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LAW AND POPULATION IN UGANDA

Abraham Kiapi*

* Professor and Dean of Law Faculty
Makerere University, Kampala

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I. INTRODUCTION

A. General Background Information

Uganda covers an area of approximately 94,000 square miles, of which 13,659 square miles are open water and 5,670 square miles are swamp. Most of the country is between 3,500 and 4,500 feet above sea level, giving it an equable climate, with temperatures varying between 60° and 85° F. Rainfall averages vary from place to place within the range of 50 to 70 inches.

The economy is based mainly on peasant agriculture and consists of a variety of export crops, principally cotton, coffee and tobacco. Another most important export crop is tea which is grown mainly on large-scale plantations. Copper is the most important mineral, taking third place in the list of exports, after cotton and coffee. Together with Kenya and Tanzania, Uganda belongs to the East African Community, an economic union which provides some common services among the member states.

Uganda was a British Protectorate from 1892 to 1962, when it achieved independence. From the time of independence until 25 January 1971, the country was ruled by a political party--the Uganda Peoples Congress. Since that date the country has had a military administration.

Social services are comparatively well developed in Uganda. Medical services are within reach of most persons. There are hospitals at all district headquarters and at many other centers. In every district there are over fifteen dispensaries, and health posts are spread throughout the country. Places are available in established schools for more than half the children of school age. Many others receive education in church or private schools. Secondary education developed rapidly since independence and the country has had a university institution since 1922.

B. Character of the Population Problem

Systematic collection of demographic data is a relatively recent development in Uganda. For example, registration of births and deaths became compulsory only in 1970.[1] Consequently, the basis for most of the data cited here is the last census, conducted in 1969.

The 1969 census put the population at 9,548,847. The density of the population varies from 260 people per square mile in the South to 14 in Karomoja Province. An interesting feature of the population composition is that the ratio of males to females has been steadily rising, from 82.6 per 100 females in 1911 to 103.9 per 100 females in 1969. In spite of these figures polygamy continues to be so widespread that it had to be expressly legalized by the Customary Marriages (Registration) Decree, 1973.[2] The male-female sex ratio is shown in Table I.

TABLE I

Male-Female Ratio, Uganda, 1911-1969

Year	Males per 100 Females
1911	82.6
1921	85.5
1931	92.1
1948	99.9
1959	100.7
1969	103.9

In 1969, 74,308 persons out of the total population were of Asian origin, 9,533 of European origin and 3,238 of Arabic origin. The Asian population declined steeply between 1962 and 1969 due to considerable emigration. Thirty-five percent of the Asians were Uganda citizens and 12 percent were of Indian nationality. Seventy-five percent of non-citizen Asians held British passports. All of the non-citizen Asians were expelled in 1972. Table II shows the racial composition of Uganda's population between 1911 and 1969.

TABLE II

POPULATION TOTALS OF AFRICANS AND NON-AFRICANS
1911-1969

Year	African	Non-African	Total	% of Non-African Population
1911	2,463,469	2,856	2,466,325	0.12
1921	2,847,735	6,873	2,854,608	0.24
1931	3,523,014	17,267	3,542,281	0.49
1948	4,917,555	40,965	4,958,520	0.93
1959	6,449,558	87,058	6,536,616	1.33
1969	9,456,466	92,381	9,548,847	0.97

C. Implications of Population Growth in Uganda

Uganda's population is growing at the rate of 3.3 percent annually. A rate of growth of this magnitude may seriously impede efforts to improve social services, unless there is a correspondingly high rate of economic expansion.[3] While Uganda did experience a record rate of economic growth in 1969 (10.8 percent), the nation's economy has not grown as rapidly since 1970, as is illustrated by Table III below.

TABLE III[4]

RATE OF ECONOMIC GROWTH, UGANDA, 1969-1973

Year	Annual Percent Growth
1969	10.8
1970	1.4
1971	3.1
1972	3.1
1973	1.2

The high rate of population growth has expanded the size of the labor force and child population with serious implications for employment, education and health. It has also created a very high dependency ratio which may already be retarding social and economic progress and may frustrate efforts to bring about accelerated economic development and higher standards of living.[5] Because the rate of population growth is higher than the rate of growth of the economy, the proportion of the total population employed in private sectors has been steadily declining since 1971. In 1972 total employment in the private sector was 5.2 percent below the 1971 level and in 1973 employment in this sector declined by almost 10 percent below the level recorded in 1972. This problem is accentuated by the fact that while the rate of economic growth is declining, the cost of living is steadily rising. Record high price levels have been experienced; items affected include essentials such as foodstuffs, clothing, household goods and pharmaceutical products. Price indices reflect increases as high as 65 percent. It should be noted, however, that the world-wide increases in the price of oil have contributed significantly to the price increase.[6]

TABLE IV

POPULATION OF UGANDA BY AGE GROUP, 1969

Age Group	Population	Cumulative Percent
0-4	1,837,269	19.24
5-9	1,470,540	34.64
10-14	1,096,482	46.12
15-19	831,213	54.83
20-34	2,059,998	76.40
35-49	1,210,521	89.08
50-64	664,824	96.04
65+	365,465	99.87
Not stated	12,535	100.00
	9,548,847	

From the age distribution shown in Table IV the most noticeable characteristic of Uganda's population is the very high proportion of young children in the total population. The proportion of children aged fourteen and under stands at 46 percent; less than half of the population is in the working age group (15-60). Consequently, more resources are devoted to maintaining the non-productive age groups, and fewer resources are available for investment and for increasing per capita consumption. The present age structure is, therefore, extremely unfavorable from an economic point of view, since only half of the population works to maintain the entire community, the other half being either too young or too old to contribute positively to the growth of the economy. Most of the additions to the working age group do not obtain employment, resulting in social dislocation and a high dependence rate.[7] In 1973 only 347,550 people were in paid employment, 50 percent of whom were in the public sector.[8]

The dependency problem and its consequences could be alleviated in part by better utilization of the land, most of which is now uncultivated, though potentially productive. Increased land use is frustrated by two factors. Most of the students who leave school do not like farming, but prefer white collar jobs and flock to the urban areas in search of the limited employment opportunities. Second, considerable investment in the form of land reclamation and clearance and other inputs is necessary before the land can be worked more profitably. With the country's present levels of development and investment, the higher the rate of population growth, the less investment there is available per worker for land development. This dilemma is magnified by the fact that the greater the investment required to develop the land, the fewer the resources available for other uses. The Government's present recurring expenditure on social services, including health and education, has not been able to keep in step with population growth.

Another worrisome aspect of the relationship between population growth and increase of the Gross National Product was the influx of refugees into Uganda from neighboring countries. Their number stood as high as 178,000 in 1970 and 122,631 in 1975.[9]

II. FERTILITY REGULATION

A. Contraception

1. Use

In 1957 the International Planned Parenthood Federation established the Family Planning Association of Uganda. Since then the Association has been the only agency which administers the contraceptive program. It has 30 clinics in the whole country servicing 5,077 acceptors (out of the adult female population of 2,169,179). Consequently, only 0.23 percent of Ugandan women practice family planning through an organized body.

There is no law prohibiting the use of contraceptives. Government policy is to encourage it in order to help women with child spacing and to reduce the rate of natural increase of the population from 3.3 percent to 3.0 percent by 1979.[10] Contraceptives are given under the supervision of qualified medical practitioners, and in accordance with the requirements of the Pharmacy and Drugs Act, 1970,[11] and Regulations made thereunder.

What is not clear is the right of one spouse to use contraceptives without the consent of the other. In practice contraceptives are administered to a wife with the consent of her husband. Another important policy is that only married women who are introduced to the service by their husbands are given contraceptives. Single women are not entitled. This appears to be contrary to the spirit of the Constitution of the Republic of Uganda which protects freedom of conscience and which must include freedom to bear children by choice.[12]

2. Manufacture

The Pharmacy and Drugs Act does not expressly regulate the manufacture of contraceptives. However, if a contraceptive drug falls within the category of scheduled drugs, it must be manufactured under the supervision of a registered pharmacist in premises approved by the Minister of Health.[13] At the moment, Uganda imports all her requirements of contraceptives.

3. Sale

Where and by whom a contraceptive may legally be sold depends on its category. Condoms, foams, jellies and creams are sold in grocery and drug stores over-the-counter without prescription. Others, such as pills and IUDs, are regulated by the Pharmacy and Drugs Act. Control of the supply and quality of scheduled drugs is discussed on page 39.

B. Sterilization

1. Inducement and Assistance Generally

The Family Planning Association of Uganda is the main organization concerned with providing information and services that will permit parents to have children by choice rather than by chance. Services and information provided by the Association include helping mothers to space pregnancies as well as helping childless couples have children by identifying, investigating and treating cases of infertility. Usually, the Association advises a mother to undergo sterilization only when her health or family situation requires it.

