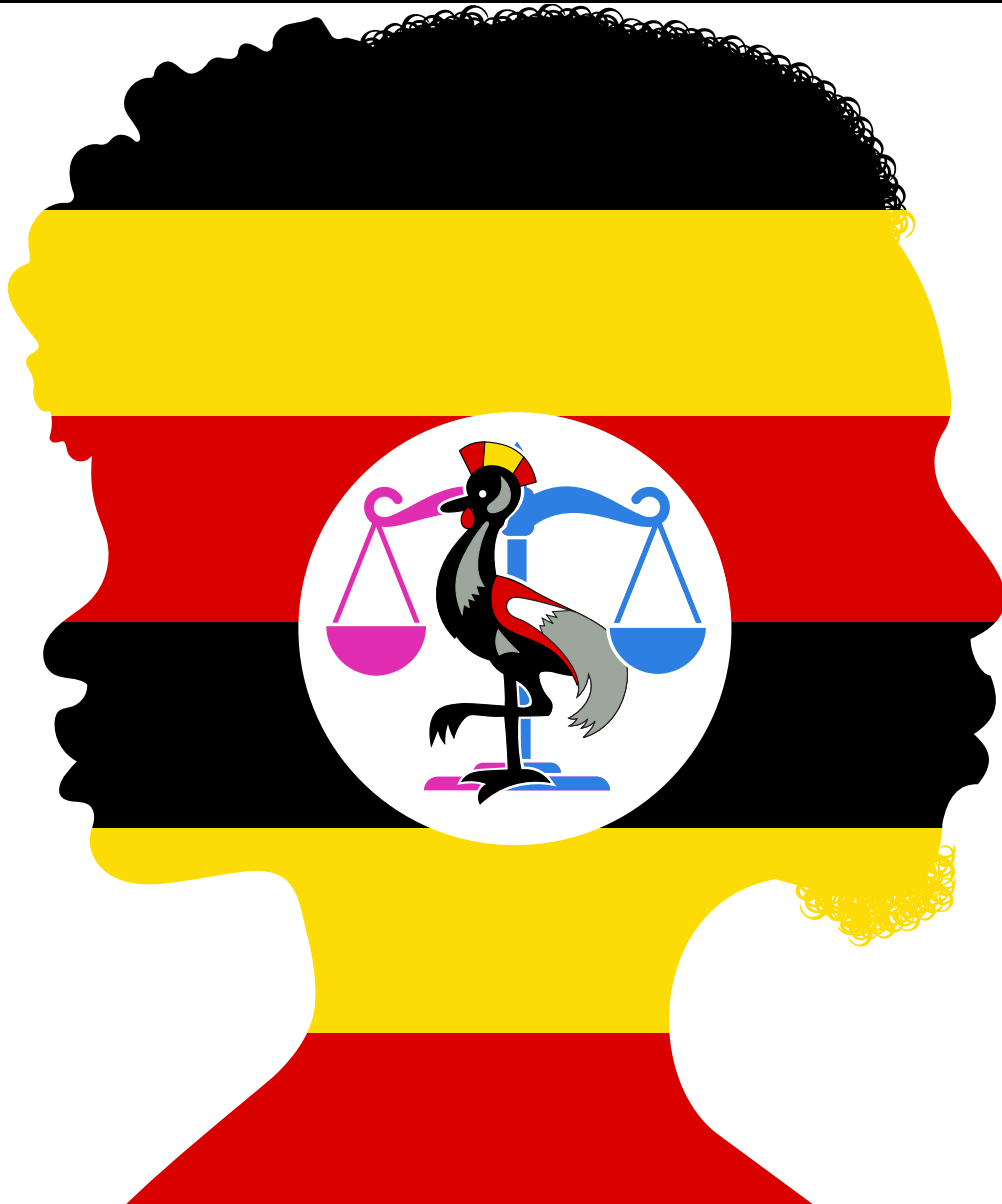




the global voice of
the legal profession®

50:50 by 2030: A longitudinal study into gender disparity in law



UGANDA RESULTS REPORT

International Bar Association Legal Policy & Research Unit
with the support of the LexisNexis Rule of Law Foundation

The International Bar Association (IBA), established in 1947, is the world's leading international organisation of legal practitioners, bar associations, law societies, law firms and in-house legal teams. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world.

It has a membership of more than 80,000 lawyers, 190 bar associations and law societies, and 200 group member law firms, spanning over 170 countries.

The IBA is headquartered in London, with offices in São Paulo, Seoul, The Hague and Washington, DC. The IBA Legal Policy & Research Unit (LPRU) undertakes research and develops initiatives that are relevant to the rule of law, the legal profession and the broader global community.

This research was undertaken in collaboration with the Market Insights team at Thomson Reuters (formerly Acritas).

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This report considers sensitive issues, which may cause distress among some readers. If required, readers are encouraged to seek appropriate support. In many countries, free telephone and online counselling services are available.

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Forewords

The International Bar Association (IBA) has, as part of its global longitudinal study into gender disparity in law, produced a report focusing on Uganda as a case study. This report is the latest instalment of a series of reports that continue the work of the IBA and LexisNexis Rule of Law Foundation Project, which was launched to uncover and address challenges towards gender parity in the legal profession across all sectors to achieve a 50:50 ratio.

