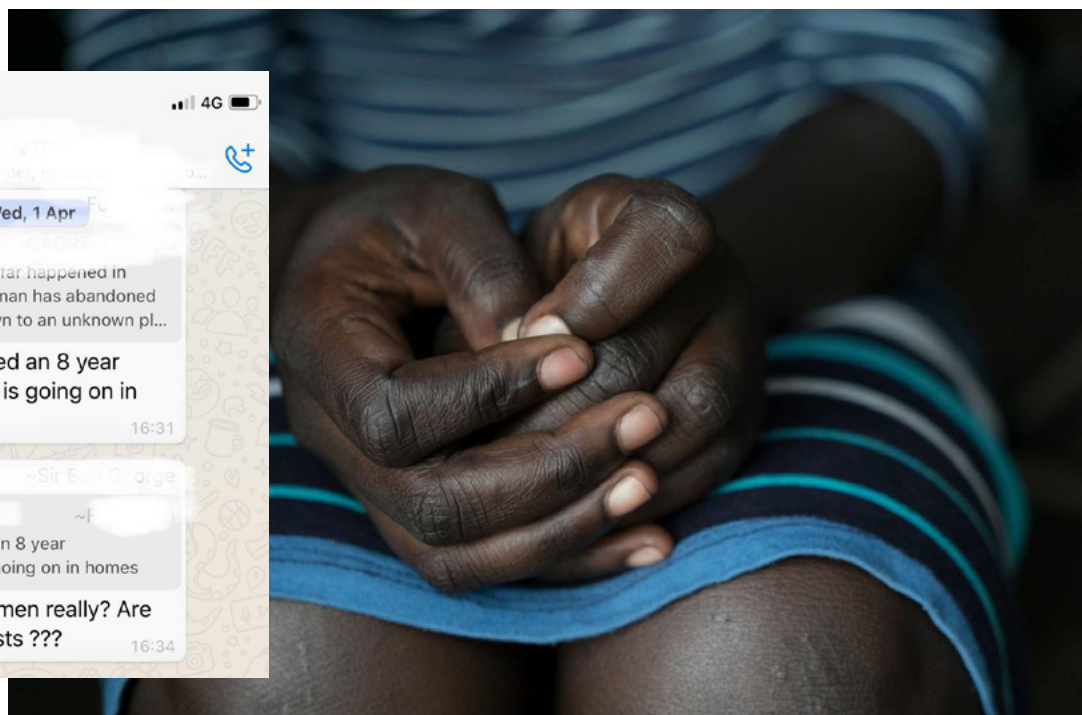


PHOTO: New Vision

## 2 Sexual violence

Cases of incest, rape and rape of women by men and closely nit relatives have been raised to WPI lawyers and social media. Reporting these cases has become very difficult as they happen during curfew hours when movements are restricted. The victims are impoverished and may not have mobile phones or credit to call RDCs to give them permits to rush to hospitals for emergency pre-exposure prophylaxis (PEP) to purge themselves against contracting HIV/AIDs, access to emergency contraceptives to prevent unwanted pregnancies, psychosocial support and or temporary shelter in a place away from their abusers. Whereas, the government has availed standard operating procedures (SOPs) for women that are sick and need to be rushed to hospital, no similar guidance has been given to victims of sexual violence in our communities. This oversight omission by government can be interpreted as a deliberate violation of women's right to emergency health care, discrimination on the basis of gender/sex and gender based violence as access to emergency contraceptive is a service that only women would need after being sexually violated.



### Recommendation

- a** Avail emergency toll free lines at police stations and health facilities to attend to women that are suffering sexual violence in the Covid-19 lockdown
- b** Provide psychological counseling, including rape crisis counseling and trauma therapy to victims of sexual violence
- c** Arrest perpetrators and hold them to account
- d** Provide local council officials with SOPs on how to handle emergency sexual violence cases.
- e** Allow lawyers and civil society to support victims of sexual violence in this Covid-19 situation



### 3 Torture by law enforcement officials

Torture in any form (psychological, emotional, physical beatings by Local Defence Units (LDUs), deliberate denials of movement permits) MUST not be permitted. To deny or delay women permissions to move to health facilities is torture, cruel and inhuman treatment that is UNACCEPTABLE.

Women in need of emergency obstetric care, emergency contraceptive pills or Post Exposure Prophylaxis (PEP) CAN NOT WAIT! This category of vulnerability and intersection of poverty, femininity and sexual reproductive function to society should be recognized and upheld as our Constitution provides under article 33.



#### Recommendation

- a Lift ban on emergency transportation for women who need to access health facilities
- b Use persuasion and educational language to deter women from breaking public emergency health laws in place
- c Apprehend security enforcement officials abusing their power to manhandle vulnerable women
- d Engage non-government entities with resources to avail psychosocial support, shelter & crisis counseling to women who have been subjected to torture in this Lockdown



## 4 Increased interests on Loans and rental charges by Land Lords

There are increased reports of landlords evacuating women for nonpayment of rent for the month of March 2020. Women lost jobs working in salons, selling cloths, tour guides, bar owners as a result of the closure on nonessential businesses. As a result many cannot meet their rental dues, loan interests on premiums they borrowed from banks, financial institutions, moneylenders and SACCOs. These largely non-regulated bodies will continue to stress women with incremental sums they cannot pay as a result of a lack of active employment thereby subjecting them to psychological torture.