2. Restrictions and Prohibitions

Sterilization is legally available only to married males and females and may only be performed in hospitals. The Penal Code permits the performance of a surgical operation upon any person for the person's own

benefit or upon a fetus for the preservation of the mother's life as long as the operation is reasonably necessary and is performed in good faith, with reasonable care and skill.[14] Physicians performing such operations may be held liable for failure to exercise reasonable skill and due care.[15]

3. Regulations

a. Consent Requirements: Though there is no law requiring spousal consent, doctors normally do not sterilize a woman without the consent of the husband.

b. Age Requirements: Unless dictated by the health of the mother or family conditions, the medical practice, though not laid down by law, is that only persons aged 40 or over can be sterilized in Uganda.

c. Regulation of Individuals or Agencies Performing the Act: The Uganda Medical Practitioners and Dental Surgeons Act, 1968,[16] provides that only persons registered as medical practitioners can practice medicine, surgery or midwifery.[17] Consequently, only duly qualified doctors can legally perform sterilization operations. It is an offense for any person not registered, licensed or authorized under the provisions of the Act to practice as a medical practitioner.[18] The law requires that medical practitioners must use due care and professional skill when performing medical operations. Lack of care and professional skill which results in injury to any person is punishable.[19]

d. Regulation of Place or Circumstance of Performance: Sterilization, like all other surgical operations, can be done only in hospitals under regulations laid down by the Uganda Ministry of Health and the Medical Council and as required by the ethics and practices of the medical profession. A woman can legally undergo a sterilization operation (a) after several caesarian operations; (b) after nine or ten babies born alive; (c) on mutual understanding between her and her husband; and (d) on medical grounds when it is considered that another pregnancy will endanger her life.

e. Procedural Requirements: There are no elaborate procedural requirements before a sterilization operation can be performed. Normally the person being operated upon or the next of kin is required to give written consent to the operation and accept in advance all the possible consequences that may follow a surgical operation, as long as the surgeon uses due care and professional skill.

f. Malpractice: A doctor who performs a sterilization operation in contravention of the rules laid down by the Ministry of Health and the Uganda Medical Council will be guilty of professional misconduct for which his name may be removed from the register of medical practitioners. Upon such an event he loses the right to practice medicine.[20]

g. Advertising: There is no law forbidding advertising of sterilization, but in practice it is never done. The Uganda Ministry of Community Development and Culture in conjunction with the Family Planning Association organizes talks to women during which the availability of sterilization to women who need it is mentioned. Medical staff in every hospital may also draw the attention of married couples to the availability of such an operation.

h. Official Eugenic Programs: Uganda has no official eugenic programs designed to prevent mental incompetents, epileptics, sex offenders and habitual criminals from conceiving. However, the law forbids having sexual relations with females who are idiots or imbeciles. In case they conceive they can attend one of the numerous antenatal clinics in the country.

All pregnant women are encouraged to visit antenatal clinics which are found in every hospital, dispensary and health services which ensure that the baby is born alive and healthy. Special maternity wards have been built in every hospital.

Table V indicates the number of expectant mothers admitted into Mulago Hospital--the largest hospital in Uganda--between 1962 and 1969.

TABLE V

EXPECTANT MOTHERS ADMITTED TO MULAGO HOSPITAL, 1962-1969[21]

Year	Number
1962	6,008
1963	9,113
1964	11,152
1965	12,465
1966	11,805
1967	14,674
1968	13,359
1969	14,631

C. Abortion

In some countries a woman has the right to avoid the birth of an unwanted child by securing an abortion in the early stages of pregnancy, and doctors are not criminally liable when they perform abortions at the request of pregnant women.[22] This is not the case in Uganda. It is an offense for any person to unlawfully administer any poison or other noxious thing, or to use force of any kind or to use any other means whatever with intent to procure the miscarriage of a woman.[23] Doctors in Uganda consequently have no right to perform abortions except when it is necessary to preserve the health of the mother. In such a case treatment is free as is any other medical service.

Even pregnant women are prevented from administering to themselves any poison or other noxious thing or from using force against themselves in order to effect their own miscarriages. Such acts are punishable by up to seven years in prison.[24] Penal sanctions are also imposed for the destruction of unborn children who are capable of being born alive and concealing the birth of a child whether born dead or alive.[25]

The Annual Clinical Reports of the Department of Obstetrics, Makerere University, indicate that the number of abortions performed under medical care to save the life of the mother has been rising steadily since 1959 (see Table VI for breakdown by years). Causes of abortion include hypertension, anaemia, native oxytocic herbs, etc.

TABLE VI

ABORTIONS IN MULAGO HOSPITAL, UGANDA, 1959-1969

	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969
Total	664	935	778	822	881	1162	1287	1294	1518	1830	1220
Medical	171	180	209	220	182	147	231	215	203	-	-
Surgical	493	755	569	602	699	1015	1056	1079	1292	-	-

Source: Clinical Reports of the Department of Obstetrics, Makerere University Medical School, 1959-1969.

Because of the increasing number of abortions, Mulago Hospital has set up a separate ward for women who require abortions. The statistics indicate that the incidence of abortion is highest when the fetus is between 12 and 19 weeks old, as shown in Table VII.

TABLE VII

ABORTIONS IN MULAGO HOSPITAL, 1968-69

Approximate Maturity	1968	1969
11 weeks	661	544
12 - 19 weeks	858	1045
20 - 27 weeks	204	260

III. FAMILY STATUS AND WELFARE

A. Marriage

1. Introduction

Most Ugandans look upon the unmarried woman or man with disfavor. Generally, society expects that adults must marry and raise a family. There are several laws under which a person may choose to marry, depending on the person's race and religion. These are the Customary Marriages (Registration) Decree, 1973,[26] the Marriage Act,[27] Marriage of Africans Act,[28] Marriage of and Divorce of Mohammedans Act,[29] and the Hindu Marriage and Divorce Act.[30] Every person has the freedom to choose to marry according to his or her custom, religion or place of origin.

Before the promulgation of the Customary Marriages (Registration) Decree, 1973, there was confusion about the status of marriages contracted according to African tribal law and custom. Such marriages were recognized by the law for some purposes but not for others.[31] Some authorities even refused to recognize such unions as marriages at all. The Decree was aimed at "altering the attitude of the people towards the cultural heritage of the various tribes of Uganda and giving customary marriages the same status as Christian marriages."[32] Its most distinctive feature is that it expressly allows polygamy, entitling a man to marry as many wives as he fancies.[33]

2. Inducement and Assistance Generally

While the laws of Uganda do not expressly encourage marriage, the prevailing public opinion is in favor of marriage. Among many tribes a man who intends to marry a woman must first pay a bride price to the father/guardian of such woman.[34] In such cases bringing up a female child is looked upon as an investment which must be recovered at a premium when she gets married. This causes spinsterhood to be looked upon with disfavor.

Another attitude which encourages marriage is that among the traditional African peoples of Uganda, sex between unmarried couples is not only frowned upon, but is also a tort against the parents/guardians for which monetary damages may be obtained. Unmarried motherhood is considered to be an extreme disgrace.

The Income Tax Decree of Uganda also encourages marriage by providing for marriage and child allowances.[35] Persons in the low income groups may go untaxed if they are married and have at least four children. Similarly, where employers provide housing, marital status and the number of children weigh heavily in favor of being allocated a bigger house. For example, government officers earn the following points for being married and having children:

1 for each Shs. 1000/=basic salary
1 for one wife
2 for each of first and second child
1 for each of third and fourth child.

A married officer has, therefore, more chance than an unmarried officer of obtaining a large house. In the case of university students, the Government pays some (if only meagre) allowance for being married and having children. Such students are also entitled to live off campus, in which case the University pays for their living quarters.

3. Age Restrictions

Under the laws of Uganda a male person of eighteen years and above and a female person of sixteen or above can legally enter into a contract of marriage. The consent of parents/guardians is required if a person is under the age of twenty-one years.

4. Consent Requirements

Under the law, as already indicated, a person below the age of twenty-one cannot marry without the consent of his/her guardian. In practice this is not, however, the only requirement. Guardians exercise the power of consent by accepting the bride price (in the case of a woman) or by refusing to pay it (in the case of a young man). This acts as a veto where a guardian is not in favor of a proposed union, since payment of the bride pirce is one of the marriage formalities recognized by law. It is also the custom of many tribes in Uganda that a person may not marry another who is unacceptable to the family. Where refusal is unreasonable, the law allows the Registrar of Marriages to celebrate such marriage despite objections.[36]

5. Waiting Periods and Public Notices

The period of notice depends on the law under which a person chooses to marry. Under the Marriage Act, any person who desires to marry must give at least a twenty-one days' notice which the registrar of marriages is required to make public.[37] If the marriage does not take place within three months after the notice, a new notice must be given.[38] The Minister of Public Service has the power to dispense with the requirement of marriage notice and authorize a marriage to be celebrated, if it is shown to his satisfaction that there is no lawful impediment to the proposed marriage and that the necessary consent has been obtained.[39] Under the Customary Marriages (Registration) Decree, persons belonging to any indigenous tribe of Uganda may enter into marriages without notice. If a person does not belong to any indigenous tribe, he is required to give the twenty-one days' notice. Ugandan Africans can, therefore, marry without giving notice to anybody, provided they act in accordance with the provisions of the Decree. The Decree makes a distinction between entering into, and registration of, a marriage. Customary marriages must be registered within six months of the date of the marriage contract.[40]

6. Registration

The State regards marriage as an event of great importance because it has consequences for both the individuals who marry and the community. For this reason records of marriages must be kept, and this is done by registration. The marriage laws of Uganda require the appointment of a Registrar of Marriages in each district and a Registrar-General of Marriages for the whole country. Each district Registrar of Marriages is required to keep a Marriage Register Book in which he is to record every certificate of marriage. Such a Register is open to public inspection during normal working hours. Each district Registrar of Marriages is further required to submit to the Registrar-General of Marriages every month a certified copy of all entries made in the district Marriage Register Book.[41]

Under the Marriage Act, registration of a marriage is normally effected soon after the marriage ceremony and is done by the celebrant--the priest in the case of a church marriage or the District Commissioner in the case of a civil marriage. However, if a marriage is contracted according to Mohammedan rites, registration is done within one month from the date of the marriate.[42] Parties are given up to six months to register a marriage contracted under the Customary Marriages (Registration) Decree, 1973. It is an offense to fail to register a customary marriage within six months.[43]

7. Prohibited Relationships

It is the Customary Marriages (Registration) Decree which defines the prohibited degrees of kinship for marriage. These are:[44]

Mother	Father
Mother's daughter	Father's son
Daughter	Son
Father's mother	Father's father
Mother's mother	Mother's father
Son's daughter	Son's son
Daughter's daughter	Daughter's son
Sister	Brother
Wife's mother	Wife's father
Wife's daughter	Wife's son
Father's sister	Father's brother
Mother's sister	Mother's brother
Brother's daughter	Brother's son
Sister's daughter	Sister's son
Uncle's daughter	Uncle's son
Aunt's daughter	Aunt's son

Prohibited degrees of kinship under African customary law are wider than these. Under such law, as long as relationship can be traced, however distant, marriage is forbidden. The practice is, therefore, for

young men and women to contract marriages with those who are not within their own clan.

