

**THE ROLE OF UGANDA'S CUSTOMARY LAW IN SHAPING GENDER NORMS
AND ITS IMPACTS ON WOMEN'S RIGHTS IN KAMPALA**

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**A DISSERTATION SUBMITTED TO THE SCHOOL OF LAW IN PARTIAL FULFILLMENT OF
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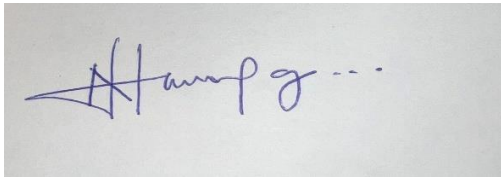
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DECLARATION

I, GIFT JOSEPHINE, hereby declare that to the best of my knowledge and information, this research dissertation is my original work and has never been submitted to any university, college or institution of learning for the purpose of acquiring any academic award.

Signed:

A photograph of a handwritten signature in blue ink on a light-colored surface. The signature is cursive and appears to read "Gift Josephine".

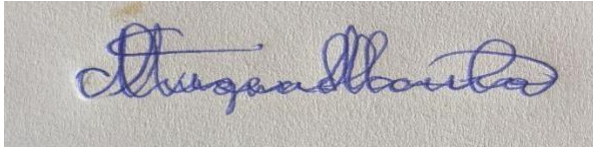
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APPROVAL

This is to certify that this dissertation was done under my supervision.

Supervisor: Ms. Mugisa Martha

Signature.....

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Date: 27TH MAY 2025

DEDICATION

This book is dedicated to my Father, Mother Mrs. Ngategire Stella, and Siblings, whose unwavering and invaluable support shaped me. I am deeply grateful to Almighty God for their presence in my life and pray for His continued blessings upon them. I also dedicate this work to my friends, who have consistently offered their encouragement and moral support whenever I needed it.

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I attribute my success to Almighty God, whose grace has enabled me to complete this work. I am profoundly grateful to my supervisor, Ms. Martha Mugisa, for her dedicated guidance throughout my research. Her insightful advice and tireless efforts were crucial in shaping this dissertation.

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LIST OF ACRONYMS

FGD- Focused Group Discussion

SDG-Sustainable Development Goals

CEDAW-Convention on the Elimination of All Forms of Discrimination against Women

UWONET-Uganda's Women Network

ELA-Empowerment of Livelihood and Adolescents

JLOS- Justice Law and Order Sector

WFD- Westminster Foundation for Democracy

GBV- Gender-Based Violence

UDNR-Universal Declaration of Human Rights

ICCPR-International Covenant on Civil and Political Rights

ICESCR-International Covenant on Economic Social and Cultural Rights

ABSTRACT

This research looks at how Uganda's customary law shapes ideas about gender and affects women's rights in Kampala, a lively city where old traditions meet modern laws. Even though the 1995 Constitution and other laws push for equal treatment of men and women, traditional practices like bride price, polygamy, and inheritance rules that favor men keep male-centered ideas strong. These customs make it hard for women to get justice, earn their own money, make their own choices, and stay safe from gender-based violence. The mix of customary and modern laws, resistance to change, weak law enforcement, and women not knowing their rights make these problems worse, especially in Kampala's outer areas. Using ideas like legal pluralism, feminist legal theory, and social constructivism, the study shows the conflict between traditional customs and the Constitution's promises. Groups like FIDA-Uganda, new laws, and community education efforts are helping create change. The study suggests steps like better law enforcement, updating laws such as the Marriage and Divorce Bill, teaching communities about equality, supporting women's groups, blending traditional and modern legal systems, and investing in education and jobs to make customary law fairer. Kampala's special mix of old and new ways offers both challenges and chances to build a fairer society for women.

CHAPTER ONE: GENERAL BACKGROUND

1.0 INTRODUCTION

Ugandan law is like a colorful fabric made from colonial history, written laws and traditional customs, with each part shaping the country's legal and social world. In Kampala, the bustling capital that mirrors Uganda's rich diversity, customary law plays a pivotal role in family and personal life, especially in defining gender roles and expectations for men and women. According to Article 32(2) of Uganda's 1995 Constitution, customary law is a valid legal source, provided it aligns with natural justice, equity and good conscience, and doesn't clash with statutory laws. Yet, this blend of legal systems often creates tension, as customary practices steeped in male-controlled traditions collide with the Constitution's promises of gender equality and women's rights under Articles 21 and 33. This study explores how customary law in Kampala reinforces gender norms and evaluates its impact on women's rights, drawing on key legal frameworks and landmark court rulings to highlight this complex interplay.

Traditional Ugandan law, unwritten and varied across ethnic groups, governs critical areas like marriage, inheritance and land ownership spaces where gender disparities are most pronounced. In Kampala, where modern and traditional worlds meet, customary norms often place women's access to resources and decision-making power below that of men. The Judicature Act, Cap 13¹, recognizes customary law in civil matters but insists it must uphold justice and equity. ²This principle was tested in cases

¹ The Judicature Act, Cap 13

² Constitutional Petition No.13 of 2005

like *Mifumi (U) Ltd & 12 Others v Attorney General & Anor* (Constitutional Appeal No. 02 of 2014), where the Supreme Court struck down the customary practice of refunding bridewealth during divorce, marking a step toward aligning tradition with gender fairness. Similarly, the Succession Act, Cap 162, amended in 2007, faced criticism for discriminating against widows, as seen in *Law & Advocacy for Women in Uganda v Attorney General* (Constitutional Petition No. 13 of 2005), which exposed how inheritance laws often deepen women's economic marginalization.

Kampala, a melting pot of Uganda's ethnic groups and a hub for legal and social change, is the perfect lens for examining these dynamics. Adding to the complexity is the Land Act, Cap 227, which governs land ownership a resource woman often struggles to access under customary tenure systems, even in urban areas. Court cases like *Dima Domnic Poro v Inyani*³ highlight customary law's role in preserving community identity while also revealing its potential to perpetuate gender inequality. This study critically examines how customary law shapes gender norms in Kampala, assesses its implications for women's rights under Uganda's constitutional framework and international commitments (like the Convention on the Elimination of All Forms of Discrimination Against Women, ratified in 1985), and suggests ways to bridge the gap between tradition and equality. By weaving together legal arguments, court decisions and cultural perspectives, this work contributes to the ongoing conversation about gender justice in Uganda's evolving legal landscape.

³ H.c.c.s no.45 of 2010 in Uganda

1.1 BACKGROUND

Uganda's legal system is a fascinating mix of old traditions, written laws and British colonial influences, creating a complex framework that shapes life across the country. In Kampala, a vibrant city where Uganda's many ethnic groups come together, customary law plays a big role in how people live, especially in defining the roles and power dynamics between men and women. While Uganda has taken bold steps towards gender equality with forward-thinking laws and constitutional rights, customary practices often rooted in male-dominated traditions can hold back progress, particularly in areas like marriage, inheritance and land ownership. This study explores how customary law shapes gender roles in Kampala and what this means for women's rights, focusing on the city as a place where tradition meets modern life and legal change.

Historical Context of Customary Law in Uganda

Long before colonial times, Uganda's 56 ethnic groups each had their own unwritten rules for living together, including how men and women interacted. These customary laws often placed men in charge, with women taking on secondary roles in family and community life. When the British arrived, they formalized this setup through the Native Courts Ordinance of 1902, allowing customary law to continue as long as it wasn't unfair. After Uganda gained independence, the 1966 Constitution and later laws kept customary law as part of the legal system. In Kampala, where people from rural areas mix with city life, these traditional practices remain strong, even as the city embraces modern laws and human rights ideals.

The Legal Framework for Law and Women's Rights

The 1995 Constitution of Uganda is the foundation of the country's laws, balancing respect for customary traditions with the protection of human rights. Article 32(2) recognizes customs and traditions as valid sources of law, but only if they don't go against the Constitution or other written laws. At the same time, Article 21 promises equality for everyone, regardless of gender, and Article 33 specifically protects women's rights, requiring the government to eliminate any laws or customs that harm women's dignity or well-being. This creates a tug-of-war in Kampala, where urban courts often handle disputes rooted in traditional practices.

The Judicature Act (Cap 13) also supports customary law in civil matters like marriage and inheritance, but only if it's fair and just. However, laws like the Succession Act (Cap 162) and the Land Act (Cap 227) reveal conflicts with customary practices. For example, the Succession Act limits a widow's inheritance to just 15% of her late husband's property if he dies without a will, which often clashes with traditional rules that favor men. The Land Act, updated in 2004, tried to protect women's land rights but didn't include a rule for shared ownership between spouses, leaving women exposed to customary laws that prioritize male heirs.

Customary Law and Gender Roles in Kampala

In Kampala, customary practices like bride wealth, polygamy and male-centered inheritance shape gender roles, often reinforcing men's authority and women's subordination. Bridewealth, common among groups like the Baganda and Banyankole,

treats women as property traded between families, limiting their independence in marriage. This issue came to a head in the Supreme Court case *Mifumi (U) Ltd & 12 Others v Attorney General* (2015), which began as a petition in Kampala. The court ruled that demanding bride wealth refunds during the divorce was unconstitutional because it treated women like commodities, violating Article 33. This landmark decision shows how courts are working to align tradition with women's rights, though these changes don't always reach every corner of the city.

Inheritance practices also highlight the gendered impact of customary law. Among the Baganda, Kampala's largest ethnic group, women are often excluded from inheriting land, with preference given to male heirs. The High Court case *Dima Dornic Poro v Inyani* (2014) recognized the importance of customary law in rural communities but ruled that it must not violate constitutional equality. In Kampala, where land disputes are common due to rapid urban growth, these rulings underscore the ongoing struggle to balance tradition with fair treatment for women in property rights.

1.2 STATEMENT OF THE PROBLEM

Ugandan customary law, based on tradition and cultural practice, greatly determines gender norms and social expectations, particularly in urban centers like Kampala. Even though the customary laws are predisposed to provide a system for community identity and unity, they are also likely to promote male-controlled structures that reinforce gender inequality, limit women's autonomy and undermine their rights. In Kampala, a rapidly evolving city, the interplay between customary law and statutory legal systems creates a complex landscape in which the rights of women such as access to property, inheritance, marriage, reproductive health rights and protection from gender-based

violence are regularly breached. Despite Uganda's constitutional commitments to gender equality and international human rights principles, the persistence of customary practices regularly undermines these legal frameworks, disproportionately affecting women's socio-economic and political empowerment. This tension raises some basic questions about the extent to which traditional law influences gender norms and the actual impact on women's rights in contemporary urban spaces. There is a scarcity of in-depth research that considers how these customary legal systems work in Kampala and their specific gender implications on women's everyday lives, making a detailed Case study necessary to fill this void and inform policy interventions in aligning customary and statutory laws for gender equity.

