

# **SPECIFIC RECOMMENDATIONS** *from the* **GRASSROOTS ACADEMY** on legal empowerment of the poor

***Organized by:***

Uganda Community Based Association for Child Welfare (**UCOBAC**) in partnership with  
Huairou Commission – New York and The Commission on Legal Empowerment of the Poor



*Participants of the Grassroots Academy*

*Grassroots women from 7 districts gathered at the grassroots academy at Busembatia Hotel, Iganga District from 13th to 16th November 2006 and spent their time sharing, learning and exchanging knowledge on legal empowerment of the poor and making the following recommendations for policy reform.*

**Issues and Recommendations :**

1. Poverty:

The participants highlighted the fact that as much as every Ugandan has a right to property and its protection as provided for by the constitution, many of the grassroots people are too poor to afford the acquisition of properties such as land.

It was also highlighted that those that have property like land, only have user rights.

This situation is even worse in relation to rural and urban poor women and children.

**Recommendations:**

- *Government efforts to address issues of poverty do not permeate to the grass roots. Its important that government empowers the poor with entrepreneurial skills to increase their incomes so that they acquire property*
- *Government should Support the poor to implement income generating activities through provision of start up income in kind. Experience has shown that when the poor are supported through provision of income in kind like cattle, goats, their Income generation activities are more likely to succeed than when they are given actual funds.*

2. Corruption amongst Local and Clan leaders that impede the poor from enforcing their rights to property:

Currently, the Local Council II courts can handle matters relating to land as a court of first instance and clan leaders also handle matters relating to land, not by law as such but because the rural people entrust them to solve family disputes of land.

Land being the main source of livelihood for the poor, there are usually many disputes that arise in respect to ownership and usage. It was noted that the Leaders are often bribed by the able party making them biased in their judgments. There are no set fees for filing cases in Local Council Courts and this means that it is at the discretion of chairperson of the Local Council to decide and so it could be high or low.

That notwithstanding, when the poor lose their cases, they are denied the record of proceedings which makes it difficult for them to file their cases in higher courts.

It was reported that at in case of a land sale by anyone in the community, the local leaders interfere with the sale so as to take a percentage (about10%) of the sale price. The cost is met by the vendor and/or buyer. This cost has no legal backing whatsoever and is simply a manipulation of the poor.

These factors are hindrances for the poor enjoying their property rights.

**Recommendations:**

- *Supporting anti corruption initiatives at the lowest levels of Government.*
- *Empower the community to demand satisfactory service / accountability from their leaders.*
- *More emphasis should be made in strengthening legal structures at grass root level. Much has been done in the main stream legal system and yet not much is done in relation to the courts that are nearest or most accessible for the poor.*
- *Government should issue guidelines on court filing fees in Local Council Courts as well as emphasize the mandate of Local Councils in land transaction. This should be done with consideration of opportunities and outcomes for*

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*the rural and urban communities.*

3. Cultural beliefs that do not support the property rights of women and children:

It was noted that, women/girls are marginalized especially in distribution of property after the death of either a spouse or a father. Real property like land is given to the men/boys while the women/girls either get nothing or other properties that are not of any value.

In the rural communities, when the father of children dies, the heir takes over the home including the widow and management of the property now lies with the heir. The children and their mother will often not have a share of their father's property as is required by law because there is now a "caretaker".

It is even worse in situations where the children have been orphaned by both parents. The property is taken over by the "caretaker" even if it is a child headed family with one of the children being their father's heir.

**Recommendation:**

- *Strengthen government organs whose mandate involves working directly with the community for example the Probation and Social Welfare Officer and the Community Liaisons Officer. These offices should be empowered to conduct community awareness sessions regarding issues as such. This will help change attitudes of the people in the Community.*

4. Government policy on compulsory acquisition of land;

Whereas it is constitutional for Government to acquire land compulsorily for public interest as long as owners are compensated adequately, when the land of the poor is compulsorily acquired, their bargaining power is too low leading to inadequate compensation.

There are also situations where the people settle in gazetted areas e.g. forest reserves, wetlands without knowledge of the fact that the areas are gazetted.

**Recommendations:**

- *The government should involve the poor people in making decisions relating to their property.*
- *The community should be empowered to constitute themselves into a committees/groups to increase the bargaining power of members of its community in case of a compulsory acquisition of property. These committees should be recognized and supported by the Government in matters of compulsory land acquisition.*
- *Government should sensitize people about dangers of settling in gazetted areas to avoid problems of eviction leading to homelessness.*

5. Community ignorance on property rights:

It was noted that the community is often ignorant of property rights which hinders promotion and protection of the same. For example, a widow usually has no say in distribution of her late husband's property since the deceased's heir who is usually male is left in control of all property including the widow and the orphaned children.