If a person chooses to marry under the Marriage Act, there are no restrictions as long as the union will not be incestuous and the parties are not within the prohibited degree of consanguinity by their personal law. Among the indigenous tribes custom still plays a part in determining whether a particular family relationship is too close for a marriage.

8. Marriage Ceremony

In Uganda, the individual or agency performing a particular marriage ceremony is determined by the law under which the marriage is being contracted. In religious marriages the priest invariably performs the ceremony and in civil marriages, the district commissioner. It is only under the Customary Marriages (Registration) Decree that an official celebrant is not required. Such marriages are celebrated according to the rites of the African community to which one of the parties belongs, and the ceremony is performed by the village elders. If the parties do not belong to any indigenous tribe of Uganda, the act of marriage is the registration by the sub-county chief of the area.[45]

9. Fees and Costs

There are several headings of expenses a person may incur when getting married: bride price or dowry, registration fees, and cost of dresses, reception, etc. Among some Ugandan tribes bride price is so prohibitive that many young men may not marry due to the inability to raise it. Not only money, but also such things as cattle, goats, sheep and hardware may be demanded by the guardians of the girl.[46] Among some Asian castes it is the guardian of the girl who must pay dowry to the prospective husband. The wealthier the bridegroom, the more money the girl's guardian must pay.

10. Marriage Statistics

According to the 1969 Census the highest proportion of married persons are in the age range of 25 to 50 years for males and between 20 and 49 years for females. There are more married females than married males, due to the number of polygamous marriages.

TABLE VIII

PROPORTION OF POPULATION MARRIED BY AGE AND SEX

UGANDA, 1969

Age Group	Males	Females
15-19	6.5	46.2
20-24	38.9	80.3
25-29	62.9	85.6
30-34	71.5	83.8
35-39	75.1	81.7
40-44	75.2	75.1
45-49	76.1	70.5
50+	71.5	43.9

These statistics must be viewed cautiously because of the unclear concept of marriage in Uganda. As the Census Report itself noted:

> ...marriage in a country like Uganda does raise considerable definitional problems, and the instructions given to census enumerators were to regard as married all those who had gone through a ceremony and all those married by tribal law or custom and all those living permanently together.[47]

The significant point to note is that because the proportion of married women is highest between the ages of 20 and 39 years, it is likely that the rate of fertility in the country is high.

11. Financial Aid

There is no official financial aid for marriage. However, among tribes where the payment of bride price is required by customary law, the close relatives of the bridegroom are expected to contribute. In fact, for purposes of marriage, the properties of uncles, brothers, and other family members are regarded as common property which can be paid out as bride price to any of the "members of the family" getting married. Relatives also contribute to the costs of marriage festivities and other events accompanying marriage.

B. Polygamy

Section 150 of the Uganda Penal Code provides:

> Any person who, having a husband or wife living, goes through a ceremony of marriage which is void

by reason of its taking place during the life of such husband or wife, is guilty of felony and is liable to imprisonment for five years.

Provided that this section shall not extend to any person whose marriage with such husband or wife has been declared void by a court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time.

Because of the ambivalence in attitude of successive Governments in Uganda to polygamy, there has never been any prosecution for bigamy. Public opinion is in favor of bigamy. The authorities, therefore, condone it. The number of wives can range from one to sixty-five[48] and among some tribes the more wives a man has, the more respect he commands in the community.

The Customary Marriages (Registration) Decree attempts to clarify the ambivalence of the law by providing expressly that customary marriages may be polygamous. But persons who marry under the Marriage Act or Marriage of Africans Act are not allowed to be polygamous. A man must make up his mind whether he wants a customary marriage (which can be polygamous) or a Christian or civil marriage (which must remain monogamous). In practice, breaches of this provision of the law are common.[49]

C. Polyandry

Polyandry does exist in Uganda, although on a very small scale. Some women in the Central, Southern and Western regions of the country have two or more boyfriends whom they regard as husbands and with whom they produce children. It is not uncommon to find a woman with several children of different fathers. Although not recognized as such, this may be considered polyandry, as in most cases all the fathers of her children continue sexual relationships with her. In practice, though not in law, they are, therefore, all her "husbands" as she receives economic support from all of them. Though not encouraged by public opinion, there is no law against such relationships.

D. Divorce

1. Grounds

The Divorce Act of Uganda gives a man the right to petition a court of law for the dissolution of his marriage on the ground that his wife has been guilty of adultery. On the other hand, a woman who wants to

divorce her husband must establish one or more of the following grounds:[50]

(a) that her husband has changed his religion from Christianity to some other religion and gone through a form of marriage with another woman; or

(b) that the husband has been guilty of -

(i) incestuous adultery;
(ii) bigamy with adultery;
(iii) marriage with another woman with adultery;
(iv) rape, sodomy or bestiality;
(v) adultery coupled with cruelty; or
(vi) adultery coupled with desertion, without reasonable excuse, for two years or more.

Despite these legal provisions, divorce is infrequent because it is looked upon with disfavor by the general community in Uganda, particularly if it leads to leaving offspring without united parents. Unless the marriage has totally broken down, it is not common to institute divorce proceedings before the courts when the marriage has issue. The normal practice is reconciliation through the good offices of elders.

Under customary law, grounds upon which a woman may be divorced vary from tribe to tribe, ranging from barrenness to adultery. Women enjoy very little (if any) security in customary law marriages. Though the Customary Marriages (Registration) Decree aims at placing customary, Christian and civil marriages on a par, it is silent on the grounds on which a customary marriage may be dissolved.

2. Incidence of Divorce

Statistics obtained from the 1969 census indicate that the divorce rate in Uganda is not as high as in Western countries. The most striking feature is that there is a continuous increase in the proportion of divorced persons as persons grow older.

TABLE IX

PROPORTION OF POPULATION DIVORCED, BY AGE AND SEX

UGANDA, 1969

Age Group	Males	Females
15-19	0.7	3.0
20-24	3.2	5.5
25-29	5.4	6.2
30-34	7.0	7.3
35-39	7.7	8.0
40-44	8.6	9.6
45-49	9.0	9.5
50+	9.9	10.8

Divorce rates are highest (5.7) in the most developed part of the country (Buganda) and lowest (1.7) in the Northern Region which is least developed.

E. Annulment

Both parties to a marriage have the right to petition the court for annulment of their marriage and the grounds on which a decree of nullity may be issued are the following:[51]

(a) that the respondent was permanently impotent at the time of the marriage;

(b) that the parties are within the prohibited degrees of consanguinity or affinity, whether natural or legal;

(c) that either party was a lunatic or idiot at the time of the marriage;

(d) that the former husband or wife of either party was living at the time of the marriage, and the marriage with such previous husband or wife was then legally in force;

(e) that the consent of either party to the marriage was obtained by force or fraud, of the type for which the marriage might be annulled under the law of England.

Similar grounds are specified by the Customary Marriage (Registration) Decree.[52] If the parties profess the Islamic religion, the grounds are laid down by the rules of the sect according to which the marriage takes place.

F. Separation

Under the laws of Uganda, each spouse has the right to apply to a court of law for judicial separation on the ground of cruelty, adultery or desertion without reasonable excuse for two or more years. The court may grant the application if it is satisfied that the allegations are true and no legal grounds exist for refusal.[53] Upon separation, the wife enjoys the same property rights as if she were unmarried.[54] Similarly, if one spouse has withdrawn from the society of the other, the other may apply to a court of law for the restitution of conjugal rights.[55]

G. Alimony and Support

The Divorce Act gives a wife the right to apply to the court for alimony pending the outcome of a suit for divorce, annulment or separation. Alimony awarded pending the suit must not exceed one-fifth of the husband's average net income for the previous three years.[56] Once the court has made a decree permanently dissolving the marriage or granting judicial separation on the application of the wife, it may order the husband to secure to the wife such sum of money, depending on her assets, the ability of the husband to pay and the conduct of the parties, as the court thinks reasonable. The court may order the alimony to be paid either in a lump sum or in yearly, monthly or weekly payments, for any period not exceeding the life of the wife. The court has the power to direct that alimony be paid either to the wife herself or to a trustee approved on her behalf by the court.[57] If for any reason the husband becomes unable to make such payments, the court may discharge or modify, or suspend the order, in whole or in part. If his fortune improves, the court may revive the alimony in whole or in part. On the other hand, when a decree of dissolution of marriage or of judicial separation is pronounced on account of adultery by the wife, and the wife is entitled to any property, the court has the power to order the whole or any part of such property to be settled for the benefit of the husband, or of the children of the marriage, or of both.[58]

H. Remarriage

Remarriage is lawful only when the time limit for appealing a decree of dissolution or nullity of marriage has expired and no appeal has been presented, or when as a result of any such appeal, the marraige has been declared dissolved or annulled.[59] There is conflict between church law and secular law in matters of remarriage after a divorce. For this reason the law permits a clergyman to refuse to solemnize the marriage of any person whose former marriage has been dissolved on the ground of his or her adultery.[60] However, another clergyman may perform the service.[61]

I. Extended Family Obligations

Among all Ugandan indigenous tribes it is regarded as a duty for a

person who is better off than his relatives to give assistance to his less prosperous relatives by way of accommodation, food, clothing, school fees, bride price, etc. It is accordingly not uncommon for relatively rich persons to assume responsibility for the upbringing of the children of others.

Wife inheritance is common because of the obligation a surviving brother or cousin or other male relative has to look after the children of a deceased male relative. Normally the widow becomes the survivor's wife and the male relative "inheriting" her accepts the duty of bringing up the deceased's children. He then in turn begins begetting children with the widow, contributing to population growth.