The dynamics of customary law and gender norms have serious implications for the rights of women in Kampala. Though the Constitution as well as legislations such as the Domestic Violence Act (Act 3 of 2010) offer remedies in law against gender-based violence a practice prevalent under customary law normalized implementation is slow where customary settings are involved. For example, ⁴(Uganda Association of Women Lawyers & Others v Attorney General) nullified sections of the Succession Act that discriminated against widows, but customary courts in Kampala's informal settlements still prefer male heirs over women, restricting women's access to justice and ⁵*Law and Advocacy for Women in Uganda v. Attorney General* regarding female genital mutilation (FGM) in Uganda. The other issue of concern is land tenure security. However much the Land Act attempts to protect the rights of women, customary practices in Kampala's

⁴ Constitutional Petition No.2 of 2007

⁵ Constitutional Petition No.8 of 2007

peri-urban areas deny women ownership, for example, Babumba v Kizito [2008] UGHC 45, it was held that mere cohabitation does not entitle one to be a widow under customary law, hence excluding women from inheriting property. This remains to keep women economically dependent and reinforces gender norms that position women as secondary to men.

1.3 OBJECTIVES OF THE STUDY

1.3.1 GENERAL OBJECTIVE

The general objective of the study is to examine the role of Uganda's customary law in shaping gender norms and its impacts on women's rights in Kampala.

1.3.2 SPECIFIC OBJECTIVES

The specific objectives of the study are:

- To investigate the key principles and practices of Ugandan customary law in Kampala that influence gender norms and roles.
- To analyze the extent to which customary law in Kampala affects women's rights, including access to property, marital rights and protection from gender-based violence.
- To explore the interaction between customary law and statutory legal systems in Kampala and its implications for women's rights.
- To assess the perceptions and experiences of women in Kampala regarding the influence of customary law on their rights and gender norms.

- To propose recommendations for harmonizing customary law with national and international gender equality frameworks to enhance women's rights in Kampala.

1.4 RESEARCH QUESTIONS

The research questions of the study are:

- What are the key customary law practices in Kampala that define gender norms and roles?
- In what ways does customary law impact women's rights, such as access to property, marital autonomy and protection from gender-based violence in Kampala?
- How do customary law and statutory legal systems interact in Kampala, and what are their effects on women's rights?
- What are the perceptions and lived experiences of women in Kampala regarding the influence of customary law on their rights and gender norms?
- What strategies can be developed to align customary law with national and international gender equality standards to improve women's rights in Kampala?

1.5 SIGNIFICANCE OF THE STUDY

The study is significant since it analyzes the intersection of traditional legal systems, societal gender norms and their implications in disempowering women's rights in Kampala. The following is an analysis of its likely significance.

Interpreting Customary Law in the Contemporary Context: Uganda, like most countries in Africa, has a plural legal system where customary law exists alongside statutory law. Customary law, based on traditional norms and usually applied by local leaders, regulates most spheres of life, such as marriage, inheritance and land holding. This study discusses how such customary legal systems function in an urban setting like Kampala and how they affect the legal and social status of women, with implications for the flexibility or rigidity of such systems in a rapidly modernizing society.

Gender Inequality and Norms: In Uganda, like in most male-controlled societies, gender norms also underpin inequalities like restricted access by women to property, decision-making authority and justice. Taking an interest in the intersections of such norms with customary law, the study may unearth some cultural practices like bride price, widow inheritance, or male authority in family lineages and their immediate impacts on women's rights and autonomy. This is a crucial analysis in confronting systemic obstacles to gender equality.

Impact on Women's Rights: That the research is about women's rights implies that it looks at customary law and gender norms as enabling or disabling forces. It may, for example, look at such a phenomena as domestic violence, economic subordination or political engagement and determine whether customary practices align with or are in conflict with national and international law such as Uganda's Constitution (which guarantees gender equality) or the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Kampala: By situating the research in Kampala, the research captured the specific dynamics of the urban setting where customary practices interact with modernizing influences such as education, globalization and enforcement of statute law. This urban-rural binary is relevant in so far as it may be able to unearth tensions or complementarities between customary law and the formal legal system and how women engage with the two systems in a multiethnic city.

Policy and Advocacy Implications: The outcomes of such research hold policy significance for gender advocates, lawmakers and reformers in Uganda. It indicates how customary law is harmonized with constitutional guarantees of equality or propose reforms to alleviate harmful gender norms, towards the overall effort of consolidating women's rights and social justice.

Finally, the significance of the research is to tease out the complex relationship between Ugandan customary law, strongly entrenched gender norms and their daily implications for the rights of women in Kampala. It bridges theoretical analysis with everyday applicability, showing how tradition and modernity shape gender equality in a specific cultural and geographical context.

1.6 JUSTIFICATION OF THE STUDY

The justification for this study lies in its relevance to both academia and practical policy development. Ugandan's customary law remains a powerful force in shaping social structures, particularly gender norms, yet its implications for women's rights in urban settings like Kampala are underexplored. Despite Uganda's constitutional guarantees of gender equality and its commitments to international frameworks such as the

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), women continue to face systemic barriers rooted in customary practices. These barriers are especially complex in Kampala, where traditional norms intersect with rapid urbanization, economic shifts and a plural legal system. The persistence of patriarchal customary laws often undermines statutory protections, resulting in disparities in women's access to justice, economic opportunities and personal autonomy.

This study is justified by the need to bridge the knowledge gap regarding how customary law operates in an urban context and its specific effects on women's lived experiences. It seeks to provide empirical evidence and insights that can inform policymakers, legal reformers and gender advocates in harmonizing customary and statutory systems to advance women's rights. Furthermore, by focusing on Kampala, the research highlights a unique case where tradition and modernity collide, offering lessons that may resonate with other urbanizing African societies. Ultimately, this study contributes to the broader address on gender equality, customary law and human rights, while addressing a pressing societal issue with tangible implications for women's empowerment in Uganda.

1.7 SCOPE OF STUDY

The scope of the study is structured under Content, Geographical and Time perspectives.

1.7.1 CONTENT SCOPE

This research seeks to study the role of customary law in the development and entrenchment of gender norms, and how customary law relates to women's rights

specifically in Kampala. The research will encompass areas such as marriage, inheritance rights, rights to land and domestic relations to understand how aspects of customary law may either uphold gender-based inequality. It also examines the intersections of customary law with statutory law such as the Ugandan Constitution, Marriage Act and Succession Act as well as the effects of cultural bodies, community members and women's organizations on customary law. Content includes qualitative data from participant interviews and document sources, including legal and scholarly sources, to address the historical and current realities of women in Kampala.

1.7.2 GEOGRAPHICAL SCOPE

The geographical scope of this study in Kampala is divided into five administrative divisions (Central, Kawempe, Makindye, Nakawa and Rubaga).

1.7.3 TIME SCOPE

The research will be centered on the period that extends from Uganda's independence in 1962 to the present day. This period is a good showcase of how customary law has changed in the post-colonial period and co-evolved with statutory laws and international rights regimes. The study will pay close attention to recent decades (2000-2025) to examine contemporary gender norms and implications for women's rights in Kampala.

1.8 LITERATURE REVIEW

In Uganda, customary law, which comes from the traditions of its diverse ethnic groups, is still a big part of life alongside official laws, especially in a place like Kampala, where city and village ways mix. These two sets of rules shape how men and women are

expected to act, often making it harder for women to get resources, justice, or equality because of male-centered traditions. This section looks at how customary law affects women's rights in Kampala using studies and legal articles. It compares key findings to show the struggle between old ways and fair treatment for women.

Uganda's Law and Rights

Uganda's legal system blends official laws, customary practices, and religious rules, with the 1995 Constitution as the main guide. The Constitution promises equal treatment for everyone, no matter their gender (Article 21), and ensures women have equal opportunities and protection from harmful traditions (Article 33). ⁶Laws like the Domestic Violence Act (2010), the Prohibition of Female Genital Mutilation Act (2009), and the Land Act (1998) work to protect women in areas like marriage, property ownership, and safety from violence. ⁷However, experts note a big gap between these laws and their actual use. Researchers point out that even though Uganda's laws look good on paper and follow global agreements like CEDAW, they're not enforced well because of deep-rooted male-dominated traditions and weak government systems. For example, the Succession Act, which deals with inheritance, gives widows only 15% of their deceased husband's property, which many see as unfair. While women's groups like FIDA-Uganda have successfully pushed to change parts of this law, customary rules still dominate, especially in Kampala's rural areas.

⁶ Government of Uganda. (1995). *Constitution of the Republic of Uganda*.

⁷ UN Women. (2023). *Gender Equality and Legal Frameworks in Uganda: Progress and Challenges*. New York: United Nations.

⁸A proposed Marriage and Divorce Bill, which would give women equal rights in marriage, has been stalled since 2009. Religious and cultural leaders oppose it, arguing it threatens traditional family structures. ⁹In Kampala, where modern and traditional ways meet, this mix of laws causes confusion, allowing men to use old customs to deny women their rights. Reports from the Justice, Law and Order Sector (JLOS) show that male-centered attitudes and a lack of legal aid make it especially hard for poor women in Kampala to get justice.

How Customary Law Shapes Gender Roles in Kampala

Customary law consists of unwritten traditions handed down through families and communities, varying across Uganda's ethnic groups, such as the Baganda, Acholi, and Banyankole. ¹⁰In Kampala, a diverse city where many cultures meet, these traditions continue to shape practices like marriage, family life, inheritance, and land ownership, often placing men in charge and women in secondary roles. These customs are rooted in traditions that view men as the primary decision-makers.

Marriage and Family Dynamics

⁸ FIDH. (2012). *Women's Rights in Uganda: Gaps Between Policy and Practice*. Paris: International Federation for Human Rights

⁹ Asimwe-Mwesige, J. (2014). *The Marriage and Divorce Bill in Uganda: Resistance and Challenges*. *Journal of Gender Studies*, 23(3), 245-260.

¹⁰ Tamale, S. (2008). *When Hens Begin to Crow: Gender and Parliamentary Politics in Uganda*.

Customary law strongly shapes marriage in Kampala, often restricting women's freedom. Polygamy, allowed under customary and Islamic law, is widespread and can leave women facing financial and emotional challenges.¹¹ Bride price, where a groom pays the bride's family, treats women as if they are property being transferred between families.¹² Research shows that many young women in Kampala feel pressured to focus on being homemakers, despite access to education and jobs, due to these traditional expectations. Women also have limited say in family decisions.¹³ A 2024 Afrobarometer survey found that 56% of Kampala residents view domestic violence as a private matter, discouraging women from challenging male authority. Practices like widow inheritance, where a widow is "taken" by her husband's brother, further reduce women's control over their lives and can lead to abuse. These customs keep women under male authority, even in a modern city like Kampala.

Inheritance and Property

Customary law significantly shapes property ownership in Uganda, often excluding women. Among groups like the Baganda, men typically inherit land and property, while widows may use their deceased husband's land but rarely own it outright, and daughters are frequently overlooked in favor of male relatives.¹⁴ A 2021 study found that only 16%

¹¹ Mujuzi, J. D. (2010). *Polygamy in Uganda: A Legal and Social Analysis*. *Journal of African Law*, 54(1), 45-67.