Since 1989, the Government of Uganda, and organisations such as the Female Lawyer's Committee of the Uganda Law Society and the Uganda Association of Women Lawyers (FIDA-U), have intentionally organised programmes to encourage the participation of women in legal practice. Uganda has come a long way, with the first-ever 50 per cent female representation on the Council of the Uganda Law Society emerging from the September 2020 election.

While many saw this as novel, it mirrors the challenges that have been occurring within the IBA itself. The hard work of many years finally seems to be paying off. However, the ills that still plague women in the legal profession are the generic ones; the study clearly shows us that we need unconscious bias training to overcome the tallest hurdle to gender equity – mindset change.

The study reviews, among other considerations: gender comparisons from the point of graduation from the Ugandan law schools selected for sampling; admission to the Bar course; graduation from the Bar course; admission to the Ugandan Bar; and then various sectors of practice.

This study will inform gender policy among our stakeholders and actors in the legal space. We thank the IBA for its partnership in this effort and in aiding our Uganda Law Society Legal Aid Project. As the Uganda Law Society, we further appreciate this study because it gives us a start in evaluating where we are and where we are headed as we seek to achieve equity in the treatment of all our members.

We believe the findings in this report light the way to addressing the issue of gender parity in the legal profession in Uganda, and creates an ideal key results area for the Uganda Law Society and other stakeholders to consider. The focus on larger law firms might not tell the precise story of many smaller law firms, but it provides a benchmark for us to work from.

There is no better source than this report for any person, institution or organisation that seeks to get in-depth knowledge on Uganda's status on gender parity in the legal profession. Special thanks to the authors, researchers and the learned members of the Ugandan Bar that participated in this report.



Pheona Nabasa Wall
President, Uganda Law Society

Gender inequality in the workplace is a global problem that transcends borders, vocations and levels of seniority. The legal profession around the world recognises the need for gender diversity at all levels of the profession and has been making progress to advance Goal 5 of the United Nations Sustainable Development Goals (SDGs): to achieve gender equality and empower all women and girls.

There is, however, still room for improvement. Lawyers globally must lead the way in the effort to bring about meaningful change and alleviate this gender disparity. We must ensure that conversations on gender equality within the legal profession occur in every jurisdiction.

Junior lawyers that are beginning their journey into law rely on the efforts of more senior lawyers to aide in the removal of barriers to SDG 5. Such experienced lawyers must take SDG 5 seriously and do their best to improve gender equality at all levels of seniority within their workplaces.

Gender equality is one of the priorities of my presidency. I am happy to see how the IBA and LexisNexis Rule of Law Foundation '50:50 by 2030: A longitudinal study into gender disparity in law' Project progresses with this second publication on the Ugandan legal profession.

Much has been done to advance gender equality in Uganda and the data in this report is a positive indication of these efforts. However, there are still far too many women who are denied a formal education in this jurisdiction, and therefore denied the opportunity to progress in their working life and become whatever they want to become.

This report gives us the opportunity to understand the Ugandan legal market and sheds light on some of the problems women lawyers face once inside the profession, especially when trying to find a balance between their professional and personal lives.

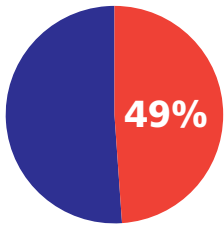
Once again, I congratulate the IBA and LexisNexis Rule of Law Foundation for this report and encourage everyone within the legal profession to spread the word about the '50:50 by 2030' Project and keep an eye on it in the coming years. I look forward to the release of the report on Spain later this year.

A handwritten signature in black ink, appearing to read 'Sternford Moyo', with a stylized flourish at the end.

Sternford Moyo

President, International Bar Association

Main findings – Uganda



Overall, women make up 49% of the legal profession with 40% working at a senior level.



Law firms employ 41% female staff, with 23% of senior roles held by females.



The public sector has the highest level of female representation at 57%, 62% of senior roles are occupied by females.

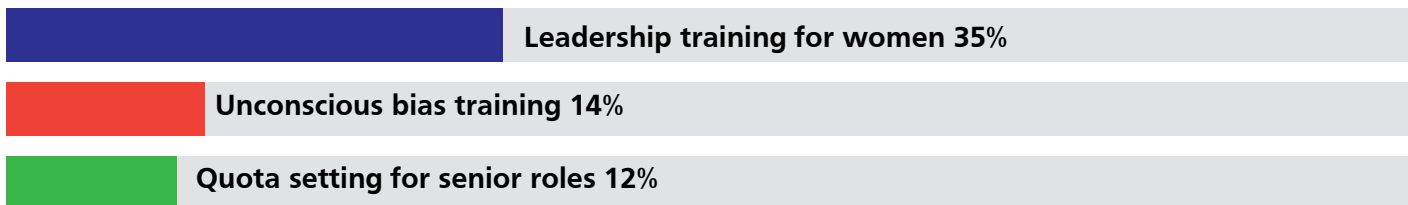
Gender initiatives: 76% of respondents stated that there is aggregate gender balance monitoring and 67% of respondents stated that there is gender balance monitoring at the senior level.