**Recommendation:**

- *Government should strengthen its structures in the community to consistently create community awareness on human rights including property rights.*
- *Government should enforce the use of community initiatives to create awareness in the community on Human rights and specifically property rights This could be through the use of Community Human rights Trainers.*

# FINANCIAL SECTOR DEVELOPMENT AND ACCESS TO CREDIT TO FACILITATE ENTREPRENEURSHIP

## Issues and Recommendations

### 1. Poverty:

It was noted that the poor would like to access credit facilities but most banking institutions require collateral to lend money. It goes without saying that the poor people do not have the kind of property that banks can take as collateral and those who have properties like land; it is often times not titled and hence can not be used. This means the poor are unable to access credit facilities and instead resort to family members, money lenders and savings clubs as a way of financing their businesses, if any.

The above notwithstanding, the mushrooming micro-finance institutions have done a lot in as far as improving people's incomes is concerned however, the problem is with the high interest rates charged.

Furthermore, the participants shared that the grace period for repayment is too short.

The government policy – “Bonabagawale – Wealth for all” has not yet taken off (or if it has, the grassroots poor do not know how it operates and are likely to miss out on the benefits).

### Recommendations:

- *Government should move to sensitize the community on issues relating to finance, credit facilities including the “Bonabagawale – Wealth for all” policy and entrepreneurship skills as well as financial management so that the loans are put to good use. This should be done using community based approaches like community Training of trainers (TOT)*
- *Government to ensure standardized interest rates in banks and microfinance institutions and fair terms of payment considering opportunities and outcomes of the rural and urban communities.*
- *Government should ensure that finance and credit facilities are extended to the grassroots communities. It was proposed that this should be at County level so as to reduce transport cost which would hinder access to such services.*
- *Government should financially support community initiatives like “Nigina – merry-go rounds” through which most grassroots women acquire loans and property. It was proposed that a proportion of the “bonabagawale” scheme should also be channeled through merry-go rounds so as to benefit the biggest part of the population.*

### 2. Cultural practices that discourage innovation:

It was noted that in some communities, socially and culturally it is only the man who does paid work and the woman stays at home to do family chores that are not paid for. In cases where a woman grows food for sale, it is the male member of the family who finds the market and the proceeds never get back to the woman or if it does, it's a token.

The women that have broken away from this kind of tradition have been branded rebels and this sometimes culminates into domestic violence and divorce, leading to suffering of the family especially the children..

**Recommendation:**

- *Strengthen government organs whose mandate involves working directly with the community for example the Probation and Social Welfare Officer and the Community Liaisons Officer. These offices should be empowered to conduct community awareness sessions geared towards changing attitudes.*
- *Government should strengthen and support the work of CSO's in the sensitization of communities in change of attitude.*

3. Lack of market for produce:

It was highlighted that although the people in the community grow much crops for trade, they lack the markets to sell the produce. The middle men that go to the community to buy the produce exploit the people by taking their produce at very low rates. The Community has no choice but to sell at such rates because if they do not, their produce will go to waste.

This also highlights the fact that there is no or little cultivation of traditional cash crops like coffee and cotton which were affected by lack of market.

**Recommendations:**

- *Government to strengthen the services of extension workers in the community and provide good farm equipment.*
- *Government should increase agricultural subsidies.*
- *Government to re –establish cooperative societies.*
- *Government to identify stable markets for the farmer's produce.*
- *Government should improve infrastructure and security in the communities to enable the farmers transport their produce to market places.*

4. Ignorance of market prices:

Grassroots farmers are often ignorant of the prevailing market prices and therefore have a low bargaining power in the sale of their produce.

**Recommendation;**

*Government should ensure timely dissemination of information regarding prevailing market prices as a strategy to empower farmers to bargain appropriately. This can be done effectively through local radio and existing government local structures ( Local Councils)*

**Government should ensure that finance and credit facilities are extended to the grassroots communities. It was proposed that this should be at County level so as to reduce transport cost which would hinder access to such services.**

# LABOR RIGHTS

## Issues and Recommendations:

### 1. Ignorance of labor rights:

It was noted that a large population of the grassroots communities is not aware of rights relating to employment. For this reason, most or if not all their labor rights are violated without questioning, for example employees are usually given minimal wages which they whole heartedly accept with an assumption that they are being helped by the employers.