¹² Steinfield, L. (2013). *Gender Norms and Economic Empowerment in Uganda*. *Journal of African Economies*, 22(5), 675-699.

¹³ Afrobarometer. (2024). *Gender-Based Violence Perceptions in Uganda: A Survey Report*. Kampala

¹⁴ Tripp, A. M. (2004). *Women's Movements, Customary Law, and Land Rights in Africa: The Case of Uganda*. *African Studies Quarterly*, 7(4), 1-19; Nakirunda, M. (2011). *Women's Property Rights in Uganda: A Case Study of Buganda*. *Journal of African Law*, 55(2), 167-189.

of registered land in Uganda is owned by women, showing how customary practices favor men. ¹⁵In Kampala, where land is highly valuable, this leaves women more economically vulnerable. Men often exploit customary rules to get around modern laws, particularly when someone dies without a will. ¹⁶The Land Act of 1998 aims to protect women's land rights, but cultural resistance and lack of awareness limit its impact. ¹⁷These traditions keep women reliant on men, restricting their financial freedom.

Violence and Social Attitudes

Customary law influences how people in Uganda view violence against women, often making it seem acceptable. A 2001 survey found that 90% of Ugandan women believed it was okay for a husband to hit his wife in certain situations, a belief rooted in traditions that position men as disciplinarians. ¹⁸In Kampala, domestic violence is a serious issue, with 10,792 cases reported in 2023. Traditional dispute resolution methods, which prioritize keeping families together, often prevent women from seeking justice. ¹⁹The World Health Organization (2023) highlights resistance to women's rights

¹⁵ World Bank. (2021). *Uganda Land Governance Assessment: Gender and Land Rights*. Washington, DC: World Bank.

¹⁶ Khadiagala, L. S. (2001). *Negotiating Law and Custom: Women's Access to Land in Uganda*. *Africa Today*, 48(2), 77-99.

¹⁷ UNDP. (2020). *Gender Equality and Land Rights in Uganda: Challenges and Opportunities*. New York: United Nations Development Programme.

¹⁸ UBOS. (2001). *Uganda Demographic and Health Survey 2000-2001*. Kampala: Uganda Bureau of Statistics.

¹⁹ World Health Organization. (2023). *Gender-Based Violence in Uganda: Challenges and Responses*. Geneva: WHO

campaigns in Uganda, driven by those who want to preserve traditional customs. Practices like widow inheritance and forced marriages, though less common in central Kampala, still occur in surrounding areas, putting women at risk. These customs perpetuate discrimination and reinforce male control.

Access to Justice

Women in Kampala face big challenges in getting justice due to customary law and male-dominated attitudes. Financial difficulties, lack of knowledge about their legal rights, and fear of social stigma prevent women from using the court system. ²⁰Traditional dispute resolution systems, often led by male elders, prioritize keeping families together over protecting women's rights, discouraging women from addressing issues like property theft or violence. ²¹For instance, women like Grace Ozitya, who battled her in-laws for years to claim her husband's property, deal with long fights and corruption. The mix of customary and official laws creates confusion, as the two often conflict. Although the Domestic Violence Act (2010) makes violence a crime, customary beliefs that treat it as a private matter weaken its impact. Poor women in Kampala are affected the most by these barriers and urgently need better access to legal support.

Economic Empowerment

²⁰ JLOS. (2019). *Annual Report on Access to Justice in Uganda*. Kampala: Justice, Law and Order Sector.

²¹ Tripp, A. M. (2004). *Women's Movements, Customary Law, and Land Rights in Africa: The Case of Uganda*. *African Studies Quarterly*, 7(4), 1-19.

²²Customary rules that prevent women from owning land or property limit their ability to earn money. In Kampala’s fast-moving economy, owning land or having access to funds is crucial for starting businesses or gaining independence. However, traditions that favor men stop women from securing loans or making investments. ²³According to UNDP (2020), women’s inability to own land keeps them trapped in poverty and dependent on men. Programs like the Gender Action Learning System (GALS) and Stand for Her Land show that women can succeed when given resources. Yet, in Kampala, traditional gender roles that view men as the main providers make it challenging for women to break free. ²⁴Steinfeld also points out that men feel pressure to remain the “provider,” which can lead them to resist women’s financial independence.

Freedom and Political Voice

Customary law restricts women’s freedom by enforcing traditional roles that limit their movement, choices, and participation in public life. ²⁵Despite women holding 33.9% of Uganda’s parliamentary seats in 2024, traditional norms in Kampala discourage them from challenging male authority. These customs promote the idea that women’s place is in the home, not in public roles. Women’s groups like FOWODE and FIDA-Uganda are

²² World Bank. (2021). *Uganda Land Governance Assessment: Gender and Land Rights*. Washington, DC: World Bank.

²³ UNDP. (2020). *Gender Equality and Land Rights in Uganda: Challenges and Opportunities*. New York: United Nations Development Programme.

²⁴ Steinfeld, L. (2013). *Gender Norms and Economic Empowerment in Uganda*. *Journal of African Economies*, 22(5), 675-699.

²⁵ Afrobarometer. (2024). *Gender-Based Violence Perceptions in Uganda: A Survey Report*. Kampala: Afrobarometer.

working to change this by advocating for better laws and raising awareness through education. ²⁶However, the World Health Organization (2023) warns that pushing for women's rights can lead to backlash, with women facing rejection or even violence for speaking out. This highlights the need for both legal reforms and efforts to change cultural attitudes.

The studies show how Uganda's mix of official and customary laws shapes women's lives in Kampala. While official laws aim for equality, customary rules keep male-centered traditions alive, making it hard for women to get justice, financial freedom, or personal control. In Kampala, the clash between these systems creates confusion, letting men use old customs to block women's rights. Traditional norms around marriage, inheritance, and violence make things worse, especially for poor women. But women's groups, new laws, and community education are starting to make a difference. To keep moving forward, more research focused on cities and the unique challenges women face is needed to balance tradition with fairness for women in Kampala.

1.9 METHODOLOGY

The methodology for this study will consist of the following steps as stated below:

Research Design

This study uses a qualitative case study approach to look at how Ugandan customary law, gender roles, and women's rights connect in Kampala. A case study is a good fit because it lets us dive deep into Kampala as a unique place, exploring the details of

²⁶ World Health Organization. (2023). *Gender-Based Violence in Uganda: Challenges and Responses*. Geneva: WHO.

customary law and its impact on society and culture. The goal is to understand people's daily lives, legal practices, and community attitudes through context-based analysis.

Sampling and Population

Target Population: The research focuses on three primary groups:

- **Women in Kampala:** To comprehend their lived realities in the context of customary law and how it affects their rights such as property ownership, marriage and inheritance.
- **Traditional Elders and Leaders:** As custodians of traditional law, they offer insights into how it is applied and why.
- **Legal Practitioners and Women's Rights Activists:** To understand the intersection of customary and statutory law and the attempts to counter gender inequalities.

Sampling Technique

Purposive sampling will be used to engage participants with immediate experience relevant to the research questions. Purposive sampling guarantees that the sample will be representative of the main stakeholders affected by customary law.

Data will be collected by using a triangulation method that employs various methods of data collection to enhance the validity and depth of findings:

- **Semi-Structured Interviews:**

The purpose of the semi-structured interviews is to obtain detailed personal testimonies from women, traditional leaders and legal professionals regarding the contribution of customary law to the construction of gender norms and its effects

on women's rights and the procedure will be through interviews, which will be held in English or Luganda (with translation as required). Open-ended questions will enable participants to expand on their experiences and views.

- **Document Analysis:**

The objective of document analysis is to examine the cultural and legal standards upholding customary law and women's rights and the relevant documents are the Ugandan Constitution (1995), Marriage Act, Succession Act, customary law records (if any), and NGO or government reports on gender equality in Uganda and procedure will be done through thematic analysis of such documents will identify provisions or practices which are supportive of or in conflict with gender equality principles.

- **Observation:**

The sole purpose will be to observe the application of customary law in real-life settings, e.g., community mediation hearings or cultural events. Non-participant observation will be conducted at accessible traditional proceedings in Kampala such as clan meetings or unofficial courts with permission from concerned authorities. Field notes will capture interactions, gender relations and decision-making.

Data Analysis

Data will be analyzed using thematic analysis, a systematic and flexible method for identifying patterns and themes in qualitative data. The process will involve:

- **Transcription:** Audio-recorded interviews and FGDs will be transcribed verbatim, with translation where required.

- Coding: Initial codes will be generated based on repeated ideas (e.g., "patriarchal norms," "property rights," "legal disputes").
- Theme Development: Codes will be grouped under wider themes in relation to the research questions, i.e., "Influence of Customary Law on Gender Norms" or "Obstacles to Women's Rights."
- Interpretation: Findings will be interpreted in the light of existing literature and theoretical patterns (e.g., feminist legal theory or legal pluralism).

Ethical Considerations

Below are the ethical considerations for this study:

- Informed Consent: Participants will be informed of the purpose of the study, that they are volunteering to participate and that they have the right to withdraw at any time. Consent will be oral or written.
- Confidentiality: Participants' identities will be anonymized in all reports and publications using pseudonyms or codes.
- Sensitivity: As gender and rights topics have the potential to be sensitive, the researcher will be careful to preserve a safe and non-judgmental space during data collection.
- Approval: Ethical clearance will be gained from the Research Ethics Committee of Uganda Christian University.

Limitations

- Scope: The Kampala focus can limit generalizability to rural environments where traditional law is likely to be of more influence.
- Bias: Self-reported data from participants may be affected by social desirability bias, which will be managed through triangulation.
- Access: Access to customary proceedings or active participation by customary leaders may pose logistical challenges, requiring adaptability in scheduling and approach.

This methodology provides a general framework for analyzing the role of Ugandan customary law in shaping gender norms and their influence on women's rights in Kampala. Combining interviews, focus groups, document analysis and observation, the study will yield rich contextualized information on the socio-legal dynamics at play. The qualitative approach ensures a nuanced understanding of how tradition intersects with modernity in women's lives and offers a foundation for policy recommendations and future studies.

CHAPTER TWO: NON-LEGAL ASPECTS OF THE ROLE OF UGANDA'S CUSTOMARY LAW IN SHAPING GENDER NORMS AND ITS IMPACTS ON WOMEN'S RIGHTS IN KAMPALA

2.1 INTRODUCTION

In Kampala's lively and mixed cultural scene, customary law plays a big role in shaping how people think about gender roles. While Uganda's official laws, based on the 1995 Constitution, push for equal treatment and women's rights, the unofficial parts of customary law like old traditions, community habits, and informal rules still have a strong hold on how men and women interact. These unwritten rules, tied to cultural beliefs, male-centered traditions, and community enforcement, often keep women in secondary roles, making it harder for them to own property, have an equal say in marriage, or take part in the economy. In Kampala, a modern city where new and old ways meet, the clash between these traditions and the Constitution's promises creates a tricky situation for women's rights. This part of the study looks at how the unofficial side of customary law shapes gender expectations in Kampala and what it means for women's empowerment and the fight for fairness. By exploring how tradition, social norms, and city life mix, this study aims to highlight the challenges and possibilities for improving women's rights in a place where unwritten customs still guide behavior.