The most popular initiatives across the legal profession are:



Initiatives that are used less across the profession are:



Unconscious bias training is one of the least popular initiatives and perceived to be the least effective: 71% of respondents perceived this initiative to be 'not effective' and no respondent perceived it to be 'very effective'.



General Statistics



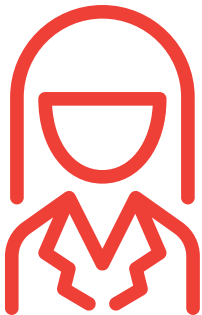
Quota setting for senior positions, one of the least popular initiatives with one of the lowest perceptions of success, has been in place the longest (30 years).

Flexible working is one of the most popular initiatives and perceived to be most effective, although in place for the shortest time (and may change in a post-Covid environment).



University

Between 2019–2021, a total of 1079 students graduated with law degrees from the surveyed universities, of which 509 (47 per cent) were women.



Law Development Centre

During the surveyed years, 1856 students were admitted to the course, of which 46% were women. 44% of graduates of the Law Development Centre were women.



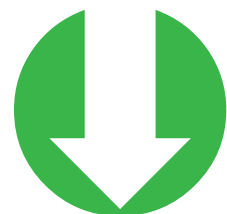
Women make up 47% of the judiciary with 45% sitting at a senior level.

Enrollment with the Uganda Law Council

The percentage of women who reach the enrollment stage falls to 37% – a 26% gap between men and women enrolled.

Overall, women make up 49% of the legal profession. This is striking because it is higher than the proportion of women enrolling with the Uganda Law Council

37%



www.ibanet.org

Introduction

Country context: Uganda

Uganda, the ‘Pearl of Africa’, is a republic in East Africa that became independent from British colonial rule in 1962. The current population is estimated to be 46 million people, with close to 25 per cent living in urban areas and approximately 52 per cent of working age.¹ Large-scale demographic shifts, including a population boom and widespread rural-to-urban migration, are expected in the coming decades.² For the five years prior to the Covid-19 pandemic, the Ugandan economy grew at an average rate of 5.2 per cent.³ The service sector is the largest sector in Uganda, followed by industry and agriculture, but the economy’s reliance on low-productivity agriculture remains proportionately high.⁴

As a developing country, Uganda has premised its development strategies on the attainment of the Sustainable Development Goals, which it adopted in September 2015. Among the said pursuits, Uganda aspires to gender parity as depicted in *Vision 2040*,⁵ which contained a National Gender Policy and a National Action Plan on Women; these were tailored to support the implementation of the constitutional and policy provisions regarding women and girls.

Owing to patriarchy, religion, family and marriage, as well as social and cultural practices, gender inequality (including but not limited to: gender disparities in access and control over productive resources like land; limited share of women in wage employment in non-agricultural sectors; sexual and gender-based violence; and limited participation in household, community, leadership and national decision-making) has been identified as the most significant and persistent of all inequalities in Uganda. The Government of Uganda recognised the need for high-quality, collaborative and inclusive development planning to capitalise on the potential progresses, geared towards ensuring that women and girls in the country have, not as a privilege but as right, equal rights and opportunities void of bias, violence and discrimination.

It is a fact that the number of women and girls in Uganda is greater than that of men and boys. Education has been noted to alleviate the level of gender disparity by promoting women’s socio-economic empowerment, health and wellbeing. The United Nations Girls’ Education Initiative reported that 50 per cent of girls aged 15–24 are illiterate and 80 per cent of girls do not attend high school.⁶ The low female education rates are attributed to high poverty, 35 per cent of girls dropping out due to early marriage and

1 ‘The demographic boom: An explainer on Uganda’s population trends’ (World Bank Blogs, 18 February 2021), <https://blogs.worldbank.org/africacan/demographic-boom-explainer-ugandas-population-trends>, accessed 2 May 2022.

2 *The World Bank in Uganda* (The World Bank) www.worldbank.org/en/country/uganda/overview#1, accessed 2 May 2022.

3 *Uganda Economic Outlook – 2019* (PwC) www.pwc.com/ug/en/assets/pdf/ug-economic-outlook-2019.pdf, accessed 2 May 2022.

4 See n 2 above.

5 *Uganda Vision 2040* (The Uganda Government) www.greengrowthknowledge.org/sites/default/files/downloads/policy-database/UGANDA%29%20Vision%202040.pdf, accessed 16 May 2022.

6 *Facts about Education for Girls in Uganda* (Sustain for Life, 11 February 2019) <https://sustainforlife.org/en/news/facts-about-education-for-girls-in-uganda/#:~:text=The%20United%20Nations%20Girls%20Education,don't%20attend%20high%20school>, accessed 2 May 2022.

the high teenage pregnancy rate. Twenty-five per cent of Ugandan teenagers are pregnant by the age of 19, with many continuing to have children into their mid-40s.⁷

The male-dominated society in Uganda also poses problems for girls who are able to pursue an education. Despite implementing free universal primary education in 1997, Ugandan facilities and teaching styles remain unaccommodating to female students. The lack of security, privacy and sanitation exposes girls to sexual assault, as well as creating difficulties for them to attend school while menstruating. Moreover, girls are often explicitly discouraged from attending school on the basis of the need for them to take up domestic responsibilities. Female students are also often portrayed as promiscuous, and the idea that education is only for boys eventually decreases female participation and attendance. Ultimately, free education remains to some extent inaccessible to Ugandan girls, highlighting the need for greater levels of support for female students.