IV. CHILDREN AND CHILD WELFARE

A. Support of Children Generally

1. Parental Obligations

As the following paragraph from the Uganda Penal Code demonstrates, a duty is imposed on all parents to look after their children:

> It is the duty of every person who, as a head of a family, has charge of a child under the age of fourteen years, being a member of his household, to provide the necessaries of life for such child; and he shall be deemed to have caused any consequences which adversely affect the life or health of the child by reason of any omission to perform that duty, whether the child is helpless or not.[62]

It, therefore, follows that a parent who neglects to provide food, clothing, shelter and other necessaries of life for his child is liable to criminal penalties, if his neglect results in harm to such child. There have been no prosecutions under this section of the Penal Code because the matter is handled by the Probation and Welfare Department of the Ministry of Culture and Community Development, whose role is discussed below.[63]

2. Obligation of Other Relatives

Section 192 of the Penal Code imposes a duty on every person having charge of another who is incapacitated by reason of age, sickness, etc. not to withdraw himself from such responsibility. If he does, he is held responsible for any consequences that follow from his neglect. Relatives who assume the role of parents for young children have the same duty as parents to provide necessities. In practice, as discussed above, the extended family system imposes obligations on wealthier relatives to look after less fortunate relatives, including their children.

3. Government Obligations

The Government of Uganda has accepted as its responsibility the duty of looking after the youth of the country and ensuring that they grow up as healthy responsible citizens. To this end it has created the Department of Probation and Social Welfare in the Ministry of Culture and Community Development and charged it with the responsibility of prevention of crime by juveniles, treatment of young offenders through casework services for the family and the child; care of children deprived of normal life; adoption and custody; the finding of foster homes; establishment of institutions for children requiring placement; the care of the aged and the chronically ill.[64]

Through the Ministry of Culture and Community Development, the Government has set up the National Union of Youth Organization (NUYO) which aims at providing younger members of the community greater opportunities to become more involved and active citizens of the country. The Organization's activities are directed primarily at promoting the productive employment of young people in rural life. By the end of 1972, the organization had a total membership of 27,024 persons organized in 520 branches.[65]

B. Protection of Children

1. Employment of Children

Until recently Uganda had specific legislation governing the exploitation of child labor.[66] It forbade the employment of any child under the age of twelve years except on such light work as the Labor Commissioner from time to time prescribed by statutory order.[67]

Employment of children is now regulated by sections 49 to 56 of the Employment Decree, 1975.[68] The main requirements for the employment of children are the following:

(a) Children under the age of twelve years are not employable, except on such light work as prescribed by the Minister of Labor from time to time by statutory order;

(b) Children under the age of sixteen cannot be employed underground at any time except under an apprenticeship training;

(c) Children under the age of sixteen years cannot be employed to work during the night in any industrial undertaking, except when permission to do so is granted by the Commissioner of Labor and in case of emergencies which cannot be controlled or foreseen and which are not of frequent occurrence;

(d) Young persons may not be employed in any work which is

injurious to health, dangerous or otherwise unsuitable; and

(e) Any person who employs young persons in any industrial undertaking or on any vessel propelled by mechanical power, is required to keep a register of all young persons employed by him with particulars of age, period of employment, terms and conditions of employment and other particulars prescribed by the Labor Commissioner.

2. Cruelty and Abuse

The penal laws of Uganda are both lenient to children, and protective of them. A child under the age of seven is not criminally responsible for any act or omission, and a child between seven and fourteen is liable only when it is shown that at the time of performing the act or making the omission, the child had the capacity to know that he ought not do so.[69] Even when a child has been convicted of an offense the magistrate has the discretion to send him to a reformatory school instead of to a prison.[70] A child may be sent to an approved school if he is between ten and sixteen.[71] The intention of both laws is to reform children rather than to punish them.

The Penal Code of Uganda names specific offenses in order to protect children from harm. These include defilement,[72] abduction of girls under eighteen,[73] indecent assault on boys under fourteen,[74] desertion of children,[75] child stealing,[76] concealing the birth of a child,[77] killing unborn children,[78] and infacticide,[79] kidnapping and abducting a child under fourteen years.[80] All these are designed to ensure that children grow up safe, healthy and unmolested.

3. Adoption

Where and how a child is brought up is a matter of great importance to the State. For this reason children without proper homes can be adopted. However, strict rules are laid down by the Uganda Adoption of Children Act[81] in order to ensure that children are placed in the care of responsible persons in good homes. The main rules for adoption are that:

(a) An adoption order can be made only by a court of law,

(i) on the application of the two spouses authorizing them jointly to adopt the infant;
(ii) authorizing the adoption of an infant by the mother or the father of the infant either alone or jointly;

(b) In all other cases only one person can adopt a child;

(c) Only persons of twenty-five years or more and who are at least twenty-one years older than the infant can adopt that infant;

(d) A person of twenty-one years or more can adopt an infant only when he is related to that infant;

(e) A mother or father can adopt her or his own child;

(f) A male person cannot adopt a female infant unless the court is satisfied that there special circumstances which justify an exceptional measure for making an adoption order;

(g) Unless the parents or guardian of a child cannot be found, or have abandoned it, an adoption order cannot be made without their consent;

(h) An adoption order can be made in favor of one spouse only with the consent of the other, unless they are not living together;

(i) Only Uganda citizens who are resident in Uganda can adopt children; and

(j) Only infants who are Uganda citizens resident in Uganda, Kenya or Tanzania can be adopted.

4. Affiliation

A child born out of wedlock may be exposed to suffering if the mother is unable to support it. Uganda has a special statute, the Affiliation Act,[82] which is designed to ensure that putative fathers of such children contribute to their upbringing. The Act gives the mother of an illegitimate child the right to apply by complaint to a magistrate for a summons to be served on the man alleged to be the father of the child. The magistrate can issue a summons only when satisfied that there is reasonable cause to believe that the man alleged to be the father of the child is in fact the father, and that the application is made bona fide and not for the purpose of intimidation or extortion. Once satisfied that the man pointed out is the father of the child, the magistrate may issue an order requiring him to pay monthly sums on money for maintaining the mother and the child. Such payments continue until the child attains the age of sixteen years, unless the father in the meantime assumes custody of the child.

Despite this law unmarried mothers have a legal obligation to maintain their children. It is an offense for any woman to neglect to maintain her child to the extent that she is able.[83] It is also an offense for a mother to misappropriate money paid by the putative father of her child for the up-keep of the child.

5. Care of Orphans

There are three ways in which the care of orphans is provided for in Uganda. First, the relatives of a deceased parent regard it as their responsibility to look after orphaned children. Among some tribes, as discussed above, it is the duty of a brother or close relative of the deceased male to "inherit" his wife and responsibility for his children. Second, the Government has facilities in every hospital to look after orphaned infants whose mothers have died in the hospital. Another category of agencies looking after orphans is the babies' homes established by religious organizations and other voluntary bodies. These care for orphans as well as abondoned children.

6. Care of Mentally and Physically Defective Children

The Uganda Ministry of Culture and Community Development operates a vocational rehabilitation service for disabled persons in order to enable them to become economically and socially independent. Disabled persons are given the opportunity to maintain themselves, with the Ministry helping them to maximize their residual abilities. The Ministry currently maintains thirteen rehabilitation centers and workshops, and over six hundred handicapped persons undergo training at these centers and workshops each year.[84] Clients leaving rehabilitation centers are given assistance in the form of placement in wage earning employment, tools or financial assistance.

The Ministry of Education has established schools for deaf, blind and physically handicapped children in co-operation with voluntary organizations.

Though the Government is ever willing to help the less privileged young members of the society, and public support through voluntary organizations is not lacking, the work of vocational rehabilitation is carried out entirely by executive action. There is no law co-ordinating the efforts of the Government and the various voluntary agencies. Recommendations were made for such a legislation in 1969,[85] but no law has been enacted.

7. Public Guardians

The Judicature Act, 1967,[86] empowers the High Court to appoint and control guardians of infants and the estates of infants. Guardians may also be appointed to act on behalf of persons and estates of persons who are unable to govern themselves and their estates.[87] This power was derived from the English common law which has always placed infants under the protection of the Sovereign who, as parens patriae, has charge of persons not capable of looking after themselves. Similarly, in Uganda an infant can become a ward of the court whereby his person and property are looked after by the court on the application of any person who has an

interest in the welfare of the child. Even in suits for the dissolution of marriage or for annulment or separation, the court has the power to make orders with respect to the custody, maintenance and education of the minor children of the marriage, or for placing them under the protection of the court.[88]

8. Abandonment of Children

Section 152 of the Penal Code provides:

> Any person, being the parent, guardian or other person having the lawful care or charge of a child under the age of fourteen years, and being able to maintain such child, wilfully and without lawful or reasonable cause, deserts the child and leaves it without means of support, is guilty of a misdemeanour....

It is under this section that an unmarried mother who gives birth to a live child and abandons it in a "safe place" where it can be found, is prosecuted. Abandonment of children by married mothers is very rare in Uganda. Normally abandoned children are handed over to children's homes for upbringing.

9. Legitimacy of Children

The laws of some countries place disabilities on children born out of wedlock. Children born out of wedlock in Uganda are not so unfavorably treated. Under the customary laws of the indigenous tribes of Uganda, illegitimacy is unknown, with the result that illegitimate children do not suffer legal disabilities. They may inherit the property of their father or mother, depending on whether inheritance is patrilineal or matrilineal. Statutory effect has now been given to this custom by the Succession (Amendment) Decree 1972.[89] This Decree, borrowed from English law and enshrined in the Succession Act,[90] abolished the distinction between legitimate and illegitimate children.

For purposes of inheritance there is no distinction between a legitimate and illegitimate child. Provided the deceased recognized the child as his, the child is entitled to inherit the deceased's property on an equal basis with a legitimate child.

V. CRIMINAL OFFENSES AND PENOLOGY

A. Sexual Offenses

1. Rape

Under the laws of Uganda rape is a felony for which the maximum

punishment is life imprisonment. It is committed by a male upon a female by the use or threat of force or by means of false representation as to the nature of the act, or if the victim is a married woman, by impersonating her husband.[91] For the purposes of Ugandan criminal law, a girl below the age of sixteen is incapable of consenting to sexual acts. Any man who has sexual relations with a girl under the age of sixteen commits statutory rape (defilement). If the girl is under fourteen the punishment for such an offense is imprisonment for life, with or without corporal punishment. If the girl is between fourteen and sixteen years of age, a punishment of up to fourteen years' imprisonment may be imposed. The same punishment may be imposed upon a person who is found having sexual relations with a woman who to his knowledge is an imbecile or idiot.[92]

2. Incest

African traditional mores have great respect for extended family ties which impose limitations on certain sexual relationships. It is not uncommon to find that sexual relations between men and women in the same clan may be prohibited by customary law. Statutory effect has been given to this attitude by sections 144, 145 and 146 of the Penal Code. It is a felony for a male person to have carnal knowledge of a female who is, to his knowledge, his granddaughter, daughter, sister or mother. Similarly a female above the age of sixteen years who with consent permits her grandfather, brother or son to have carnal knowledge of her with full knowledge of the relationship commits a felony.