2.2 ANALYTIC DEFINITIONS

To understand how Uganda's customary law shapes gender roles and affects women's rights in Kampala, clear definitions for the main ideas in this study are defined. These definitions create a framework to explore how customary law, gender norms, and women's rights work together in Kampala's city setting. This section explains key terms

customary law, non-legal aspects, gender norms, women's rights, and Kampala in simple terms, connecting them to both ideas and real-life situations. By defining these terms clearly, we can better see how informal traditions influence gender roles and women's empowerment in a modern city.

Customary Law: Customary law is a set of unwritten rules, traditions, and practices that guide how people in specific cultural or ethnic groups live and interact. In Uganda, it comes from the customs of groups like the Buganda, Acholi, and Langi. Unlike official laws, customary law isn't written down but is passed on through stories and enforced by community leaders, clans, or families. In Kampala, it shows up in things like bride price, inheritance rules, and marriage customs, which shape how men and women are expected to act. For this study, customary law is seen as a changing system that adjusts to city life but still strongly influences family and community behavior.

Non-Legal Aspects: Non-Legal aspects are the informal, cultural parts of customary law that don't follow Uganda's official laws or Constitution. These include beliefs, social expectations, and community ways of enforcing rules that aren't written in law but still affect how people behave. In Kampala, this might mean traditions that expect women to focus on home life or punishments like being shunned for breaking gender rules. This study looks at these informal parts to show how they keep gender inequalities alive, even when laws say women should have equal rights, and to understand their impact on women's lives in the city.

Gender Norms: Gender norms are society's unwritten rules about how men and women should behave, what roles they should have, and what's expected of them. In Kampala,

customary law shapes these norms, often giving men more power and expecting women to follow along. For example, customs might say men control the family's money or that women's main job is taking care of the home, which limits their freedom. These norms are taught through family, community traditions, and friends. This study sees gender norms as flexible but deeply rooted ideas that shape how people see themselves and interact, and it explores how they help or hurt women's rights in Kampala.

Women's Rights: Women's rights are the basic freedoms and opportunities that women should have, as promised by global agreements like CEDAW and Uganda's 1995 Constitution. These include the right to education, work, own property, make choices about their bodies, and be safe from violence. But in Kampala, customary law's informal rules often block women from enjoying these rights by prioritizing traditional roles over legal protections. This study looks at women's rights as both a legal idea and a real-life challenge, exploring how customs create a gap between what the law says and what women experience.

Kampala: Kampala, Uganda's capital and biggest city is the focus of this study because it mixes modern and traditional ways. With over 1.5 million people, it's home to many ethnic groups, especially the Buganda, but also others like the Banyankole and Busoga. This mix creates a blend of customary laws that sometimes clash in the city. Kampala's fast growth and exposure to global ideas, like women's rights and equality, create tension between old customs and new goals. For this study, Kampala is seen as a lively cultural and economic center where customary law's informal rules still shape gender roles, often challenging women's rights.

These ideas customary law, non-legal aspects, gender norms, women's rights, and Kampala are closely connected. Customary law, through its informal traditions, creates gender norms that set expectations for men and women. These norms affect how much women can access their rights, like inheriting property, making marriage choices, or earning money. In Kampala, the city's mix of old and new ways makes these issues more complex, as traditions meet modern laws and global ideas. By defining these terms clearly, this study sets up a way to explore how customary law's unwritten rules shape gender inequality and affect women's empowerment in a changing city.

These definitions provide a starting point for a detailed look at how customary law's informal side influences gender norms in Kampala. By explaining customary law, non-legal aspects, gender norms, women's rights, and Kampala's unique setting, this study ensures a clear and focused analysis. They show the struggle between tradition and modern life, as well as the gap between what laws promise and what women experience. Later chapters will use this framework to dive into real-world examples, case studies, and ideas, offering insights into the challenges and possibilities for improving gender equality in Kampala.

2.3 FORMS OF GENDER NORMS UNDER CUSTOMARY LAW

In Kampala, the interplay between customary law and statutory law creates a complex landscape for women's rights. While Uganda's 1995 Constitution is lauded as one of the most gender-sensitive in Africa, enshrining equal rights for men and women under Article 33, customary law continues to employ significant influence, particularly in non-legal spheres. Rooted in cultural traditions and patriarchal norms, customary law shapes gender roles and expectations, often undermining the constitutional guarantees

of equality. This section explores the forms of gender norms perpetuated by Uganda's customary law in Kampala, along with their non-legal manifestations and profound impacts on women's rights, particularly in areas such as marriage, property ownership, inheritance, and gender-based violence (GBV). Drawing on scholarly sources and socio-cultural analysis, it highlights the tension between progressive legal frameworks and entrenched cultural practices, emphasizing the challenges faced by women in urban Kampala.

Customary law in Uganda is not a monolithic system but a collection of unwritten norms and practices that vary across ethnic groups, such as the Baganda, Acholi, and others present in Kampala's diverse urban population. Despite this diversity, common gender norms emerge, deeply rooted in patriarchal structures that prioritize male authority and female subordination. These norms manifest in several non-legal aspects of social life, shaping women's roles and rights in profound ways.

Patriarchal Family Structures: Customary law reinforces patriarchal family structures, where men are positioned as heads of households and primary decision-makers. In Kampala, this norm is evident in the expectation that women defer to their husbands or male relatives in matters of family governance, resource allocation, and even personal autonomy. For example, customary practices often dictate that a woman's role is primarily domestic, centered on child-bearing and household maintenance. These expectations persist even in urban settings, where women may engage in income-generating activities.

²⁷A 2013 study by Steinfield shows that urban women in Kampala often follow a “Domestic Virtue Model,” aiming to fulfill traditional roles as wives and mothers, even when they pursue education or careers. ²⁸This cultural expectation restricts women’s freedom, as society values them more for meeting domestic duties than for chasing their personal goals.

Marriage and Bride Price: Marriage under customary law is a significant institution that perpetuates gender norms. The practice of bride price, prevalent among many ethnic groups in Kampala, symbolizes the transfer of a woman’s reproductive and labor capacity from her family to her husband’s. This practice reinforces the notion that women are commodities, with their value tied to their roles as wives and mothers. In Kampala, bride price remains a non-legal yet socially binding expectation, often leading to women’s subordination within marriage. For instance, the payment of bride price can create a sense of ownership, where husbands feel entitled to control their wives’ behavior, including their mobility and economic contributions. The Domestic Relations Bill, which sought to make bride price non-refundable, has faced resistance, illustrating the entrenched nature of this norm. Moreover, customary marriages often lack formal registration, leaving women vulnerable to disputes over marital rights, as seen in cases like *Mugisha v. Kakuru*, where unregistered marriage complicated a woman’s claims to property.

²⁷ Steinfield, L. (2013). *Gender Norms and Economic Empowerment in Uganda*. *Journal of African Economies*, 22(5), 675-699.

²⁸ Tamale, S. (2008). *When Hens Begin to Crow: Gender and Parliamentary Politics in Uganda*.

Property and Land Ownership: Customary law significantly restricts women's rights to property and land ownership, a critical issue in Kampala's rapidly urbanizing context. Under customary norms, land is typically 80% of Uganda's food produced by women, yet women own only 20% of registered land, with even less ownership under customary tenure due to cultural practices that exclude women from inheritance and ownership. In Kampala, where land is a valuable asset, customary norms dictate that land is inherited through male lineage, leaving women with access rights rather than ownership. For example, a widow may use her deceased husband's land but lose these rights if she remarries. This norm is reinforced by community sanctions against women who assert property rights, often labeling them as immoral. The lack of women's names on land agreements, even in marital property, further entrenches their economic dependence on men.

Gender-Based Violence as a Normalized Practice: Gender-based violence (GBV) is a pervasive issue in Kampala, often normalized under customary norms that disregard male authority. A 2001 survey revealed that 90% of women in Uganda believed that wife-beating was justifiable in some circumstances, reflecting the deep internalization of patriarchal norms. In Kampala, non-physical forms of GBV, such as verbal abuse, financial control, and denial of autonomy, are often overlooked as they align with customary expectations of male dominance. For instance, women may be forced to surrender their salaries to their husbands or stripped from certain jobs deemed inappropriate, practices that are socially accepted but undermine women's dignity and independence. The normalization of GBV is intensified by community attitudes that discourage women from reporting abuse, fearing stigma or retaliation.

The non-legal aspects of Uganda's customary law profoundly shape gender norms in Kampala, perpetuating male-controlled structures that undermine women's rights. From marriage practices like bride price to restrictions on property ownership and the normalization of GBV, these norms create significant barriers to women's access to justice, economic empowerment, and personal autonomy. While Uganda's legal framework offers progressive protections, the dominance of customary practices in everyday life highlights the need for simultaneous efforts to reform legal structures and challenge cultural norms. Initiatives by women's organizations and community programs in Kampala are making strides, but sustained progress requires addressing the root causes of gender inequality through education, advocacy, and inclusive dialogue. Only by dismantling the patriarchal foundations of customary law can Kampala realize the full promise of gender equality enshrined in Uganda's Constitution, ensuring that women's rights are not just legal ideals but lived realities.

2.4 THEORIES OF UGANDA'S CUSTOMARY LAW, GENDER NORMS AND WOMEN'S RIGHTS

Customary law, based on cultural traditions, plays a big role in shaping how people in Kampala think about gender roles and women's rights. Even though Uganda's 1995 Constitution promises equal rights for women under Article 33, customary law often keeps old, male-centered ideas alive, making it hard for women to enjoy these rights. To understand how customary law affects gender norms and women's rights, we need to look at some key theories: legal pluralism, feminist legal theory, and social constructivism. These ideas help explain the clash between traditional customs and modern laws in Kampala, showing why women in this city face challenges. Using

research, this section explores how these theories shed light on the struggle between old ways and fair treatment for women in urban Uganda.

Theories About Customary Law

²⁹Legal Pluralism: This concept explains that in many societies, like Kampala, different sets of rules such as government laws, customary practices, and religious beliefs exist at the same time.¹ These rules can work together or conflict. In Kampala, customary law shapes practices like marriage, inheritance, and land ownership for groups like the Baganda and Acholi. Legal pluralism highlights how customary law evolves as it interacts with official laws and urban life. For example, Uganda’s Marriage Act recognizes customary marriages, but because they are often unregistered, women may lose out in disputes, as seen in the case of *Mugisha v. Kakuru* (2010). The challenge is that customary rules, such as those favoring men in inheritance, clash with laws promising equality. ³⁰This mix of rules harms groups like women when male-centered customs override fairer laws. In Kampala, this is clear when women struggle to get justice because traditional dispute resolution methods prioritize men, perpetuating gender inequality.