As part of a theme of unequal distribution of caring responsibilities, women in older age groups spend a much higher proportion of their time on unpaid care work and unpaid production of goods for home consumption, and very few are paid formal wages.⁸

The Government and other actors have taken complementary and collaborative steps to close the disparity gap with organisations including UN Women, The Association for Women's Rights in Development (AWID), Womankind Worldwide, the Center for Reproductive Rights, Plan International, Women for Women International, EqualityNow, Save the Children, the Women's Environment and Development Organization, Men Engage Alliance, Global Fund for Women, Rise Up, MATCH International Women's Fund, Gender at Work, the International Center for Research on Women, Amnesty International, PROMUNDO, the International Alliance of Women, Human Rights Watch, the International Women's Development Agency, the Uganda Women's Network (UWONET), the Uganda Women Empowerment Programme (UWEP) and many others. Some national legislation has been passed to advance women's position in society, including the Female Genital Mutilation Act and the Local Government Act, which sets a target of 30 per cent female representation at all elected levels.⁹

Unfortunately, the Covid-19 pandemic, curfews and lockdowns disrupted progress and presented major challenges. Uganda had the longest school closure in the world (approximately two years), which greatly interrupted the education attainment of children in Uganda.¹⁰ As a result, it witnessed a high drop-out rate of girls due to: the high cost of education; an increased burden on domestic work and unpaid care during stay-at-home orders; increased vulnerability to gender-based violence due to limited mobility during lockdown; little access to technology and the internet meaning girls had less time and fewer resources to engage in remote learning; unwanted and unplanned pregnancies; and early marriages. For women, the

7 *Adolescent Development* (UNICEF) www.unicef.org/uganda/what-we-do/adolescent-development#:~:text=According%20to%20the%20Ministry%20of,babies%20into%20their%20mid%2D40s, accessed 2 May 2022.

8 *Gender Roles and the Care Economy in Ugandan Households* (Oxfam) <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620532/rr-gender-roles-care-economy-uganda-130818-en.pdf;jsessionid=62B82F1D0A16A45AB935FFF898B8F206?sequence=4,25>, accessed 21 July 2022.

9 Local Government Act (Laws of Uganda) www.ugandalaws.com/principal-legislation/local-governments-act, accessed 1 July 2022.

10 Agence France-Presse in Kampala, 'Uganda's pupils back to school after record 83-week Covid shutdown' *The Guardian* (Kampala, 11 January 2022) www.theguardian.com/world/2022/jan/10/ugandas-pupils-back-to-school-after-record-83-week-covid-shutdown, accessed 27 May 2022.

rate of sexual and gender violence increased. Also, the level of unemployment increased as many were laid off or not remunerated. Nevertheless, the trajectory of development is set to continue.

The legal profession in Uganda

Given that Uganda was a British colony, its legal system is based on British common law. In addition, it also recognises African customary and ecclesiastical laws. The judiciary is divided into the high bench and the lower bench. The high bench is made up of the Supreme Court, the Court of Appeal and the High Court, while the lower bench is made up of the Chief Magistrates Courts and the Magistrate Grade One Courts. The Supreme Court is the highest court in Uganda. It is led by the Chief Justice, who is supported by nine justices and has unlimited jurisdiction for appeal cases of the greatest importance to Uganda. It is the final court of appeal, and its decisions are binding.

The second-highest court is the Court of Appeal, which can also sit as the Constitutional Court, led by the Deputy Chief Justice. At present there are 15 justices in this court; a minimum of three justices are required when it sits as the Court of Appeal and a minimum of five when it acts as the Constitutional Court. The next tier High Court has eight divisions, which are headquartered in Kampala, with decentralised High Court circuits distributed across the country. The court is headed by the Honourable Principal Judge, who also has supervisory powers over magistrate's courts.

Uganda is not a bifurcated jurisdiction. In 2021, there were 5,696 lawyers licensed to provide legal services in Uganda.¹¹ These lawyers have the option of either working for the public sector (government), private sector (corporate), non-governmental organisations (NGOs) and law firms. Many of these lawyers opt for law firms, the majority of which are small in scale.¹² A number of international firms maintain a relationship with these local law firms, including DLA Piper with S&L Advocates and Dentons with Kyagaba & Otatiina Advocates.

The public sector essentially comprises the three arms of government: the executive (the state including ministries, local government and parastatals), legislative (Parliament) and judiciary (court). The Attorney-General's Chambers represents the Government in civil matters; the Office of the Director of Public Prosecutions represents the Government in criminal matters; and the Office of the Solicitor General advises the government on contractual matters.

Women in the legal profession in Uganda

Progress on the goal of overcoming gender disparity within the legal profession in Uganda has occurred on a variety of fronts, both on individual and collective levels.

The Uganda Constitution enshrines the principle of non-discrimination and gender equality,¹³ and women's representation in the legal profession in Uganda has already attracted attention. In a recent 2021 interview, Pheona Nabasa Wall, President of the Uganda Law Society, highlighted that more women

11 'Licenced Advocates' (the Judiciary) www.judiciary.go.ug/data/ladvocates/106/Licenced_Advocates.html, accessed 27 May 2022.