3. Homosexuality

Ugandan law is silent on the issue of homosexuality. However, it becomes an offense of indecent assault if one of the parties is a child or involves a girl below the age of sixteen or a boy below the age of twelve or when one of the parties has not consented. When committed in a public place it amounts to the offense of indecent exposure. When committed against the order of nature it is also punishable. There have been no prosecutions for homosexual conduct in Uganda because it is a practice that does not appear to be common among African peoples.

4. Fornication and Adultery

In Uganda fornication is an offense only if it is done in circumstances amounting to rape, defilement or incest.

Customary laws of some of the tribes look upon it with disapproval and hostility. It was formerly punishable in the native courts. Now, however, it is only a civil wrong against the guardian or parents of the girl and for which compensation is payable.

On the other hand, adultery is now a statutory offense and is defined as being committed by:

(1) "Any man who has sexual intercourse with any married woman not being his wife," and

(2) "Any married woman who has sexual intercourse with any man not being her husband."

A man found guilty of adultery is subject to imprisonment for a period not exceeding twelve months or to a fine not exceeding 200 shillings. In addition the court is required to order the accused to pay the aggrieved spouse compensation of 600 shillings. On first conviction a woman found guilty of adultery is not punished but merely cautioned by the court. It is only on a subsequent conviction that she is subject to imprisonment for a term not exceeding six months. That adultery is a matrimonial offense has already been mentioned.[93]

5. Prostitution

Ugandan law neither recognizes nor punishes prostitution as such, though it is against public policy. Only certain activities or incidents connected with prostitution are punishable. Thus, it is unlawful:

(a) to live wholly or partly on the earnings of prostitution of another;[94]

(b) to procure or attempt to procure any woman or girl to become a common prostitute or an inmate or frequenter of a brothel for the purposes of prostitution;[95]

(c) to solicit or importune for immoral purposes;[96]

(d) to keep a room or set of rooms, a house or other place for purposes of prostitution;[97] and

(e) for a prostitute to behave in a disorderly or indecent manner in any public place.[98]

6. Concubinage

Concubinage is a common phenomenon in Uganda and there is no law against it, but the circumstances surrounding it may constitute an offense. For example, under the customary law of some tribes in Uganda a man may stay with a woman as husband and wife without going through a marriage ceremony. Such a practice is now outlawed by the Customary Marriages (Registration) Decree which requires registration of such cohabitation as a customary marriage within six months. Similarly, there is no stigma against a woman being the mistress of a married man and producing children with him. While there is no law specifically against this practice, the parties can be prosecuted for adultery at the instance of the man's legal wife.

B. Penology

The law regulating prisons and prisoners[99] does not provide prisoners with conjugal privileges or the opportunity to have sexual relations with any members of the opposite sex. In fact, female prisoners are required to be kept separate from male prisoners. The Act provides:

> Male and female prisoners shall be confined in separate prisons or in separate parts of a prison in such manner as to prevent, as far as practicable, their seeing or conversing or holding any intercourse with each other.[100]

Rules relating to visitation prevent prisoners from physical contact with visitors. All visits are required to take place during the normal working hours of the prison and a prison officer must be within sight and hearing during the visit, unless directed otherwise by the officer in charge.[101]

The following table illustrates the average prison population of Uganda.

TABLE X

AVERAGE DAILY POPULATION OF PRISONERS, UGANDA, 1965-72

	1965	1966	1967	1968	1969	1970	1971	1972
CONVICTED PRISONERS UNDERGOING SENTENCE	9,395	11,075	10,750	11,931	10,288	10,245	9,114	12,287
REMAND PRISONERS, LUNATICS AND DEBTORS	1,705	2,853	3,450	3,570	5,051	4,575	3,887	14,679
TOTAL	11,100	13,928	14,200	15,501	15,339	14,820	13,001	26,966

SOURCE: Uganda Statistical Abstracts, 1973

VI. PUBLIC WELFARE

A. Family Allowance

In Uganda two types of direct taxation are in operation; the Graduated Tax and Income Tax. The former is paid by all adult males and unmarried females who are in gainful employment. The higher a person's income the more he pays, the maximum being shs. 600 a year. The latter is charged upon all income which accrues from Uganda, Kenya or Tanzania.

The tax rates range from shs.2/50 on each shs. 20/- for the first shs. 20,000/- to shs. 15/50 on each shs. 20/- after shs. 300,000/-.[102] The following allowances are, however, granted:[103]

Marriage allowance	.....	shs. 7,200/-
Single allowance	.....	shs. 3,020/-
Child allowance	.....	shs. 2,400/- (up to four children)
Insurance allowance	.....	One-third of the premium paid up to a maxium of shs. 3,600/- a year.

Uganda has no official allowances paid to mothers or fathers or to dependent children other than allowances paid to University students who are married. Local authorities sometimes subsidize the school fees of poor parents who have deserving children, but the number of children involved is very small.

B. Housing Assistance Programs

The type of house people live in has economic, social, political and mental consequences. Physical and mental health, work efficiency, emotional sécurity and social status are all likely to be influenced by housing conditions. Housing also affects the community directly. Insanitary, obsolete, ugly, overcrowded or inefficiently located residential districts not only affect the lives of the occupants; they are also a burden upon and a threat to the rest of the community.[104]

In Uganda there was no national housing policy until 1964. The colonial Government housed only its expatriate staff. African public servants were allocated houses after the needs of expatriates were satisfied. The official position was to provide houses for its officers on a limited scale. Private employers also provided housing onl, for their senior staff. Consequently, there existed a big gap between the supply and demand for houses in towns.

In 1964 the Government of Uganda established a National Housing Corporation and charged it with the responsibility of constructing houses for the masses of the people.[105] The Corporation was reorganized in 1974 and renamed the National Housing and Construction Corporation.[106] The Decree provides, among other things, that

> .... it shall be the duty of the Corporation to provide or assist in providing accommodation for citizens of Uganda at economic cost.

Due to undercapitalization and the diversity of functions it has assumed, the Corporation has failed to provide sufficient housing for even the town dwellers, let alone the rural population. Moreover, due to the cost of constructing houses, servicing of loans, etc., the Corporation has been unable to provide housing for low-income groups. Between 1964 and 1975 it built 493 low cost housing units in various parts of Uganda, as compared with 2200 middle income flats and 208 higher income houses and flats. Low income groups are housed in owner-built and rented quarters.

In addition to the Corporation, the Government relies on urban authorities to construct low-cost houses. Even these have failed to satisfy the housing demand of the town-dwellers because urban authorities lack the capital and the expertise to complete complex housing projects.

The Housing Finance Company of Uganda is another agency organized to provide for housing development needs. It collects savings and grants loans for housing under certain conditions. Thus far, the company has been able to generate only modest funds for housing development.

Private employers still provide housing for their senior staff as a fringe benefit. If houses are not available, housing allowances are paid from which the employee rents any accommodation of his own choice. Some companies grant loans to employees to construct their own houses.

C. Maternity Leave and Benefits

The Uganda Employment Decree[108] imposes a duty on every employer to permit a woman employee who is pregnant to leave her work if she produces a medical certificate given by a qualified medical practitioner stating that her confinement will probably take place within four weeks.[109] No woman is allowed to work during the four weeks following her confinement. An employer is not allowed to dismiss any woman employee for remaining absent from her work for a period longer than four weeks as a result of illness arising out of pregnancy or confinement, rendering her unfit for work. A woman who becomes ill after delivery is entitled to one month's paid leave, and when necessary, up to two months' unpaid leave before the employer can give her notice of dismissal.[110]

As far as the government service is concerned, a female public officer has the right to go on maternity leave when she is between 36 and 38 weeks pregnant as determined by a government medical officer. If the director of the department in which the pregnant woman works notices deterioration in her output, genuinely attributable to advanced pregnancy, he may decide to send her on leave before she is 36 weeks pregnant. All women public officers are given 45 days maternity leave at full pay. If the woman needs more than 45 days, an additional period of absence from duty is granted as part of her annual leave entitlement. If this is not applicable, she is granted leave without pay.[111]

There are no official special benefits to which a pregnant woman is entitled in Uganda. She enjoys only the right to attend free of charge antenatal clinics run by the Government.[112]

D. Old Age and Retirement Benefits

1. Retirement Benefits

In Uganda, in one way or another, the law or employment contracts provide for old age and retirement benefits. Government employees have the right to receive pensions unless guilty of gross negligence, irregularity or misconduct, in which case the retirement benefit can be reduced or altogether withheld. Retirement benefits are paid to an officer who,

> (a) retires on the attainment of the age of forty-five years if he has served for a continuous period of ten years or more;
>
> (b) retires before the attainment of the age of forty-five years if he has served for a continuous period of twenty years or more; or
>
> (c) is retired in the public interest if he has served for a continuous period of ten years or more.[113]

Pensions are paid to established officers earning not less than shs. 6060 per year. On retirement an officer is paid five per cent of the total salary he earned during the period of his employment with the Government, paid partly in lump sum and partly in installments, at the option of the retired officer. Officers employed on a contractual basis are paid a gratuity of twenty-five per cent of the total salary earned during their employment.

While government retirement benefits are non-contributory, normally an employee in private employment contributes to his own benefits. Most large companies have contributory pension schemes in which the employer and the employee contribute agreed amounts. The total is paid to the employee in lump sum on termination of employment.

2. Social Security Fund

Junior officers in both government and private employment contribute to their own retirement fund through the Social Security Fund established by law. Under the Social Security Act,[114] all employees above the age of sixteen are eligible to join the scheme, unless they fall within the excepted categories of employment.