³¹Living System Theory: Another way to view customary law is as a “living system” that adapts to a community’s needs. It is unwritten, passed down through stories, and shaped by local practices. In Kampala, customary law varies across ethnic groups,

²⁹ Griffiths, J. (1986). *What is Legal Pluralism?* Journal of Legal Pluralism and Unofficial Law, 24(1), 1-55.

³⁰ JLOS. (2019). *Annual Report on Access to Justice in Uganda*. Kampala: Justice, Law and Order Sector.

³¹ Miller, J. G. (1978). *Living Systems*. New York: McGraw-Hill.

reflecting their values and power structures. For instance, among the Baganda, land is typically passed to men, even in the city where land is highly valuable. Male leaders often control how these rules are applied, reinforcing male-centered ideas. This makes changing customary law in Kampala difficult, as it is flexible and deeply tied to community traditions, meaning top-down laws alone cannot fully address issues. For women's rights to improve, change must come from within communities to align with fairer practices.

Theories About Gender Norms

³²Social Constructivism: This theory explains that gender norms are not natural but are created by society through culture, history, and social practices. In Kampala, customary law establishes norms that place men in charge and women in supporting roles, reinforced through practices like bride price and expectations for women to be homemakers.³³ Research shows that even working women in Kampala often follow a “Domestic Virtue Model,” viewing themselves primarily as wives and mothers. Social constructivism highlights how these norms are passed down through families and communities, making them hard to change because both men and women accept them. This also explains why gender-based violence (GBV) is often seen as normal in Kampala, where customs grant men authority. ³⁴A 2001 survey found that 90% of Ugandan women believed it was acceptable for a husband to hit his wife in certain situations. Women

³² Berger, P. L., & Luckmann, T. (1966). *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*

³³ Steinfield, L. (2013). *Gender Norms and Economic Empowerment in Uganda*. *Journal of African Economies*, 22(5), 675-699.

³⁴ UBOS. (2001). *Uganda Demographic and Health Survey 2000-2001*. Kampala: Uganda Bureau of Statistics.

produce 80% of Uganda’s food but own only 20% of registered land, showing how these norms limit their economic power. ³⁵Social constructivism suggests using education and advocacy, like the Gender Action Learning System (GALS) in Uganda, to change these societal beliefs.

³⁶Feminist Legal Theory: This theory argues that laws, including customary ones, often reinforce male power, keeping women in subordinate roles. In Kampala, it points out how customs like bride price and male-only inheritance diminish women’s status. Bride price, for instance, treats women as property, reinforcing men’s sense of control. Feminist legal theory also notes that the government fails to fully enforce laws like Article 33 of the Constitution, which protects women’s rights, due to male-centered attitudes in courts and police stations. ³⁷The 2023 Police Crime Report recorded 10,792 cases of domestic violence against women compared to 3,243 against men, yet there are not enough specialized courts or trained police to address these cases effectively. This theory calls for new laws and cultural changes to dismantle these norms. In Kampala, groups like the Uganda Women’s Network (UWONET) follow this approach by advocating for policies like the Stand for Her Land campaign to support women’s land ownership.

Theories About Women’s Rights

³⁵ UNDP. (2020). *Gender Equality and Land Rights in Uganda: Challenges and Opportunities*. New York: United Nations Development Programme.

³⁶ MacKinnon, C. A. (1989). *Toward a Feminist Theory of the State*. Cambridge, MA: Harvard University Press.

³⁷ Uganda Police. (2023). *Annual Crime Report 2023*. Kampala: Uganda Police Force

Human Rights Framework: This framework asserts that women's rights are fundamental and universal, grounded in global agreements like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Uganda has signed CEDAW and enacted laws to uphold these rights, but customary law often undermines them. For instance, rules that prevent women from owning land violate CEDAW's provisions on economic rights. In Kampala, women face delays and unfair treatment when seeking justice due to bureaucratic obstacles and male-dominated attitudes.³⁸ Viewing gender-based violence (GBV) as a human rights issue is crucial, but issues like marital rape are not adequately addressed in Uganda, showing how customs hinder progress.

³⁹Intersectionality: This theory examines how being a woman interacts with other factors like income, ethnicity, or urban versus rural residence to shape experiences. In Kampala, it reveals how customary law disproportionately affects poor women or those who migrated from rural areas. For example, women in informal settlements face higher rates of violence and struggle to access courts. Different ethnic groups in Kampala also have varying customs, some more restrictive than others. Intersectionality emphasizes the need for targeted programs, like the Empowerment of Livelihood and Adolescents (ELA) clubs, to support young girls in the city.

³⁸ World Health Organization. (2023). *Gender-Based Violence in Uganda: Challenges and Responses*. Geneva: WHO.

³⁹ Crenshaw, K. (1989). *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*. University of Chicago Legal Forum, 1989(1), 139-167.

⁴⁰Synthesis of Theories: Together, these theories explain how customary law shapes gender norms and impacts women's rights in Kampala. Legal pluralism illustrates why male-centered customs persist despite modern laws. ⁴¹ Social constructivism and feminist legal theory highlight how practices like bride price and male-only inheritance devalue women and restrict their freedom. The human rights framework and intersectionality underscore that women's rights should be universal, but different women face unique challenges in Kampala.

Key Impacts.

⁴²**Access to Justice:** Traditional dispute resolution often favors men, conflicting with laws like the Children Act of 1996, which states that parents share responsibilities.

⁴³**Economic Empowerment:** Customs that block women from owning land limit their ability to earn money, despite women producing most of Uganda's food.

⁴⁴**Personal Autonomy:** Norms tying women to marriage and motherhood reduce their choices and women who challenge this face social backlash.

⁴⁰ Griffiths, J. (1986). *What is Legal Pluralism?* Journal of Legal Pluralism and Unofficial Law, 24(1), 1-55.

⁴¹ Steinfield, L. (2013). *Gender Norms and Economic Empowerment in Uganda*. Journal of African Economies, 22(5), 675-699.

⁴² Government of Uganda. (1996). *The Children Act*.

⁴³ World Bank. (2021). *Uganda Land Governance Assessment: Gender and Land Rights*. Washington, DC: World Bank.

⁴⁴ Afrobarometer. (2024). *Gender-Based Violence Perceptions in Uganda: A Survey Report*. Kampala: Afrobarometer.

⁴⁵**Gender-Based Violence:** Customs that normalize violence harm women’s safety, with a 2001 survey showing 90% of women believed wife-beating could be acceptable in some cases.

The theories of legal pluralism, social constructivism, feminist legal theory, human rights, and intersectionality give a clear way to understand how customary law shapes gender norms and women’s rights in Kampala. Legal pluralism and the living system idea show how different rules mix and change. Social constructivism and feminist legal theory explain why male-centered norms are so strong. The human rights framework and intersectionality highlight that women’s rights are for everyone but need special attention from different groups. In Kampala, these ideas show the gap between new laws and old customs, which block women’s access to justice, money, freedom, and safety from violence. To fix this, we need better laws that match the Constitution and global standards and efforts to change culture through education and community work. By using these theories, leaders and advocates can create focused plans to break down male-centered norms and make sure women in Kampala can fully enjoy their rights.

2.5 EFFECTS OF UGANDA’S CUSTOMARY LAWS ON GENDER NORMS AND WOMEN’S RIGHTS

In Uganda’s legal system, customary law has a big impact on how people live, especially when it comes to family, marriage, inheritance, and land ownership. In Kampala, the active capital city where different cultures meet, customary law exists alongside modern laws, creating a dual system that deeply affects gender roles and women’s

⁴⁵ UBOS. (2001). *Uganda Demographic and Health Survey 2000-2001*. Kampala: Uganda Bureau of Statistics.

rights. While Uganda's 1995 Constitution promises equal rights for everyone and bans discrimination, customary law often supports male-dominated traditions that limit women's rights, especially in areas like owning property, marriage, divorce, and protection from violence. This section looks at how customary law in Kampala shapes gender roles, its effects on women's rights, the conflicts between traditional and modern laws, and the work being done to improve women's well-being.

Customary law in Uganda is made up of unwritten, community-based traditions passed down through generations. These rules differ across Uganda's many ethnic groups, like the Baganda, Acholi, and Banyankole. Even in a modern city like Kampala, where people from all over come together, customary law still plays a big role in family and personal matters. These traditions often favor men, shaping ideas about gender that put women in a lower position.

Marriage and Family Life

Customary law heavily influences marriage in Kampala, reinforcing the idea that men are in charge of the household while women take care of the home and children. Practices like polygamy, allowed under customary and Islamic law, are common and can leave women feeling powerless, as they often have little say if their husband takes another wife. The tradition of bride price, where a groom pays the bride's family, can make women feel like they're property, tying their worth to the payment. This can trap women in unhappy or abusive marriages because leaving might bring shame to their family or require returning the bride price.

In Kampala, women often have little say in household decisions due to customary law. Research by Laurel Steinfield shows that many young women in the city still aim to be traditional homemakers, even in a modern urban setting. This “Domestic Virtue Model” limits women’s freedom and economic independence, as their main role is tied to household duties rather than careers or public life.

Inheritance and Property Rights

Customary law has a big impact on women’s ability to inherit or own property, especially land. In many communities, like the Baganda, women are often denied the right to inherit land from their fathers or husbands. Widows might be allowed to use their husband’s land but rarely own it, and daughters are often left out in favor of male relatives. Uganda’s Succession Act, which gives widows only 15% of their husband’s estate, has been criticized by groups like FIDA-Uganda, but customary practices often override these laws.

In Kampala, where land is valuable, women’s lack of land ownership makes them economically vulnerable. A 2021 study found that only 16% of registered land in Uganda is owned by women, showing how much customary law favors men. Community leaders and families often stick to these traditions, leaving women with little say in land matters. The mix of customary and modern laws creates confusion, which men sometimes use to deny women their legal rights.

Gender-Based Violence and Social Attitudes

Customary law also affects how people view gender-based violence (GBV), often normalizing behaviors that harm women. In Kampala, GBV is a serious issue, with a 2023 police report noting 15,184 domestic violence cases, 10,792 of which involved women. A 2001 survey showed that 90% of women thought it was okay for a husband to beat his wife in some situations. A 2024 Afrobarometer survey found that 56% of Kampala residents see domestic violence as a private matter, which discourages women from seeking help.

Customary practices like widow inheritance, where a widow is “taken” by her husband’s brother, take away women’s freedom and can expose them to abuse. While laws like the Marriage and Divorce Bill aim to stop these practices, they haven’t been passed yet because some communities see customary law as a key part of their culture. These traditions reinforce the idea that men control women’s lives, continuing cycles of violence and discrimination.

How Customary Law Affects Women’s Rights in Kampala

The mix of customary law and gender norms creates big challenges for women’s rights in Kampala, affecting their ability to get justice, earn a living, and make their own choices.

Access to Justice: Even with laws like the Domestic Violence Act (2010) and the Prohibition of Female Genital Mutilation Act (2009), women struggle to get justice because customary law is so influential. In Kampala, women face barriers like lack of money, not knowing their rights, and fear of being judged. Traditional dispute resolution, often led by male elders, focuses on keeping peace rather than delivering

justice, which can pressure women to stay quiet. For example, a woman trying to claim her husband's property might be pushed by clan leaders to give up her rights to keep the family happy. The Justice, Law and Order Sector (JLOS) says that male-dominated attitudes and inequality make it hard for women to get justice. Women like Grace Ozitya, who fought for years to reclaim her husband's property, often deal with red tape and corruption, making it even harder to claim their rights.