12 Interviewees either currently or formerly worked at firms with fewer than ten lawyers and partners inclusive, and referenced this to be the norm in Uganda.

13 Ugandan Constitution, Ar 21.

than men graduate from Ugandan law school(s).¹⁴ She attributed this development to affirmative action initiatives that have increased the chances of girls attending university, as well as the role that civil society organisations, such as the Uganda Association of Women Lawyers (FIDA-U), have played in protecting and strengthening women’s position to practice law. She pointed out, however, that female lawyers continue to face problems such as sexual harassment, pay inequality, chauvinism, social bias and conditioning.¹⁵ Sexual favours as a basis for employment or promotion (‘sextortion’)¹⁶ is also a matter of concern, which was raised during our discussions with female practitioners.¹⁷

Justice Esther Kisakye, a long-standing Supreme Court justice, has extensive experience in issues affecting women in the legal profession, and has previously served as President of the National Association of Women Judges in Uganda. Her 2009 SJD (the equivalent of a PhD in Law) thesis study attributed the gender imbalance in the legal profession to sex discrimination at entry points to the profession. Once working in the profession, women experience discrimination over pay, training, promotion, and other terms and conditions of work.

The 2012 *Judiciary Gender Policy and Strategy* recognised the absence of female lawyers in senior management positions in the judiciary.¹⁸ This was attributed to incidents of sexual harassment, albeit unreported. The strategy also highlighted the challenges that unfavourable out-of-city postings pose for female judicial officers, given that they are also expected to fulfil other gender roles as mothers and primary caregivers. This was echoed in research interviews, with one respondent being required to be away from her children five days per week.

Considering how few students (both male and female) in Uganda are able to access higher education, those women who are able to enter the legal profession are among a minority in Uganda. Current research and experience suggest that women are required to make inequitable sacrifices and are facing a range of discriminatory factors inhibiting their progress to senior levels of the profession.

This report seeks to highlight gender representation across different aspects of the legal profession, along with achieving a deeper understanding of some specific experiences and policies implemented to improve the ratios of men to women across the profession.

The project

Uganda is the second jurisdiction to be explored as part of the International Bar Association (IBA) and LexisNexis Rule of Law Foundation (LNROLF) project titled ‘50:50 by 2030: a longitudinal study into gender disparity in law’ (the ‘Gender Project’). This ambitious, first-of-its-kind, nine-year global project

14 ‘Women Have Made Strides in Legal Profession since Independence’ (NewVision, 5 October 2021) www.newvision.co.ug/articledetails/116471, accessed 18 March 2022.

15 *Ibid.*

16 For further information on sextortion, see the IBA report: www.ibanet.org/LPRU-Reports, accessed on 1 July 2022.

17 Definition of sexual harassment in the Employment (Sexual Harassment) Regulations, 2012: “sexual harassment in employment” means—(a) a direct or implicit request to an employee for sexual intercourse, sexual contact or any other form of sexual activity that contains—(i) an implied or express promise of preferential treatment in employment; (ii) an implied or express threat of detrimental treatment in employment; (iii) an implied or express threat about the present or future employment status of the employee... (extract).’

18 *Judiciary Gender Policy and Strategy* (Courts of the Judicature, Republic of Uganda) <http://judiciary.go.ug/files/downloads/JudiciaryGenderPolicyandStrategy.pdf>, accessed 2 May 2022.

aims to uncover and address the root causes of the lack of gender parity at the most senior levels of the global legal profession. The project, which will eventually explore 16 jurisdictions,¹⁹ started with a pilot in England and Wales in 2021; a further pilot in Spain is currently underway. The England and Wales Interim Results Report was published on International Women's Day in March 2022.²⁰

The Uganda study and methodology

The IBA and LNROLF have extensive networks across all jurisdictions that will be covered, which will support the research process. The IBA is most grateful to Naigaga Winfred Kyobiika, who conducted the field research in Uganda. The outsourcing approach aims to capitalise on local expertise, networks and experience to gather a representative picture of the profession in a variety of jurisdictions that would be difficult to access through desk research from the IBA London office. The IBA team maintains a close relationship with legal professionals conducting the research; some future jurisdictions may follow a similar model of research.

The study in Uganda began in October 2021 and concluded in April 2022. Research was conducted via desk-based research, telephone interviews and site visits. Law schools, law firms, in-house legal teams, public sector institutions and the judiciary were asked to provide statistics of gender representation in addition to details of relevant initiatives and their perceived impact and effectiveness. Valuable focus group interviews with representatives from all sectors of the legal profession were also conducted to gather specific insight into the approaches, successes and challenges of improving gender representation in the legal profession in Uganda. A more detailed explanation of the methodology and aims of the project can be found in the *England and Wales Interim Results Report*.²¹

Seniority in the four legal sectors explored was defined as follows:

- law firms: partnership level and above (with specific information about representation at executive level);
- corporate sector (in-house legal teams): senior management level, general counsel and board members;
- public sector: senior civil servant level (US1E and above); and
- the judiciary: senior members of the judiciary – Supreme Court, Court of Appeal, and High Court.