The employer is required to deduct the employee's and his own contribution and remit it to the Fund every month. The employee is

entitled to withdraw benefits from the Fund when he reaches the age of fifty-five years. If he dies before that age, payment is made to the members of his family.

3. Death Benefits to Survivors

The Pensions Act empowers the Pensions Authority to grant to the legal representatives of a pensionable officer who dies on duty while in the service of the Government, an amount not exceeding either his annual pension or his commuted pension gratuity if any, whichever is the greater. If an officer who has been granted a pension or has been eligible for a pension dies after the date of his retirement, and the sums paid or payable to him between the date of his retirement and the date of his death are less than the amount of his annual pension, his legal personal representatives are granted a sum equal to the deficiency. If a person in private employment dies while on duty his personal representatives are paid not only death benefits, but also all sums he was entitled to by the time of his death.[115]

E. Labor Protection and Employment Standards

1. Terms and Conditions of Employment

The type of work a person does, the conditions under which he works and the terms and conditions of service have serious repercussions on the person's life. Human beings must work under safe conditions and be remunerated adequately for their labor. In Uganda attempts to merge these ideals into the law are being made. The Employment Decree, 1975, provides that an individual's weekly hours of work are not to exceed forty-eight hours; neither must it exceed nine hours a day in an industrial undertaking and ten hours in other employment. An employee who works six hours or more a day is entitled to one or more break periods of not less than thirty minutes. No employee should work continuously for five hours. All employers are required to give their employees a weekly rest of at least twenty-four continuous hours and paid holidays at the rate of at least one and a half working days for every completed month of actual service. It is illegal for an employer and employee to contract not to have holidays. In order to avoid endangering health, no person can take up certain types of employment without first being examined and declared fit by a medical practitioner. These include occupations which involve handling potentially dangerous materials and chemicals.

2. Salaries and Wages

Remuneration for employment, other than in the Government, is determined by the Government under powers granted by the Minimum Wages Advisory Boards and Wages Councils Act.[116] If the Minister of Labor is of the opinion that it is desirable to fix wages and determine other conditions of employment in any area for any category of employees, the Minister is

required to appoint a Minimum Wages Advisory Board, consisting of representatives of employers, employees, the Government, and the general public. The Board has the power to make recommendations about wage rates, the normal hours of work and the conditions of work to be observed by employers. Wages Councils are set up by the Minister when no adequate machinery exists for the effective regulation of wages or conditions of employment of employees in any particular trade, industry or occupation. Wages Councils consist of independent members of the public and representatives of employers and employees. The Councils are a substitute for negotiating machinery for those industries and trades which are not organized in trade unions. Where workers belong to trade unions, terms and conditions of employment are arrived at by mutual agreement between the employer and the appropriate trade union under the Trade Unions Decree, 1976,[117] and the Trade Disputes (Arbitration and Settlement) Act.[118] If they cannot agree, the matter is resolved by the Uganda Industrial Court.

3. Workmen's Compensation

The Workmen's Compensation Act[119] provides for compensation to workmen for injuries suffered in the course of their employment. If in any employment a workman suffers personal injury arising out of the course of employment, his employer is required to pay certain amounts of compensation stipulated by the Act. The amount paid depends on the type of injury and its seriousness. Where death results from the injury, the workmen's dependants are paid 41 months earnings or 29,000 shillings, whichever is less. If the workman suffers permanent incapacity due to the accident, he is paid the equivalent of 54 months earnings. Where incapacitation is partial, the amount of compensation is determined by the court. In practice most employers take up workmen's compensation insurance policies against such contingencies.

4. Safety Standards

Industrial workers and other persons working in factories are protected by the Factories Act[120] which provides for the health and safety of employees and other visitors. It requires all factories to be kept in a clean state and free of effluvia arising from any drain, sanitary convenience or other nuisance. Managers of factories are enjoined to ensure:

> (a) that accummulation of dirt and refuse is removed daily, the floor of every work-room is cleaned by washing at least once a week and all inside walls washed, varnished, repainted or white washed as appropriate;
>
> (b) that effective and suitable provision is made for securing and maintaining circulation of fresh air in each work-room by ventilation;

(c) that effective provision is made for securing and maintaining sufficient and suitable lighting in every part of the factory in which persons are working or passing;

(d) that where any process is carried on which renders the floor liable to be wet to such an extent that the liquid is capable of being removed by drainage, effective means are provided and maintained for draining off the liquid; and

(e) that sufficient sanitary conveniences are provided.

In order to avoid possible accidents, the Act requires that water wheels, electric generators and motors, transmission machinery and other dangerous machinery must be securely fenced in. Factory managers are also required to provide an adequate supply of drinking water, washing facilities, well-stocked and readily accessible first-aid boxes, and protective clothing for workers exposed to dangerous substances. The Act provides for the appointment of factory inspectors with full powers to make inspection of factories and prosecute those not abiding by the provisions of the law.

F. Personal Status and Integrity

1. Civil and Human Rights

Chapter Three of the Constitution of the Republic of Uganda establishes the fundamental rights and freedoms of the individual. These include the right to -

(a) life, liberty, security of the person and the protection of the law;

(b) freedom of conscience, of expression and of assembly and association;

(c) protection for the privacy of the home and other property and from deprivation of property without compensation.

The Constitution goes on to state specifically that no person is to be deprived of his life intentionally except in the execution of the sentence of a court in respect of a criminal offense. It outlaws slavery, forced labor, torture, inhuman or degrading punishment, and guarantees freedom of movement, religion and expression. There is nothing specific about the right to practice family planning, but it is accepted that a married couple has the right to practice family planning. Public opinion and official policy deny a married woman the right to take contraceptives without the consent of her husband.

2. Equality and Discrimination

Section 20 of the Constitution provides that no law is to be made that is discriminatory either in itself or in its effect. Public officers and public authorities are forbidden from treating any person in a discriminatory manner. Discrimination is defined as:

> Affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, tribe, place of origin, political opinions, color or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are not accorded to persons of another such description.

The Constitution does not outlaw discrimination on the basis of sex. However, the official Government policy is to accord women equal treatment with men. They are given equal opportunities with males in education, employment, social services, economic matters, etc. Merit and not sex determines the standard a woman can reach in Uganda. Nevertheless, traditional attitudes still accord women inferior status. The customary laws of the various tribes and Islamic Law are notorious for discriminating against women. Equality of the sexes is still largely a problem addressed only to the Government.

3. Citizenship and Naturalization

Citizenship is an important status to any individual. What rights a person will enjoy and what duties are expected of him depend on his citizenship status. A person residing in a foreign country may decide not to marry and beget children if he is not sure of his status and security. Once he becomes a citizen he may feel confident enough to bring up a family.

By the time of independence on 9 October 1962, most Ugandans had no citizenship. They were merely referred to as "British Protected Persons." The Independence Constitution clarified the issue by creating three methods of acquiring citizenship: (a) citizenship by operation of law; (b) citizenship by registration; and (c) citizenship by naturalization.

(a) Automatic Citizenship or Citizenship by Operation of Law

(i) Two classes of persons automatically became citizens on independence day. First, any person who was born in Uganda and whose parents were also born in Uganda and who, on independence day, was a citizen of the United Kingdom and Colonies or a British protected person. Also, any person whose father qualified for citizenship by virtue of the above but he himself was born outside the country

also became automatically a citizen on independence day.

(ii) If a person is born in or outside Uganda after independence he becomes a citizen automatically at birth if his father is a citizen. Children of diplomats and enemy aliens do not, however, acquire automatic citizenship at birth.

(b) Citizenship by Registration

The following were entitled on application in the manner provided by the Citizenship Act, to become citizens by registration:

(i) Any person who was a citizen of the United Kingdom and colonies or of the Republic of Ireland and who was lawfully ordinarily resident in Uganda at independence. Such persons were allowed two years within which to elect whether they would register as citizens. After that period they could acquire citizenship only by naturalization;[121]

(ii) Any person born in Uganda whose parents were not born in Uganda;

(iii) Any woman who married a citizen after independence;

(iv) Any woman who at independence was or had been married to a person who became a citizen by registration;

(v) Any woman who at independence had been married to a person who became, or would have but for his death been entitled to become, a citizen by registration but whose marriage had been terminated by death or by dissolution;

(vi) Any person one of whose parents was a citizen at the date of his application for registration;

(vii) Any person who before independence was naturalized or registered as a citizen of the United Kingdom and colonies; and

(viii) Any person who under any Act of Parliament was qualified to register as a citizen.

Provisions (ii) and (viii) are still in force.

(c) Citizenship by Naturalization

There are two categories of persons who qualify for citizenship by naturalization:

(i) Any person who had been lawful resident in Uganda for the past twelve months preceding his application, was of good character, possessed a sufficient knowledge of a local language and intended to stay in Uganda; and

(ii) Any person who possessed any other qualification laid down by Parliament.

Dual Citizenship: The Constitution does not permit dual citizenship. Accordingly, a citizen of another country is not able to acquire citizenship of Uganda by naturalization or registration unless he first renounces his other citizenship. Even those persons who acquired automatically citizenship at independence but also possessed the citizenship of another country were required to renounce their other citizenship.[122] Any person who voluntarily acquires the citizenship of another country automatically forfeits his Ugandan citizenship.

G. Personal Mobility

1. Freedom of Emigration

Section 19 of the Constitution guarantees citizens of Uganda the freedom of movement which is defined as the right to move freely throughout Uganda, the right to enter Uganda and immunity from expulsion from Uganda. It is silent on the right to leave Uganda. Since 1971 persons who held political posts at the time of the military coup d'état may leave the country only with the consent of the Minister for Internal Affairs. Even within the country, they are required to notify the district commissioners of their areas about their movements.[123]

For the general public, the right to leave the country is regulated by the issue of passports which the State may grant or refuse at its absolute discretion. Non-citizens are required to possess valid passports if they are entering or leaving Uganda.[124]

Table XI shows the number of persons who left the country between 1964 and 1971.