Economic Empowerment: Customary law's limits on women's property and land ownership hold back their ability to earn a living. In Kampala's fast-moving economy, owning land or property is key to starting businesses or getting loans. But customary norms that favor men make it hard for women to gain financial independence. The UNDP points out that women's lack of land ownership keeps them poor and dependent on men. Programs like the Gender Action Learning System (GALS) in Kasese and the Aporu Women's Group in Kotido show how women can thrive when they have access to resources. In Kampala, though, customary norms make it harder for these programs to succeed, as men are still seen as the main providers and decision-makers.

Personal Freedom and Political Voice: Customary law limits women's freedom by enforcing traditional roles that restrict their choices and involvement in public life. While women's political representation has grown (33.9% of parliamentary seats in 2024), customary norms still discourage women from challenging men's authority. Steinfield's "Provider Virtue Model" shows that men feel pressure to stay in control, which can lead to pushback against women's empowerment. Women's groups like FOWODE and FIDA-Uganda are working to change this by pushing for legal reforms and raising awareness. However, the World Health Organization notes that women who

stand up for their rights often face rejection or violence, showing the need for both legal changes and cultural shifts.

Efforts to Improve Women's Rights

Despite these challenges, Kampala has seen strong efforts to balance customary law with women's rights, led by women's groups, civil society and international organizations.

The Uganda Association of Women Lawyers (FIDA-U) has fought against unfair customary practices, successfully challenging parts of the Succession Act in court. The Marriage and Divorce Bill, which would give women equal rights in marriage and divorce, is a key step toward breaking down male-dominated traditions, but it's been delayed because some communities value customary law as part of their identity. Groups like the Westminster Foundation for Democracy (WFD) are working to reduce GBV by pushing for better funding, trained staff, and awareness campaigns. The Stand for Her Land campaign helps grassroots women get involved in land governance, challenging norms that exclude them.

Changing gender norms means tackling the cultural roots of customary law. Programs like the Gender Equality Seal, used by Uganda's Private Sector Foundation, promote equality in businesses, while UNDP supports women's economic empowerment in line with Sustainable Development Goal 5. In Kampala, efforts like those by the Ministry of Gender, Labour and Social Development engage men and boys to promote shared decision-making and respect for women's rights. Grassroots groups, backed by organizations like NAPE, are working to strengthen women's land and property rights,

pushing for policy changes that align with global commitments like the UN's Voluntary Guidelines on Land Governance.

Conclusion

Customary law in Uganda shapes gender norms in Kampala, often reinforcing male-dominated traditions that limit women's rights. While the Constitution and modern laws support equality, customary practices in marriage, inheritance, and violence create barriers to justice, economic independence, and personal freedom. In Kampala, the clash between modern and traditional ways is clear, but women's movements, legal reforms, and community efforts offer hope for change. To fully support women's rights, Uganda needs to bridge the gap between laws and everyday practices by addressing cultural and structural challenges. This means combining legal changes, economic support, and cultural shifts to build a fairer society for women in Kampala and beyond.

CHAPTER THREE: LEGAL ASPECTS OF UGANDA'S CUSTOMARY LAW IN SHAPING GENDER NORMS AND ITS IMPACTS ON WOMEN'S RIGHTS IN KAMPALA

3.1 INTRODUCTION

Kampala is a unique setting where modern laws and age-old traditions exist side by side. Although Uganda's 1995 Constitution and other laws aim to ensure equal rights for everyone, customary law often supports male-dominated traditions that make it harder for women to get justice, own property, control their reproductive choices, and stay safe from gender-based violence (GBV). This section looks at how customary law works in Uganda's legal system, how it shapes gender roles, and its effects on women's rights in Kampala. It covers the Constitution and laws, the role of customary law in the mixed legal system, the challenges of enforcing these laws, and the efforts to balance traditional practices with women's rights.

3.2 CONSTITUTIONAL AND STATUTORY FRAMEWORK

Uganda's 1995 Constitution is the foundation of the country's legal system, strongly supporting gender equality and women's rights. Article 21 says no one should be discriminated against because of their gender, and it promotes fairness for all. Article 33 specifically protects women's rights, ensuring equal opportunities, special measures to help them advance, and safety from harmful cultural practices (Government of Uganda, 1995). These rules align with Uganda's promises to international agreements like the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Maputo Protocol, which all focus on equality and empowering women.

Several laws support the Constitution in protecting women. The Domestic Violence Act (2010) makes domestic violence a crime, offering protection to victims, including family members like parents, children, or siblings, and even people outside the household who harm family members. The Prohibition of Female Genital Mutilation Act (2009) bans harmful practices like FGM, and the Land Act (1998), updated in 2004, includes rules to protect women's land rights, such as needing a spouse's agreement for land deals. The Succession Act, which deals with inheritance, has been partly changed after women's rights groups pushed back, with the Constitutional Court striking down unfair rules that limited what widows could inherit. However, these modern laws are weakened by customary law, which operates alongside them in a mixed legal system. The Constitution allows customary law under Article 2(2), as long as it doesn't go against basic rights. In reality, though, customary law often takes over, especially in matters like family, marriage, and inheritance, keeping traditions that favor men and limit women's rights.

Customary Law in the Mixed Legal System

⁴⁶Customary law is made up of unwritten traditions passed down through generations, and it varies across Uganda's ethnic groups, like the Baganda, Acholi, and Banyankole, all of whom live in Kampala's diverse community. Even in a modern city like Kampala, these traditions shape personal and family matters, such as marriage, divorce, inheritance, and land ownership, often reinforcing ideas that put men in charge.

⁴⁶ Tamale, S. (2008). *When Hens Begin to Crow: Gender and Parliamentary Politics in Uganda*. Kampala

Marriage and Divorce

Customary law significantly shapes marriage in Kampala, with practices like polygamy and bride price influencing how women are perceived. ⁴⁷Polygamy, permitted under customary and Islamic law, is widespread and often leaves women with little power to challenge their husband's decision to take additional wives. Bride price, where a groom pays the bride's family, makes women feel like property, reducing their freedom and reinforcing their lower status in marriage. ⁴⁸These traditions conflict with modern laws, such as the proposed Marriage and Divorce Bill, which aims to grant women equal rights in marriage and divorce but has been stalled since 2009 due to opposition from cultural and religious leaders. Traditional dispute resolution methods, often led by male elders, make it harder for women to seek justice in marital issues. These methods prioritize keeping peace over holding people accountable, discouraging women from seeking court assistance for problems like divorce or abuse. In Kampala, where poverty and traditional norms intersect, women face financial and social barriers that sustain these practices, limiting their ability to make their own choices.

Inheritance and Property Rights

Customary law significantly impacts women's ability to inherit or own property, particularly land, in Kampala. Among groups like the Baganda, traditions prioritize male

⁴⁷ Mujuzi, J. D. (2010). *Polygamy in Uganda: A Legal and Social Analysis*. *Journal of African Law*, 54(1), 45-67.

⁴⁸ Asiimwe-Mwesige, J. (2014). *The Marriage and Divorce Bill in Uganda: Resistance and Challenges*. *Journal of Gender Studies*, 23(3), 245-260.

heirs, often excluding women from inheriting land or property.⁴⁹ Widows may be allowed to use their husband's land but rarely own it outright, and daughters are frequently overlooked in favor of male relatives.⁵⁰ A 2021 study revealed that only 16% of registered land in Uganda is owned by women, highlighting the dominance of customary law in land governance. The Land Act (1998) aims to protect women's land rights, but customary practices often override these legal provisions. For instance, male relatives may exploit traditional norms to seize property from widows or daughters, leaving them with little legal recourse. In Kampala, where land is a valuable asset, the lack of secure land rights increases women's economic vulnerability, reinforcing the notion that men are providers and women are dependent.

Gender-Based Violence

Customary law shapes attitudes toward gender-based violence (GBV), often normalizing it and undermining women's rights.⁵¹ In Kampala, GBV is a significant issue, with a 2023 police report documenting 10,792 cases of domestic violence against women. Traditional beliefs that view violence as a private matter discourage women from seeking help, despite protections offered by the Domestic Violence Act (2010). Practices like widow inheritance, where a widow is "taken" by her husband's brother, strip women of their freedom and can lead to abuse, yet they persist in some

⁴⁹ Khadiagala, L. S. (2001). *Negotiating Law and Custom: Women's Access to Land in Uganda*. *Africa Today*, 48(2), 77-99.

⁵⁰ World Bank. (2021). *Uganda Land Governance Assessment: Gender and Land Rights*. Washington, DC: World Bank.

⁵¹ Uganda Police. (2023). *Annual Crime Report 2023*. Kampala: Uganda Police Force.

communities because customary law is considered legitimate. The mixed legal system complicates the enforcement of anti-violence laws, as traditional dispute resolution prioritizes family harmony over justice. Women in Kampala also face barriers like social stigma and limited access to legal aid, which prevent them from challenging harmful traditions.

3.3 CHALLENGES OF ENFORCEMENT

Enforcing laws that protect women's rights in Kampala is challenging because customary law and male-dominated traditions often interfere.⁵²The Justice, Law and Order Sector (JLOS) reports that issues like weak institutions, insufficient funding for legal aid, and corruption hinder the implementation of laws such as the Domestic Violence Act (2010) and the Land Act (1998).⁵³In Kampala, women living in poverty are the most affected, as they lack the financial resources to navigate the legal system or challenge traditional practices.

Cultural resistance further obstructs these laws. For instance, the Marriage and Divorce Bill, which would grant women greater rights, has been delayed due to opposition from religious and cultural leaders who view it as a threat to traditional family structures. In Kampala's peri-urban areas, community leaders and clan elders, who hold significant influence, often uphold customary norms, making it difficult to enforce laws that support women.

⁵² UN Women. (2023). *Gender Equality and Legal Frameworks in Uganda: Progress and Challenges*. New York: United Nations.

⁵³ Asiimwe-Mwesige, J. (2014). *The Marriage and Divorce Bill in Uganda: Resistance and Challenges*. *Journal of Gender Studies*, 23(3), 245-260.

Many women in Kampala are unaware of their legal rights, exacerbating the problem. A 2023 UN Women report highlights that a significant number of women do not know about the protections offered by the Constitution or other laws, making them vulnerable to exploitation under customary law. This lack of awareness, combined with fear of social stigma, prevents women from seeking justice, perpetuating traditional gender roles that restrict their freedom.