The following groups were approached and asked to partake in the survey:

- *Law firms:*
 - a sample of 30 firms that employ more than five lawyers were selected from the following sources:

19 Australia, Chile, England and Wales, India, Japan, Mexico, Nigeria, Republic of Korea, Singapore, the Netherlands, Ukraine, the United Arab Emirates, the United States, Spain, South Africa and Uganda.

20 *50:50 by 2030: A Longitudinal Study into Gender Disparity in Law* (International Bar Association/LexisNexis Rule of Law Foundation) www.lexisnexisrolfoundation.org/pdf/gender-disparity-study-2022.pdf, accessed 18 March 2022.

21 *Ibid.*

- IFLR1000²² – legal directory of leading financial and corporate transaction legal teams;
 - the Legal 500 Uganda; and²³
 - personal networking among the fraternity of lawyers of the Uganda Law Council.
- *Corporate sector:*
 - a sample of 25 of the top 100 taxpayers in Uganda²⁴ was selected on the basis of contacts, with the aim of yielding a high percentage of responses.
 - *Public sector:*
 - Nine government departments with a high concentration of lawyers were selected:
 - Attorney-General’s Chambers;
 - Solicitor General’s Chambers;
 - Inspector General’s offices;
 - Kampala City Council Authority;
 - Parliament;
 - Office of the Director of Public Prosecution;
 - Judicial Service Commission (JSC);
 - Insurance Regulatory Authority;
 - Makerere University.
 - Eight corporate entities owned and run by the government were also approached for information.²⁵
 - *Judiciary:*
 - Supreme Court;
 - Court of Appeal/Constitutional Court; and
 - High Court.

In addition, the Uganda project also explored the legal education and training process. The following institutions were approached:

- all 13 law schools in Uganda, including the Law Development Centre;

22 IFLR is an international legal directory dedicated to ranking law firms and lawyers on the basis of financial and corporate transactional work. See www.iflr1000.com/Jurisdiction/Uganda/Details/148#rankings, accessed 2 May 2022.

23 *Legal 500 Uganda*, www.legal500.com/c/uganda/leading-firms/?edition=europe-middle-east-africa/2019-edition, accessed 2 May 2022.

24 ‘Uganda’s Top 100 taxpayers’ (*Uganda Business News*) <https://ugbusiness.com/list-ugandas-top-100-taxpayers#gref>, accessed 2 May 2022.

25 These corporate entities did not provide consent to be named.

- the Uganda Law Council; and
- the Uganda Law Society.

The overall response rate is outlined in the table below:

Organisation	Number of firms/ institutions approached	Number of responses received	Response rate (%)
Law schools	13	6	46
Law firms	30	24	80
Corporations	25	11	44
Public sector	17	14	82

Figure 1: Participation in IBA/INROLF 50:50 by 2030 Gender Project Survey

Training lawyers in Uganda

To practice law in Uganda, advocates must be citizens of Uganda or normally reside in Uganda (naturalised and with residency). This creates a more limited pool of people who can work as lawyers in Uganda when compared with other jurisdictions such as England and Wales, which do not have such narrow requirements. It is therefore useful to consider the ‘supply chain’ of advocates in Uganda by examining gender representation in the legal education system.

To qualify as an advocate in Uganda, candidates must first complete a law degree at a Ugandan university before applying for the nine-month long Law Development Course. This course includes a two-and-a-half-month period of workplace vocational training, popularly known as ‘clerkship’. The Law Development Centre, which is based primarily in Kampala with satellite centres around the country, is the only institution approved to offer this course; it must be passed to move to the next stage, which is enrolment for the Certificate of Eligibility at the Ugandan Law Council. After acquiring the Certificate of Eligibility, candidates must apply to the High Court of Uganda to be added to the roll of advocates, which accredits their appearance before the courts of law in Uganda.

Stage 1: law schools

There are 12 registered undergraduate law schools in Uganda. This study analysed the data for academic years 2019–2020 and 2020–2021, and covered five universities. Celebrating its half-centenary in 2018, Makerere University in Kampala is the largest university and oldest law school in Uganda, and the only public university represented in this study. The other universities in this study are all private and considerably less established: they were all founded in the 1990s to early 2000s. All the universities are largely headquartered in or close to Kampala, except for the Islamic University in Uganda, which is based in Mbale, 222 kilometres northeast of Kampala. All universities have a campus in Kampala.

Between 2019 and 2021, a total of 1,079 students graduated with law degrees from the surveyed universities, of which 509 (47 per cent) were women. Uganda Christian University Mukono (UCUM) had the largest year group, with 391 students, while the Nkumba class was very small, with only 46 students. Notably, the prestigious Makerere University, had a considerably lower representation of women than other universities in the study (33 per cent). Meanwhile, there were 50 per cent more women than men enrolled at law school at UCUM (a 40/60 split). However, concerns have been raised about the quality of teaching these students are receiving, as universities are accepting 200–300 students while continuing to operate on a model suitable for about 40 students. It is possible that, while there is a good representation of women at these universities, the quality of teaching may not be of a sufficient standard to suitably prepare students for a career in law.