TABLE XI

TOTAL EMIGRANTS, BY TYPE, UGANDA, 1964-71

YEAR	PERMANENT EMIGRANTS	TEMPORARY EMIGRANTS	VISITORS	NOT STATED	TOTAL
1964	2,990	12,015	3,983	200	19,188
1965	2,272	10,351	3,859	1,168	17,650
1966	1,597	9,387	4,400	995	16,379
1967	1,130	8,672	4,480	-	14,282
1968	1,562	7,554	6,127	2,990	18,233
1969	1,833	9,788	8,839	-	20,460
1970	2,851	9,035	8,027	-	19,913
1971	5,481	27,790	77,335	13,386	123,992

Source: Uganda Statistical Abstracts, 1973.

2. Immigration

The Immigration Act, 1969,[125] sets up an Immigration Control Board which determines whether or not an entry permit should be granted to any alien who wants to enter Uganda. Destitute persons, persons suffering from mental disorders and infectious diseases, prostitutes and persons living on the earnings of prostitution can not be admitted into the country. Also banned from entering the country are persons without passports, fugitives from justice, murderers, citizens of countries with which Uganda is at war and the children of prohibited immigrants. The Minister for Internal Affairs is given full power to revoke the residence certificate of any alien without giving any reason therefor. He may deport immigrants from the country if, in his judgement, their presence is unlawful of otherwise undesirable.

3. Refugees

Because of its geopraphical position and the political conditions that prevailed in the Sudan, Rwanda and Zaire, Uganda received many refugees from these countries. Although there were border crossings in the 1950s and early 1960s, the bulk of the refugees arrived in Uganda after 1963. Table XII indicates the number of refugees entering the country between 1970 and 1975.

TABLE XII

NUMBER OF REFUGEES ENTERING UGANDA, BY COUNTRY OF ORIGIN, 1970-75[126]

YEAR	SUDANESE	RWANDESE	ZAIREANS	OTHERS	TOTAL
1970	72,000 (23,000)*	71,000 (37,000)	35,850 (850)	150	178,000
1972	59,400 (18,000)	72,000 (38,000)	34,300 (1,300)	100	165,000
1973	5,680 (80)	73,800 (38,800)	34,300 (1,300)	120	113,900
1974	0 (Nil)	78,040 (40,000)	34,390 (1,390)	98	112,528
1975	0 (Nil)	78,122 (40,082)	34,447 (1,447)	62	112,631

*Figures in brackets stand for refugees in organized settlements.

As a result of the amnesty in 1972 in Sudan, a major repatriation began in May-June and was more or less completed by the end of 1974. Officially there are now no Sudanese refugees in Uganda.

The increase among the Rwandese refugees is mainly due to family reunion and a smaller percentage by natural increase (difference between the number of births and deaths).

It should be noted that most of the Zairean refugees are living outside settlements and for this reason accurate data are not available.

The group "others" includes refugees from various African countries who are concentrated in Kampala.

H. Free Medical Services

The policy of the Uganda Government is to develop public health services so that elementary facilities for treatment and other medical care are within easy reach of every member of the public. For this reason all medical services in government hospitals are dispensed free of charge, and the training of medical personnel (doctors, nurses, etc.) is undertaken by the State at public expense. A number of once major scourges such as small pox, sleeping sickness, meningitis and certain venereal diseases have been reduced to only occasional occurrences. Tuberculosis,

poliomyelitis, river blindness and leprosy are also under control. All health units also provide maternal and child health services and in some towns, such as Kampala, domiciliary midwifery care is available.

I. Health Insurance and Medical Assistance

Because medical services in Uganda are free, very few people obtain health insurance policies. Of the 10 million Ugandans in 1969, only 1,186 persons had life insurance policies, and 34 companies and other organizations provided 3,356 employees with group life insurance with the National Insurance Corporation[127]--the largest insurance agency in the country.

J. Control of Private Clinics

It is only when a person seeks medical care in a private hospital or clinic that he is required to pay some fees. Fees are lowest in religious hospitals and highest in private practitioners' clinics. The law forbids any person from opening a nursing home, maternity home, convalescent home, private hospital, infirmary or any institution where members of the public are received and treated for payment, unless such premises are approved by the Chief Medical Officer and a permit to operate such unit has been obtained from him. Permits are granted under strict conditions and are subject to immediate cancellation if the conditions are not complied with. Even the price of some of the drugs sold to patients by such institutions is subject to government control.[128] Under the Pharmacy and Drugs Act, 1970,[129] the Minister of Health has the power to set maximum prices for restricted drugs.[130]

In order to maintain standards, the Chief Medical Officer has the power to authorize a medical practitioner, on his behalf, to visit any private medical unit in order to ensure that high standards of cleanliness and service are maintained.[131]

K. The Medical Profession

The medical profession is governed by the Medical Practitioners and Dental Surgeons Act, 1968.[132] It establishes a Medical Practitioners and Dental Surgeons Council with the sole power to determine who can practice medicine or dentistry. The Act also lays down the minimum qualifications a person must have before being registered either as a medical practitioner or dental surgeon. As in other countries, the Council has the power to remove the name of any practitioner or dentist from the register if he is guilty of a felony, professional misconduct, or other grave offense or if he has been struck off the roll of medical practitioners or dental surgeons of any other country.

There is a special law to regulate the registration and discipline of medical assistants, nurses and midwives.[133] This law also lays down the minimum qualifications required before a person can register as a

nurse, midwife or medical assistant. The purpose of the law is to ensure that only qualified individuals be allowed to perform in their respective fields, thus minimizing injuries or other dangers that may arise due to ignorance and incompetence.

L. Production and Distribution of Drugs and Pharmaceuticals

The Pharmacy and Drugs Act, 1970, is the main law regulating the production and distribution of drugs and other pharmaceuticals in Uganda. The Act sets up a Pharmacy Board, a Disciplinary Committee and a Pharmaceutical Society. The duty of the Board is to lay down minimum qualifications a person must have before he is registered as a pharmacist. A person does not qualify to be registered as a pharmacist unless he possesses the appropriate qualifications, has attained the age of twenty-one, is of sound mind and has not been convicted of an offense involving fraud or dishonesty. A person who is registered as a pharmacist automatically becomes a member of the Uganda Pharmaceutical Society. The Disciplinary Committee deals with disciplinary matters relating to professional conduct of pharmacists. The Act forbids the manufacture of drugs except under specific conditions and by specific persons.

Strict rules are laid down for the storage, transport, import and export of drugs in order to avoid their falling into the hands of the public without medical advice and supervision. Cultivation, possession and smoking of narcotics are absolutely forbidden.

For the purpose of distribution, the Act divides drugs into the following categories: drugs of addiction; drugs which may be taken only on the advice of a physician; drugs to be taken on the advice of an ordinary medical practitioner; and drugs which may be purchased without prescription. The Act goes further to specify under whose advice or supervision each category is to be dispensed. Only persons who are duly licensed may sell restricted drugs.

M. Disease Control Programs

Uganda has several statutes which are designed to safeguard the health of the community. The Public Health Act imposes a duty on the Minister of Health, Sanitary Boards and local authorities to take all possible measures for preventing the occurrence of, or for dealing with, any outbreak of, or prevalence of, any infectious, communicable and preventable disease. They have also the duty of safeguarding and promoting public health generally. Medical practitioners, heads of families, owners or occupiers of land and registrars of births and deaths have the responsibility to give notice of the outbreak of any contagious or infectious diseases. In the event of the outbreak of an infectious disease, medical officers of health agencies and local authorities have the power to not only inspect persons and premises, but also to destroy articles which come into contact with persons suffering from infectious disease. The Act also makes provision for the disinfection of articles which become infected,

care of infected persons, burial of persons dying of infectious disease, control and prevention of epidemics, and vaccination for smallpox. It forbids the employment in public places or as domestic servants of persons suffering from venereal diseases, which must be treated by qualified medical practitioners.

1. Environmental Sanitation

Detailed rules are laid down for environmental sanitation related to housing, food hygiene, water supply, sewage and refuse disposal, suppression and abatement of nuisance, prevention and destruction of mosquitoes, and designation and maintenance of cemetaries and crematoria.

2. Sleeping Sickness

The Sleeping Sickness Act[134] provides for the prevention, arrest and suppression of sleeping sickness--a disease that killed thousands of people in Uganda in the past. It gives medical officers the power to examine any person who suffers or who is suspected of being infected with sleeping sickness. A person found suffering from the disease must submit to medical treatment. Power is also given to administrative officers to take all necessary measures for the prevention, arrest or spread of sleeping sickness. Residents of infected areas are issued passes, and they may not leave the area without permission. Non-residents need passes to enter infected areas. If the Minister of Health is of the opinion that an area which is otherwise uninhabited is infested with glossina,[135] he may forbid members of the public from entering such an area without permits.

The Tsetse Fly Control Act[136] controls and prevents the spread of glossina. It empowers the Minister of Health to make regulations prescribing a variety of measures aimed at destroying and preventing the spread of the tsetse fly throughout Uganda. These measures may include the movement of persons, domestic animals and vehicles to, from or within any area ridden with the fly. The Tsetse Fly Control Regulations provide for the setting up of cleaning chambers on roads for treating vehicles and persons passing through infested areas; examination of travellers at fly-pickets set up by road sides; and empowers the Chief Tsetse Officer to direct that vehicles or persons and animals should travel on only certain routes. The Ministry of Health has set up a special Tsetse Control Department to eradicate the fly.

By the time of independence, these measures had already controlled the spread of sleeping sickness in Uganda. The danger from it now is minimal.

N. Food Distribution and Control

Prevention of the distribution and sale of adulterated food and drugs is dealt with by the Food and Drugs Act.[137] It prohibits the adding of any substance to food or using of any substance as an ingredient in

the preparation of food, abstracting any constituent from food or subjecting food to any other process or treatment so as to render it injurious to health. It is also an offense to sell, offer to expose for sale or have in possession for purposes of sale, or consign or deposit any food which is unfit for human consumption. Food can be sold only in licensed premises and Government health inspectors have the power to inspect any item consigned or placed for sale and to enter any premises where food is stored.