### Recommendation

- a Implement moratoriums on evictions due to rental/ mortgage/SACCOs/ Money lenders' loan interest payments for those affected directly or indirectly by the Lockdown
- b Provide universal basic income for those who have lost income and vulnerable persons including refugees, persons with HIV/AIDS, Persons with disabilities, older persons et al



**Daily Monitor**

### Banks have to revise interest rates, loans, says risk manager

Tuesday March 24 2020

Coronavirus (Covid-19) was an unknown unknown; nobody probably in the country had a plan for managing such a pandemic – and with the outbreak it is now a known unknown

PHOTO: Daily Monitor

# 5 Inability to access essential Emergency Obstetric Care (EmOC) and Contraceptives

In a story reported on Friday April 3 2020, an expectant mother of twins, who was referred to Kamuli District General hospital was stranded following restrictions on movement in the wake of the Covid-19 pandemic. Ms. Nuru Baluka, 38, a mother-of-seven and resident of Nansololo Zone, Namasagali Sub-county in Kamuli district, was referred to the General Hospital from Namasagali Health Centre after she developed complications but had to sleep in the facility (Namasagali)<sup>2</sup>. Many women have been reported delivering by the roadside, many die in their homes and yet some die for failing to get the permits. Article 33(3) of the Constitution of the Republic of Uganda states that the state shall protect women and their rights, taking into account their unique status and natural maternal functions in society. RDCs are situated at the district headquarters which are usually far away or out of reach for most women. One of the major contributors of maternal mortality is Delay at home, the procedure for securing a movement permit to go to the hospital may also be long making the delay longer therefore pregnant women may die as they try to secure a permit from the RDCs to go to hospital.

<sup>2</sup> <https://www.monitor.co.ug/News/National/Stranded-expectant-mother-rescued-boda-boda-secure-ambulance/688334-5512818-3xdf7bz/index.html>



## Recommendation

- a Grant expecting mothers free access to hospitals without need for permission.
- b Involve CSOs in COVID-19 response meetings to avoid these fatalities that could have been foreseen prior to the curfews and presidential directives.

## 6 Stigma and Discrimination of women Living with HIV/AIDS

Women Living With HIV (WLHIV/A) been negatively impacted by the locked down because they are required to declare their status and purpose of need for permits to walk to facilities to get refills of their ARVs. Due to fear to let public officials and enforcement personnel to know one's status there is a high likelihood for poor adherence to ARVs and this leads to drug

resistance and ultimately poor health outcomes that are complicated to manage. The practice of having to reveal HIV status to justify necessity for a travel permit violates the right confidentiality and the right to privacy of women's health records. It promotes stigma and discrimination and undermines the gains Uganda has achieved in testing and treating conditions such as HIV/AIDS, Hepatitis, Tuberculosis among others.



### Recommendations

- a Lift ban on transportation for persons that need emergency health care
- b Involve CSO representatives of minority groups on the COVID response team

## 7 Inability to access legal support

The necessity for lawyers offering pro bono and legal aid to vulnerable individuals in these covid lockdown days cannot be underscored. The right to fair trials and habeas corpus (presentation to court within 48 hours of arrest) cannot be derogated. Failure to list legal services as essential services is likely to harm women's access to basic justice platforms.



### Recommendation

- a Give pro bono and legal aid lawyers permits to represent vulnerable clients trapped in the criminal justice system in the lock down
- b Engage non-government Justice stakeholders on the COVID-19 response team.



# 8 Mentalhealth Challenges

Communities are suffering emotionally and mentally the brunt of economic challenges arising from the lockdown. Many have not health insurance, food to sustain families, stress from fears of conspiracy theorist of the outcomes of the lockdown and need counseling on how to deal with the situation. Uganda has no policy, plan or guidance on management of mental health challenges in our communities at a primary health care level. Women suffering, domestic and sexual violence cannot access rape crisis counseling as those services are not listed as essential in our health care system.



## Recommendation

a

Identify and collaborate with non state stakeholders (CSOs, religious entities, INGOs) to provide supportive social services to communities within the primary health care level system through medical specialty and assistance personal services, such as counseling, rehabilitation, referrals to temporary shelters etc.

## REFERENCES

- 1 Constitution of the Republic of Uganda, 1995
- 2 Salvatori Abuki Versus the Attorney General of Uganda, Constitutional Case No.2 of 1997
- 3 NTV News available at <https://www.youtube.com/watch?v=WlKaegv6-58> accessed on April 6, 2020
- 4 Daily Monitor News, <https://www.monitor.co.ug/News/National/Stranded-expectant-mother-rescued-boda-boda-secure-ambulance/688334-5512818-3xdf7bz/index.ht>
- 5 The Public Health (Control of Covid-19) (No.2) Rules, 2020

# OUR VISION

A Uganda free of violence and discrimination against women and girls

# MISSION

To advance access to justice for girls through awareness creation, legal representation, Research and knowledge sharing

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