3.4 LEGAL REFORMS AND ADVOCACY

Despite these challenges, Uganda is making significant efforts to align customary law with women's rights through legal reforms and advocacy. The Uganda Association of Women Lawyers (FIDA-U) has been instrumental in challenging unfair traditional practices, successfully petitioning the Constitutional Court to reform the Succession Act.⁵⁴ The Marriage and Divorce Bill, although still unpassed, represents a crucial step toward granting women equal rights in marriage and divorce, confronting male-dominated traditions. Organizations like the Forum for Women in Democracy (FOWODE) and the Westminster Foundation for Democracy (WFD) are actively pushing for stronger enforcement of laws against gender-based violence (GBV) and increased funding for legal aid services. The Stand for Her Land campaign empowers grassroots women to participate in land governance, challenging customs that prevent them from owning property. These initiatives aim to bridge the divide between modern laws and customary practices, fostering a legal system that upholds women's rights.

⁵⁴ Asiimwe-Mwesige, J. (2014). *The Marriage and Divorce Bill in Uganda: Resistance and Challenges*. *Journal of Gender Studies*, 23(3), 245-260.

⁵⁵Community programs are also vital in addressing the cultural foundations of customary law. The Ministry of Gender, Labour and Social Development, in collaboration with the United Nations Development Programme (UNDP), has launched initiatives to engage men and boys in transforming harmful gender norms, promoting shared decision-making and respect for women's rights. In Kampala, where diverse ethnic groups coexist and traditional practices remain influential, these efforts are particularly critical.

⁵⁶Customary law in Uganda profoundly influences gender roles and impacts women's rights in Kampala. While the 1995 Constitution and modern laws promote gender equality, customary law's role in the mixed legal system sustains traditions that restrict women's access to justice, property ownership, and protection from violence. In Kampala, cultural resistance, weak enforcement of laws, and women's limited awareness of their legal rights exacerbate these challenges. However, legal reforms, advocacy by women's organizations, and community education programs provide hope for progress. To fully advance women's rights, Uganda must address the legal and cultural barriers embedded in customary law, ensuring that Kampala's legal system supports equality and justice for women.

⁵⁵ UNDP. (2020). *Gender Equality and Land Rights in Uganda: Challenges and Opportunities*. New York: United Nations Development Programme.

⁵⁶ Nakirunda, M. (2011). *Women's Property Rights in Uganda: A Case Study of Buganda*. *Journal of African Law*, 55(2), 167-189.

CHAPTER FOUR: SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

4.1 INTRODUCTION

This study explores how Uganda's customary law shapes gender roles and affects women's rights in Kampala. In Kampala, traditional customs, which often favor men, exist alongside modern laws like the 1995 Constitution. Even though the Constitution and international agreements, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), promise equal rights for women, customary law tends to reinforce traditional ideas that limit women's access to justice, financial independence, and personal freedom. This section sums up the research findings, looking at both the legal and cultural sides of customary law, as well as theoretical ideas and suggested research methods. It ends by discussing what this means for gender equality in Kampala and offers practical steps to align traditional and modern laws to better support women's rights.

4.2 SUMMARY OF FINDINGS

Customary Law as a Driver of Patriarchal Gender Norms

The research reveals that customary law in Kampala significantly shapes gender norms, reinforcing patriarchal structures that prioritize male authority and female subordination. Across ethnic groups such as the Baganda, Acholi and Banyankole, customary practices like bride price, polygamy and patrilineal inheritance dictate societal expectations for men and women. Bride price, a widespread practice, commodifies women, framing them as property transferred between families, which undermines their autonomy in marriage. Polygamy, permitted under customary and

Islamic law, further entrenches women’s vulnerability, as they often lack legal recourse to challenge additional marriages. Patrilineal inheritance norms exclude women from owning land or property, positioning men as primary decision-makers and providers. In Kampala, these norms persist despite exposure to modern influences like education and globalization.⁵⁷ “Domestic Virtue Model” illustrates how young urban women internalize traditional roles as homemakers, limiting their aspirations to domestic spheres even when engaged in economic activities. Non-legal aspects, such as cultural beliefs and community sanctions, reinforce these norms. For instance, women who assert property rights risk social exclusion, labeled as immoral or defiant, highlighting the pervasive influence of customary law in shaping gender dynamics.

Impacts on Women’s Rights

Customary law’s patriarchal norms have significant implications for women’s rights in Kampala, particularly in access to justice, economic empowerment, personal autonomy and protection from gender-based violence (GBV).

Access to Justice: The dual legal system, where customary and statutory laws coexist, creates indistinctness that disadvantages women. Customary dispute resolution mechanisms, led by male elders, prioritize reconciliation over justice, discouraging women from seeking formal legal recourse in cases of property disputes or GBV.⁵⁸ The Justice, Law and Order Sector notes that limited institutional capacity, inadequate

⁵⁷ Steinfeld, L. (2013). *Gender Norms and Economic Empowerment in Uganda*. *Journal of African Economies*, 22(5), 675-699.

⁵⁸ JLOS. (2019). *Annual Report on Access to Justice in Uganda*. Kampala: Justice, Law and Order Sector.

legal aid and patriarchal biases hinder the enforcement of statutory protections like the Domestic Violence Act (2010). Women in Kampala's informal settlements, such as Grace Ozitya's case, face bureaucratic hurdles and corruption, worsening their vulnerability.

Economic Empowerment: Customary norms restricting women's land and property ownership severely limit their economic independence. Despite women producing 80% of Uganda's food, they own only 20% of registered land, with even less under customary tenure. In Kampala, where land is a valuable asset, these norms perpetuate poverty and dependence on male relatives, hindering women's ability to secure loans or invest in businesses. The Land Act (1998) aims to protect women's rights but is undermined by customary practices that favor male inheritance.

Personal Autonomy: Customary law enforces traditional gender roles that restrict women's mobility, decision-making, and participation in public life. Practices like bride price and widow inheritance undermine women's agency, tying their value to marriage and motherhood. Even in Kampala, where women's political representation has increased to 33.9% of parliamentary seats customary norms discourage challenging male authority, with women risking social stigma for asserting their rights.

Gender-Based Violence: Customary law normalizes GBV, with practices like wife-beating viewed as justifiable by 90% of women in a 2001 survey. In 2023, Kampala reported 10,792 cases of domestic violence against women reflecting the persistence of norms that view violence as a private matter. Widow inheritance and forced

marriages, though less common in urban areas, expose women to abuse, violating their autonomy.

Tension Between Customary and Statutory Law

The interplay between customary and statutory law creates significant tension in Kampala. The 1995 Constitution, under Articles 21 and 33, guarantees gender equality and prohibits harmful cultural practices, while statutory laws like the Domestic Violence Act and the Land Act provide legal protections. However, customary law, recognized under Article 2(2), often overrides these provisions in practice. Landmark cases like *Mifumi (U) Ltd & 12 Others v Attorney General* (2015) declared bride price refunds unconstitutional, signaling judicial efforts to align customary practices with gender equality. Similarly, *Law & Advocacy for Women in Uganda v Attorney General* (2007) challenged discriminatory inheritance laws, yet customary courts in Kampala's peri-urban areas continue to favor male heirs. The proposed Marriage and Divorce Bill stalled since 2009, demonstrates cultural resistance to statutory reforms, with religious and community leaders viewing it as a threat to traditional family structures. This tension is amplified in Kampala, where urban modernity clashes with customary practices, creating a complex scene for women navigating their rights.

Theoretical Insights

The study's theoretical frameworks legal pluralism, social constructivism, feminist legal theory, human rights and intersectionality provide critical insights into the dynamics of customary law and gender norms. Legal pluralism highlights the coexistence of multiple legal systems, explaining why patriarchal customary norms persist despite statutory

protections. Social constructivism reveals how gender norms are internalized through socialization, perpetuating practices like bride price and GBV. Feminist legal theory critiques the patriarchal foundations of customary law, advocating for reforms to dismantle male dominance. The human rights framework highlights the gap between Uganda's CEDAW commitments and customary practices, while intersectionality reveals how class, ethnicity and urban status intensify women's marginalization, particularly for low-income women in informal settlements.

Efforts Toward Change

Despite challenges, Kampala has seen significant efforts to reconcile customary law with women's rights. The Uganda Association of Women Lawyers (FIDA-U) has successfully challenged discriminatory provisions in the Succession Act, while organizations like FOWODE and the Westminster Foundation for Democracy advocate for stronger anti-GBV laws and legal aid. The Stand for Her Land campaign empowers women to engage in land governance, challenging customary norms. Community sensitization programs by the Ministry of Gender and UNDP engage men and boys to transform harmful norms, promoting shared decision-making. Grassroots movements, supported by organizations like NAPE, mobilize women to assert their property rights, fostering resilience and policy advocacy.

4.3 CONCLUSION

The research shows that customary law in Uganda strongly shapes how people view gender roles in Kampala, often keeping men in charge and limiting women's rights. Even with forward-thinking laws like the 1995 Constitution and other legal protections,

traditional practices like bride price, polygamy, and inheritance rules that favor men create big hurdles for women seeking justice, financial independence, personal freedom, and safety from gender-based violence (GBV). The mix of customary and official laws makes things harder, as traditional norms often take over, especially in Kampala's outer urban areas. Resistance to change, weak law enforcement, and women not knowing their rights also slow down progress.

Still, women's groups, legal changes, and community education efforts give hope for a better future. Kampala's unique setting, where old traditions meet modern life, offers both challenges and chances to improve gender equality. Ideas like legal pluralism and feminist legal theory help explain the deep cultural and structural reasons behind gender inequality, showing that both new laws and cultural shifts are needed. To truly support women's rights, Uganda must connect its laws with real-world practices, making sure customary law grows to match the Constitution and global standards.

4.4 RECOMMENDATIONS

In Kampala, customary law deeply shapes how people view gender roles, often reinforcing traditions that favor men and limit women's rights. Despite strong laws like the 1995 Constitution and others that promise equal treatment for women, practices like bride price, polygamy, and inheritance rules that favor men create big challenges for women seeking justice, financial independence, and personal freedom. The mix of

customary and modern laws in Kampala's diverse city setting shows a struggle between old traditions and new ideas. While customary law helps maintain cultural identity and community ties, its male-centered roots often clash with Uganda's promises to ensure gender equality, such as those in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This section offers practical steps to balance customary law with gender equality in Kampala, based on research showing the need for legal changes, community education, and empowerment programs. By following these steps, Kampala can become a leader in building a fairer society where women's rights are fully respected.

Strengthen Law Enforcement

Making sure laws that protect women are followed is key to helping women in Kampala access their rights. More funding for legal aid can help poor women who can't afford to use the court system. These services can offer legal advice and representation to challenge traditions that deny women property or marriage rights. Setting up special courts for gender-based violence (GBV) in Kampala would help clear the backlog of cases, with 10,792 domestic violence cases against women reported in 2023. These courts would provide quick and fair justice, reducing reliance on traditional methods that focus on family peace over accountability. Training police and judges on gender equality and women's legal protections is also crucial to reducing male-centered biases that weaken law enforcement. This training would align with laws like the Domestic Violence Act (2010), creating a system that supports women's rights.