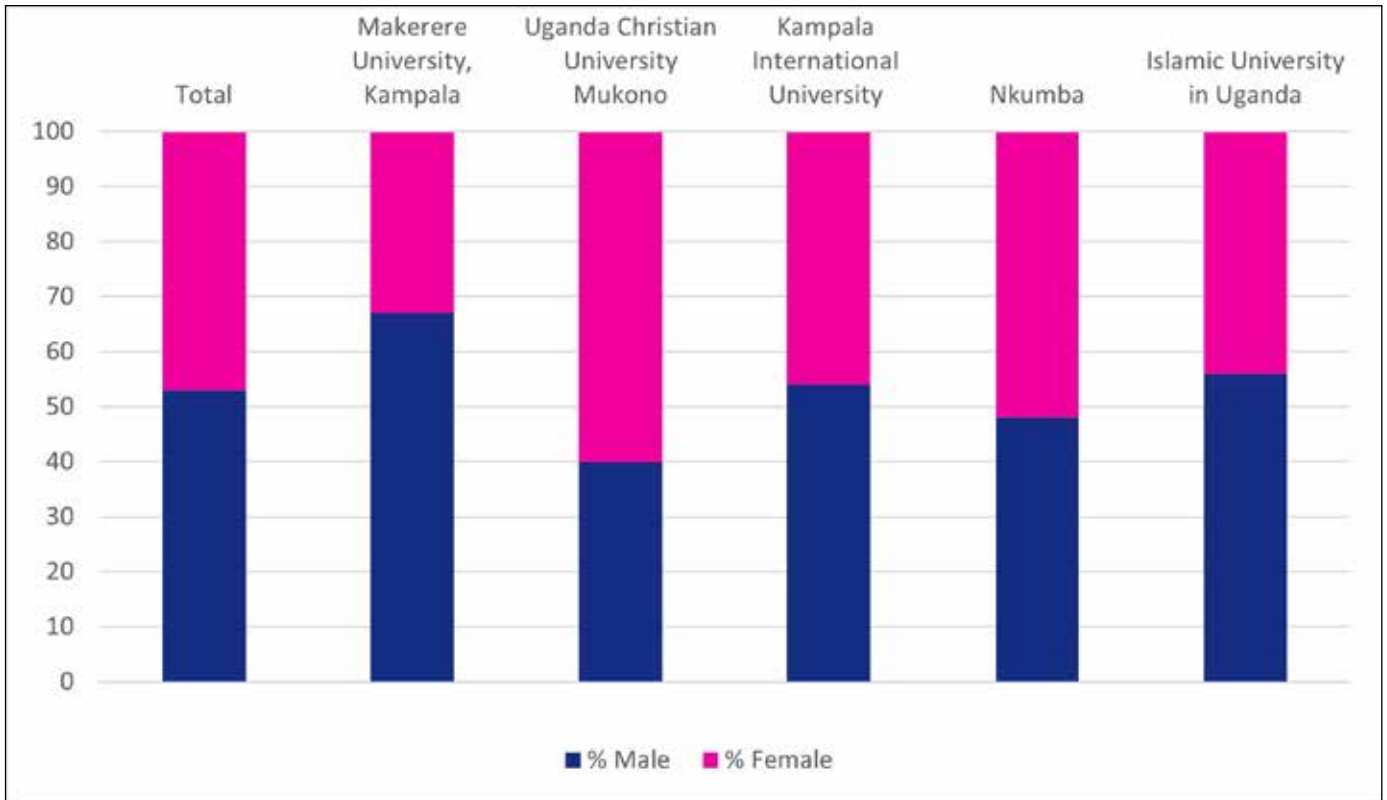


Figure 2: Gender representation among law graduates in Uganda

Women who are accepted into law school often experience gender-biased attitudes during their studies. Several interviewees reflected on their experiences at law school where human rights classes are perceived to be easier and ‘more suited’ to women than other topics such as tax, banking and insolvency law. Joy Kirunga, Consultant with FIDA-U (who interviewed in a personal capacity) commented on her experiences of gender discrimination in the higher education system.

“I remember that particular professor... when we had to master and specialise, he wanted to push us to the copyright and trademark section, saying patents were not something women could do [as] it needs a lot of intellect.

Joy Kirunga, Consultant with FIDA-U

Lack of encouragement from lecturers during degree courses, especially for particular subject areas, impacts women’s confidence and drive to freely pursue their career ambitions in the legal profession. Indeed, greater involvement of women in higher education teaching – in all legal subjects – encourages girls to join the legal profession.

“More women came into legal education teaching at the university, and that encouraged the girls who are there: that they can be more. These women were not only doing human rights, but they were also doing criminal law, evidence – which is a very difficult subject – land transactions, land justice and so on. The numbers have since changed and we see more girls joining the profession.

Lady Justice Victoria Nkwanga, High Court Judge

Lady Justice Nkwanga, who recognised the value of an all-girls-school education in building her confidence at an early age, advocates for women to ‘choose to challenge the mental barriers and listen to your inner voice more’. Focusing on building confidence and recognising women’s intellectual abilities at law school will be important for women to challenge gender discrimination in the workplace.