#### **Recommendation:**

- *Government should sensitize the community on issues relating to labor rights so to change community perceptions of employment. This should be done using community based approaches like community Training of Human rights community trainers (TOT)*

### 2. Gender discrimination/gender stereotyping:

In the informal sector, society has cut out different roles for men and women, for example riding “boda-boda” (motor bikes) and building works are taken to be men’s jobs where as market vending, saloon work and waiting in restaurants and hotels which are taken to be women’s specialties are also done by men.

Women do a lot of work which is not recognized (not paid) but is instead considered to be a natural role for example caretaking for the sick, children and doing housework.

There are many women who are able to do as much as the men are able to do but because of their sex, they are not employed.

#### **Recommendation:**

*Government in partnership with civil society organizations should sensitize communities on issues of non discrimination of all forms to foster attitude change amongst the people.*

### 3. Work conditions:

It was highlighted that in the informal sector, the conditions of work are unsatisfactory, for example;

- Employees in maize mills, paint industries and cleaners often work without protective gear.
- Besides not having protective gear, there is no job security because employees are often times not given appointment letters.
- There is also no provision of any form of leave.

This is further compounded by the high levels of unemployment in that one would rather stay under bad working conditions than leave the job or demand for better conditions.

**Children do heavy work without pay:  
Government in partnership with child welfare civil society organizations should ensure promotion and protection of child rights by strengthening local government structures like the probation office to monitor child rights observance.**

**Recommendations:**

- *Government should formulate policies and law to protect employees in the informal sector and further sensitize communities on the same.*
- *Government should move to sensitize communities on their rights*
- *Government should strengthen trade unions and encourage workers in the informal sector to join them.*

**4. Child labor:**

In the rural communities, children do heavy work without pay for example; they make bricks and transfer huge brick piles from one point to another. This kind of work is usually considered “help” offered by the child and such a child is considered an “obedient and good child.” This has had health implications where some children have reported severe health problems due to inappropriate work they are engaged in.

**Recommendation;**

- *Government in partnership with child welfare civil society organizations should ensure promotion and protection of child rights by strengthening local government structures like the probation office to monitor child rights observance.*

# ACCESS TO JUSTICE AND RULE OF LAW

## Issues and Recommendations

1. Traditional/clan courts are discriminative of women:

Whereas these courts are accessible, financial implications are minimized and the language is familiar, they have been noted to be discriminative of women. This is because traditionally, it's only the men who are the community judges/elders. If there is a matter involving a man and a woman and there are cultural roles, experience has shown that the court will side with the man.

This is in total disregard of the written law, say on equality before the law and the fact that cultural practices that are discriminatory and void as stated under the constitution of Uganda of 1995.

### **Recommendation:**

- *There is need for government to integrate the customary system of dispute resolution into the mainstream legal system so as to import into it issues of gender sensitivity and handling matters in accordance with written law hence proportionate punishment among others. There will however be need for government to sensitize or train elders about the legal system.*

2. The formal justice system is inaccessible to the poor:

Participants noted the following about the justice system:

- It is expensive; court filing fees are high
- The courts are far off and some areas do not even have court buildings.
- There is too much bureaucracy in the courts
- The community is not aware of court procedures and it is therefore hard to follow up their matters.

### **Recommendations:**

- *Government should waive court filing fees for indigent people especially in higher courts. It's not worthy that the law allows for someone to file a matter as a pauper but the procedure before one finally gets the matter is long and should be revised.*
- *Government should promote community sensitizations on the legal system.*
- *More emphasis should be made in strengthening structures at grass root level. Much has been done in the main stream legal system and yet not much is done in relation to the courts that are nearest or most accessible for the poor.*
- *Government should issue guidelines on court filing fees in Local Council Courts.*
- *Training local council courts at the beginning of every political term on laws and matters within their jurisdiction to handle as well as human rights issues.*
- *Decentralize human rights commission and Inspector General of Government (IGG) services so that they are accessible to the rural people in all districts.*
- *As a way to enable the disabled (Particularly the dumb and deaf) to understand court proceedings, a sign language expert should be attached to every district.*
- *There should be an interpreter for the dominant language in a given district attached to every district to ease understanding of the proceedings by the litigants.*

**Decentralize human rights commission and Inspector General of Government (IGG) services so that they are accessible to the rural people in all districts.**