Targeted changes to laws are needed to make customary practices match Uganda's promise of gender equality. Passing the Marriage and Divorce Bill, stuck since 2009, would give women equal rights in marriage and divorce, tackling practices like bride price and polygamy that treat women as property. Updating the Land Act to require shared ownership of family property would protect women's land rights, especially since only 16% of registered land in Uganda is owned by women. This is vital in Kampala's fast-paced economy. Further fixing the Succession Act to remove unfair rules would ensure widows and daughters inherit equally, challenging traditions that favor men. These changes would help connect modern laws with everyday realities, promoting fairness for women.

Change Cultural Attitudes

Community education is essential to challenge the male-centered beliefs rooted in customary law. Expanding programs that involve men and boys, like those run by the Ministry of Gender, Labour and Social Development, can encourage shared decision-making and respect for women's rights. These programs address the "Provider Virtue Model," where men feel pressured to stay in control, helping shift attitudes toward equality. Working with traditional leaders, who have a lot of influence in Kampala's communities, is key to making changes to practices like widow inheritance acceptable.¹⁴ Running awareness campaigns in Kampala's poorer neighborhoods would teach women about their rights under the Constitution and other laws, empowering them to stand up against unfair customs.¹⁵ These campaigns, using local languages, would help close the knowledge gap that leaves many women vulnerable.

Support Women's Groups

Strengthening women's organizations is crucial for keeping up the fight for gender equality. Providing more funding and training for groups like the Uganda Association of Women Lawyers (FIDA-U) and the Forum for Women in Democracy (FOWODE) would boost their work in pushing for better laws and policies. These groups have already made a difference like getting parts of the Succession Act changed. Supporting local efforts like the Stand for Her Land campaign would help women take part in land decisions, overcoming traditions that block ownership. Creating networks among women's groups would let them share ideas and successes, making their work even stronger. For example, programs like the Gender Action Learning System (GALS) show how community efforts can lift women financially and socially, offering ideas to copy in Kampala.

Create Mixed Solutions

Combining customary and modern legal ideas can ensure fairness while respecting cultural values. Setting up hybrid dispute resolution systems that blend the accessibility of traditional methods with the fairness of modern laws would give women better ways to seek justice. Encouraging the official registration of customary marriages would protect women's rights to property and marriage under modern laws, fixing issues seen in cases like *Mugisha v. Kakuru* (2010). Creating community monitoring groups with local leaders and women representatives would ensure customary practices follow constitutional standards, promoting accountability. These mixed approaches would balance tradition and fairness in Kampala's legal system.

Invest in Education and Jobs

Investing in education and economic opportunities is key to breaking down traditional gender roles and boosting women's independence. Encouraging girls' education in Kampala would challenge ideas that prioritize household duties, raising awareness of women's rights and possibilities. Helping women start businesses with access to loans and training would overcome economic barriers caused by customary land restrictions, allowing them to gain financial freedom. Expanding programs like GALS, which supports women's economic and social growth, would offer lasting ways to empower women. By giving women education and resources, these efforts would reduce their reliance on men, building a culture of equality in Kampala's economy.

Keep Researching

Ongoing research is important to better understand how customary law affects women's rights and to guide effective solutions. Studying how factors like income, ethnicity, or living in urban versus rural areas shape women's experiences under customary law would uncover specific challenges, especially for women in Kampala's poorer areas. Exploring how religious groups in Kampala reinforce or challenge traditional gender norms would offer new insights. Checking how legal changes, like updates to the Land Act or Succession Act, are working would show if they're improving women's lives. This research would help leaders create targeted plans to promote gender equality.

Customary law in Kampala shapes gender roles in ways that often limit women's rights, despite laws promising equality. Practices like bride price, polygamy, and male-only inheritance create gaps between legal promises and reality. But Kampala's lively urban

setting offers chances for change. By strengthening law enforcement, making legal reforms, educating communities, supporting women's groups, blending customary and modern systems, investing in education and jobs, and continuing research, Uganda can align customary practices with its constitutional and global commitments to gender equality. These steps tackle both the legal and cultural barriers in customary law, creating a well-rounded plan for change.

Kampala, as a diverse and growing city, can lead the way in building a fairer society. The work of women's groups like FIDA-U and FOWODE, along with community efforts like the Stand for Her Land campaign, shows the power of working together to challenge male-centered norms. By respecting cultural traditions while pushing for gender justice, Uganda can make women's rights a reality, not just a goal. With continued effort, Kampala can become a model for balancing tradition and modern equality, creating a future where all women have equal rights and opportunities.

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APPENDICES

APPENDIX A: QUESTIONNAIRE GUIDELINES

Interview Questionnaire

Section 1: Background Information

- Could you please briefly introduce yourself? (e.g., name, age, gender, occupation, role in the community, if any)
- How long have you lived or worked in Kampala?
- Are you familiar with Ugandan customary law as practiced in this region? If yes, how would you describe your understanding of it?

a) Section 2: Perceptions of Customary Law and Gender Norms

- In your view, what role does customary law play in shaping gender roles and expectations in Kampala?
- How do traditional practices under customary law define the rights and responsibilities of women compared to men?
- Can you provide specific examples of customary laws or practices in Kampala that influence how women are treated in society?
- How do you think these customary laws align or conflict with modern gender norms in urban settings like Kampala?

b) Section 3: Impacts on Women's Rights

- From your perspective, how does customary law affect women's access to rights such as education, property ownership, or decision-making in Kampala?

- Are there specific customary practices in Kampala that you believe empower women? If so, please explain.
- Conversely, are there practices that you think undermine women's rights? Can you give examples?
- How do women in Kampala navigate conflicts between customary law and statutory laws (e.g., Uganda's Constitution or international human rights standards) when asserting their rights?

c) Section 4: Case Study-Specific Insights (Kampala Context)

- In your experience, how does living in an urban area like Kampala influence the application of customary law compared to rural areas?
- Have you observed any changes in the enforcement or relevance of customary law in Kampala over time, particularly regarding gender norms?
- What role do traditional leaders or community structures play in upholding customary law in Kampala, and how does this affect women?

d) Section 5: Stakeholder Perspectives

- (For women respondents) How have customary laws personally affected your life or the lives of women you know in Kampala?
- (For legal experts/activists) How do you see the interaction between customary law and Uganda's formal legal system impacting women's rights in Kampala?
- (For traditional leaders) How do you ensure that customary law remains relevant while addressing modern challenges like gender equality?

e) Section 6: Solutions and Recommendations

- In your opinion, how can customary law be reformed to support women’s rights in Kampala better?
- What role should the government, civil society, or communities play in balancing customary law with gender equality?

f) **Section 7: Closing**

- Is there anything else you would like to add about the role of customary law in shaping gender norms and its impact on women’s rights in Kampala?
- Would you recommend anyone else in Kampala who could provide valuable insights for this research?

APPENDIX B: FGD GUIDELINES

Group Composition: 6-10 participants per session (to ensure manageable discussion).

Diversity: Include men and women from different age groups (e.g., youth, adults, elders), socio-economic backgrounds, and roles (e.g., community leaders, women’s rights advocates, ordinary residents) in Kampala.

Inclusion Criteria: Participants should have lived in Kampala for at least 5 years and have knowledge of or experience with customary practices.

Number of FGD Sessions: Plan for 3 FGDs to capture a range of perspectives (e.g., one with women only, one with men only, one mixed gender, and one with community leaders).

Duration: 1.5-2 hours per session.

Location: A neutral and accessible venue in Kampala to ensure comfort and confidentiality.

Facilitator and Note-Taker:

Facilitator: A trained moderator familiar with gender issues and Ugandan customary law, skilled in managing group dynamics and encouraging participation.

Note-Taker: A second team member to record key points, non-verbal cues, and group interactions (with participant consent, audio recording can supplement notes).

FGD Structure and Questions

1. Introduction

Welcome: Greet participants, thank them for their time, and explain the purpose of the research and FGD.

Example: "We're here to discuss how customary laws in Kampala shape gender roles and affect women's rights. Your insights will help us understand this better."

Ground Rules: Establish confidentiality, mutual respect and the importance of everyone's input.

Informed Consent: Explain that participation is voluntary, and obtain verbal or written consent for participation and recording (if applicable).

Icebreaker: Ask participants to briefly introduce themselves (e.g., name, occupation, or a fun fact) to build rapport.

2. Opening Questions

Purpose: To ease participants into the discussion and gather general perceptions.

What do you understand by the term "customary law" in the context of Kampala?

How do you see customary practices influencing the way men and women interact in your community?

Can you name some common customary practices in Kampala that affect women specifically?

3. Core Discussion Questions

Purpose: To dive into the research-specific themes and gather in-depth insights.

Theme 1: Customary Law and Gender Norms

How do customary laws or traditions in Kampala define the roles of men and women?

In what ways do these customs reinforce or challenge traditional ideas about masculinity and femininity?

Can you share examples of how these norms affect women's daily lives (e.g., marriage, inheritance, or decision-making)?

Theme 2: Impacts on Women's Rights

From your perspective, how do customary laws support or limit women's rights (e.g., access to property, education, or leadership roles)?

Are there specific customs in Kampala that you think empower women? Are there others that hold them back?

How do women in your community respond to these customary practices—do they accept, resist, or negotiate them?

Theme 3: Customary Law vs. Statutory Law

Are you aware of situations where customary law clashes with Uganda's national laws on women's rights? Can you give an example?

How do people in Kampala resolve conflicts between customary practices and modern laws when it comes to gender issues?

What role do community leaders or elders play in balancing these two systems?

Theme 4: Solutions and Perspectives

In your opinion, how can customary law evolve to support women's rights in Kampala better?

What role should women play in shaping or reforming these customs?

Are there any success stories of women overcoming challenges posed by customary law that you know of?

4. Closing Questions

Purpose: To wrap up and capture any final thoughts.

Is there anything we haven't discussed about customary law and women's rights that you think is important?

If you could change one customary practice in Kampala to improve women's lives, what would it be and why?

How do you see the future of gender norms in Kampala evolving concerning customary law?

5. Wrap-Up

Summarize key points raised during the discussion (without attributing specific comments to individuals).

Thank participants for their contributions and explain how their input will be used in the research.

Provide an opportunity for final questions or comments.

Share contact information (if applicable) for follow-up or results dissemination.

Facilitation Tips

Neutrality: Avoid leading questions or showing bias; let participants express their views freely.

Probing: Use follow-up questions like “Can you tell me more?” or “Why do you think that is?” to deepen responses.

Inclusivity: Ensure quieter participants have a chance to speak by directing questions to them or pausing to invite input.

Sensitivity: Be mindful of cultural and gender dynamics; handle sensitive topics (e.g., domestic violence or inheritance disputes) with care.

Language: Conduct the FGD in a language participants are comfortable with (e.g., Luganda, English, or a mix), and clarify terms if needed.

Materials Needed

Consent forms (if written consent is required).

Notebook for note-taking.

Data Analysis

Transcribe recordings and combine them with notes for a comprehensive dataset.

Identify recurring themes (e.g., specific customs, gender norm patterns, rights violations).

Compare findings across FGDs to highlight differences by gender, age, or role.