Domestic Science and Home Economics are taught to all school girls as one of the compulsory courses in primary and secondary schools, with emphasis on nutrition. For women who have had no chance to go to school, the importance of balanced diets is taught by the staff of the Ministry of Culture and Community Development at community centers. The Ministry of Health has special child-care centers where medical staff weigh and examine infants for nutritional deficiencies. Appropriate advice is given in order to avoid malnutrition. All these services are rendered free of charge.

VII. EDUCATION

A. Formal Education

1. Elementary and Secondary Education

Elementary and secondary education in Uganda is not compulsory, and the number of children going to school depends on the distance between the school and their homes, the ability of the parents to raise the fees and the attitude of the children and parents to education. In most parts of the country elementary schools are within walking distance of every home and in practice a large percentage of school-age children go to school. Government policy is to make primary education available to the rapidly increasing proportion of school-age children, with the ultimate aim of achieving universal primary education.

2. University Education

University education is free and citizens admitted to the University are automatically awarded government stipends. This stipend is awarded subject to the condition that they serve the Government from three to five years after the completion of their studies.[138]

3. Regulation of Education

The development and regulation of education are goals of the Education Act, 1970,[139] which gives full powers to the Chief Education Officer and the Chief Inspector of Schools to take all necessary measures to ensure that all regular schools, both private and public, are of the highest standards. A school is not given a license to operate unless it is properly organized and managed. Only duly registered or licensed

persons can teach in schools. Teachers must be of good character and a teacher's name can be struck from the register if he is convicted of a criminal offense involving moral turpitude or is found guilty of misconduct which renders him or her unsuitable for employment as a teacher. Teachers are required to engage in academic studies continuously. A teacher may be dismissed if he has not engaged in academic studies related to teaching or in the administration of education services for a continuous period of five years.

B. Adult Education Programs

The Government of Uganda has undertaken vigorous adult literacy programs. This is done through the Ministry of Culture and Community Development which has set up a chain of community centers for adult education throughout the country. The Ministry carries out not only adult literacy campaigns but also has training programes for hygiene, home improvement, cookery, etc. Its vocational rehabilitation service aims at enabling disabled persons to become economically and socially independent, through appropriate vocational training.

C. Educational Opportunities for Women

There is no discrimination in law against women in education. In practice, however, there are fewer women in school than men for reasons discussed elsewhere in this study.[140]

D. Sex Education

Sex education is conducted in secondary schools, the ultimate aim being to provide young people with knowledge about sexuality, sex hygiene and other aspects of sex.

E. Health Education

Health education is offered throughout primary and secondary schools. This is done not only through class lessons, but also through examination and inspection of the bodies, clothes, habits, rooms and surroundings of the pupils.

F. Marriage Counselling

Marriage counselling is done mostly by parents, older friends, relatives and priests. Priests also conduct some education on natural methods of birth control and child spacing. There is no government program on marriage counselling.

VIII. CONCLUSIONS AND RECOMMENDATIONS

Because population growth has outreached available resources, the Government has come to accept the necessity of instituting a program of advice to women on family planning and child spacing matters. It has accepted the Family Planning Association of Uganda as the main agent for implementing Government policy in this field.[141]

The Government should, however, consider taking a more active role in family planning matters if any change is to be realized. Certain inconsistencies exist within the legal and governmental framework which are at odds with a serious commitment to population policy. For example, polygamy is legal and condoned by authorities; abortion is illegal except in life-threatening instances; and birth control devices may not be supplied to unmarried women or to married women without the consent of their husbands. These practices are not consistent with sound family planning policy.

In order to bring about any real change, the Government should consider a series of measures based on a closer analysis of these laws and practices and the health needs of the population. Although it is not within the scope of this paper to provide such an analysis, the following changes would constitute an important first step for the Government and, as such, should be seriously considered:

1. A willingness to be actively involved in family planning would not be sufficient unless it were accompanied by the establishment of a family planning unit in every hospital in Uganda;

2. Liberalization of laws regulating the availability of abortion and contraception with attention to avoidance of abuses in administering these services and to the establishment of high standards of care and advice that are in the best interest of persons receiving such counsel and care;

3. The marriage age should be increased to 18 for females and 21 for males;

4. Polygamy should be allowed only for those men who are capable of supporting more than one wife and her children;

t. The introduction of universal compulsory education.

FOOTNOTES

1
Act 28 of 1970 (Births and Deaths Registration Act).

2
This Decree is discussed more fully under Polygamy. See Section III-B below.

3
Republic of Uganda, Budget Speech, June 1974, pp. 1-2 (Government Printer, Entebbe).

4
See Republic of Uganda, Budget Speeches for the years 1971-75 (Government Printer, Entebbe).

5
G.M.K. Kpedekpo and M.S. Serunjogi, The Population of Uganda (Unpublished, Makerere University, Kampala, 1976).

6
Budget Speech, June 1974, pp. 5-6. See note 3, supra.

7
Uganda's Third Five-year Development Plan, 1971-1976 (Government Printer, Entebbe, 1971) pp. 67-68.

8
Budget Speech, June 1974, p. 5. See note 3, supra.

9
Information supplied by the United Nations High Commissioner for Refugees in Uganda.

10
Uganda's Third Five-year Development Plan, 1971-1976, pp. 76-77.

11
Act 39 of 1970.

12
Constitution of the Republic of Uganda, Article 16.

13
Pharmacy and Drugs Act, sections 55-58. See pp. 56-57 for more details on the manufacture of drugs generally.

14
Penal Code (Cap. 106 of the Laws of Uganda, 1964) s. 217.

15
S. 220.

16
Act 10 of 1968.

17
Uganda Medical Practitioners and Dental Surgeons Act, s. 18.

18
S. 35.

19
Penal Code, s. 195.

20
Uganda Medical Practitioners and Dental Surgeons Act, s. 19.

21
Makerere University, Department of Obstetrics, Clinical Reports, 1962-1969..

22
For example, in the United States, France, Tunisia and China.

23
Penal Code, ss. 136-138.

24
S. 135.

25
S. 204.

26
Decree 16 of 1973.

27
Cap. 211.

28
Cap. 212.

29
Cap. 213.

30
Cap. 214.

31
The Penal Code of Uganda and the Evidence Act do not recognize potentially polygamous marriages.

32
See Voice of Uganda, 4 July 1973.

33
Customary Marriages Decree, 1973, s. 3(2).

34
On bride price, see D.D. Nsereko, "The Nature and Function of Marriage Gifts in Customary African Marriages," 23 American Journal of Comparative Law, 682-704 (1975).

35
Income Tax Decree, 1974 (1 of 1974) as amended by Finance Decree, 1975 (6 of 1975), s. 51.

36
Marriage Act, ss. 18 and 20.

37
S. 7.

38
S. 11.

39
S. 13.

40
S. 5.

41
Ss. 24-27

42
Marriage and Divorce of Mohammedans Act (Cap. 213), s. 6.

43
S. 5(1).

44
Customary Marriages (Registration) Decree Schedule.

45
Id., ss. 20-34.

46
Among some tribes a few pounds of meat and gourd of beer are sufficient.

47
Uganda Census, 1969, vol. III, p. 4.

48
A tribal paramount chief in the Nile Province of Uganda had 65 wives, some of whom he did not know by name and some whose children he could not recognize.

49
Marriage of Africans Act, s. 5(1).

50
S. 5(2).

51
Divorce Act, s. 13.

52
S. 10.

53
S. 15.

54
S. 16.

55
S. 21.

56
S. 24.

57
S. 25.

58
S. 27.

59
S. 40.

60
S. 41.

61
S. 42.

62
S. 193.

63
See p. 22.

64
This department works in conjunction with numerous voluntary organizations through the National Council of Voluntary Social Services for Uganda. There are over one hundred voluntary organizations affiliated with the Council. The Government assists the Council through annual subventions.

65
Republic of Uganda, Annual Report of the Ministry of Culture and Community Development, 1972 (Government Printer, Entebbe, 1972) p. 37.

66
Employment of Children Act (Cap. 193).

67
S. 3.

68
Decree 4 of 1975.

69
Uganda Penal Code, s. 14.

70
Reformatory Schools Act (Cap. 111), ss. 5-7.

71
Approved Schools Act (Cap. 110), s. 7.

72
Ss. 123-128.

73
S. 121.

74
S. 142.

75
S. 152.

76
S. 155.

77
S. 204.

78
S. 205.

79
S. 206.

80
S. 239.

81
Adoption of Children Act (Cap. 216).

82
Cap. 217.

83
Affiliation Act, s. 9.

84
Annual Report of the Ministry of Culture and Community Development, 1972, pp. 17-25.

85
Ministry of Culture and Community Development, Vocational Rehabilitation in Uganda (1969), p. 42.

86
Act 11 of 1967.

87
S. 9.

88
Divorce Act, s. 30.

89
Decree 22 of 1972.

90
Succession Act (Cap. 139).

91
Penal Code, ss. 117-119.

92
Ss. 123-128.

93
See pp. 14-16.

94
Uganda Penal Code, ss. 131-132.

95
S. 125.

96
S. 162(1)(d).

97
S. 134.

98
S. 162(1)(a).

99
Uganda Prisons Act (Cap. 313).

100
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101
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102
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103
Income Tax Decree (1 of 1974) as amended by the Finance Decree, 1975 (6 of 1975).

104
See, J.M. Mackintosh, Housing and Family Life (Cassell and Co., 1952).

105
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106
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111
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112
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113
Pensions Act (Amendment) Decree (23 of 1973).

114
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115
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116
Cap. 196.

117
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118
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119
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120
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121
This was the provision which the Indians and Pakistanis whom President Amin expelled in 1972 did not take advantage of.

122
Some of the Asians expelled did not comply with this provision.

123
Suspension of Political Activities Decree, 1971 (14 of 1971), s. 8-9.

124
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125
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126
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127
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128
Public Health Act (Cap. 269), s. 121 (1).

129
Act 39 of 1970.

130
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131
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132
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133
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134
Cap. 274.

135
Glossina is the tse-tse fly which causes the sleeping sickness.

136
Tse-Tse Fly Control Act (Cap. 275).

137
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138
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139
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140 See, for example, the discussion on page 9 *supra*.

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