Stage 2: the Law Development Centre

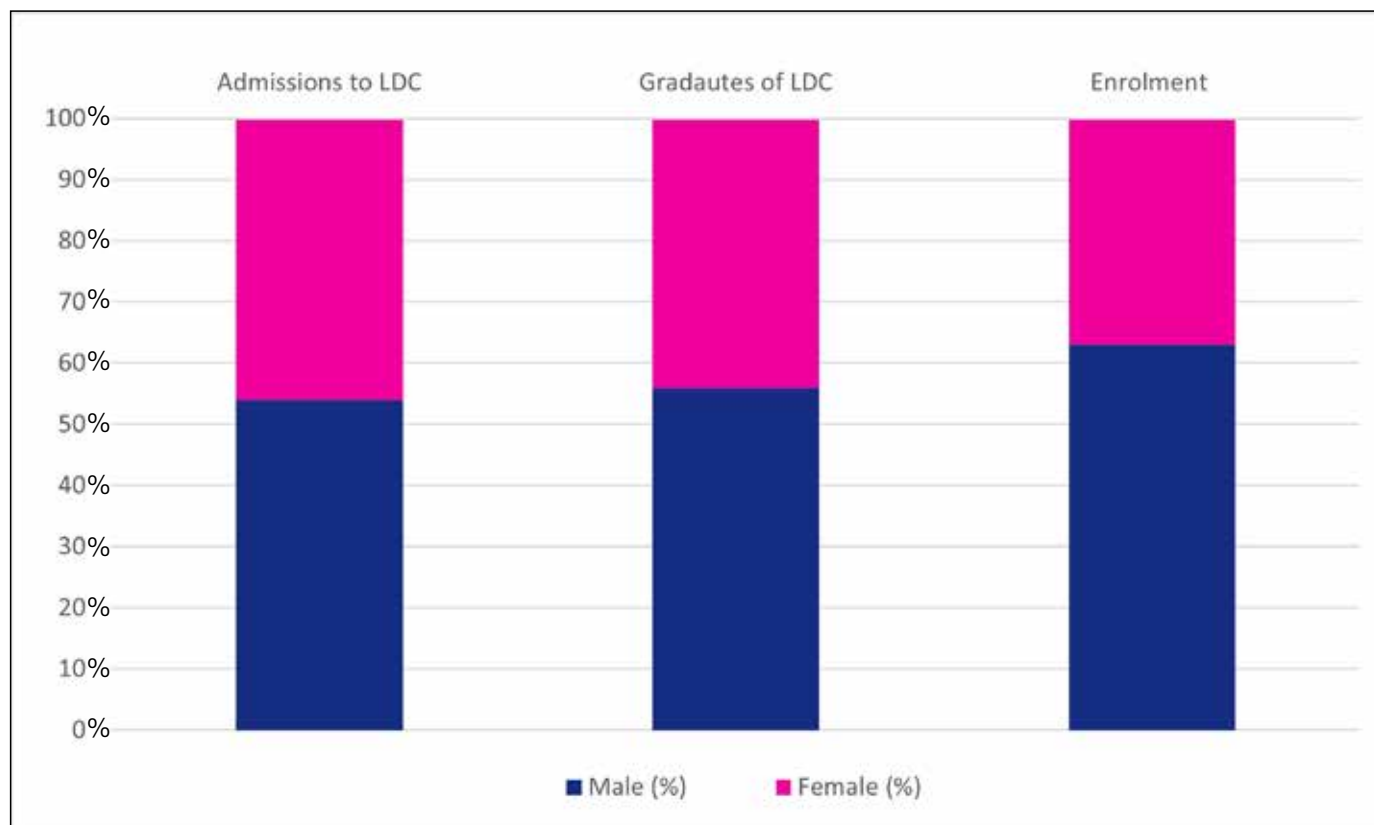


Figure 3: Representation of women over the course of the second and third stages of qualifying as a lawyer in Uganda

Once students have graduated with their Bachelor of Law, they apply to the nine-month long Law Development Course (LDC) at the Law Development Centre. During the surveyed years, 1,856 students were admitted to the course. The LDC admissions and graduation data follows the same trend as that of the universities, with slightly more male graduates than their female counterparts. The LDC is demanding, and the pass rate is extremely low (average of 14.9 per cent), with the rate being almost identical for both men and women (14 per cent of women and 15 per cent of men pass). While this high failure rate backs up the assertion that the quality of teaching in law schools may be inadequate for preparing students for starting a successful career in law, this evidence does not suggest that women are disproportionately affected.

Overall, there is a nine per cent gap between the proportion of women admitted to the LDC and the proportion of women of those who reach the enrolment stage. This demonstrates that a contraction of women represented in the legal profession begins during the qualification process.

Stage 3: enrollment with the Uganda Law Council

To practice law in Uganda, one needs to be entered ('enrolled') onto the roll of advocates by the Uganda Law Council after graduation from the LDC. The 26 per cent gap between men enrolled and women enrolled is stark; it is interesting that this statistic is closer to the proportions at the public Makerere University rather than the private institutions.

Overall, women are statistically well represented at the law school education stage, but this proportion contracts significantly as women reach the enrolment stage. Women can be channelled away from typically masculine and commercially orientated topics, while at law school they sometimes face gender-biased attitudes from lecturers. In limiting the scope of their education and at times damaging their confidence to strive, these formative educational experiences are likely to impact women's progression to senior roles in the legal profession.

Gender representation in the legal profession

Overall picture

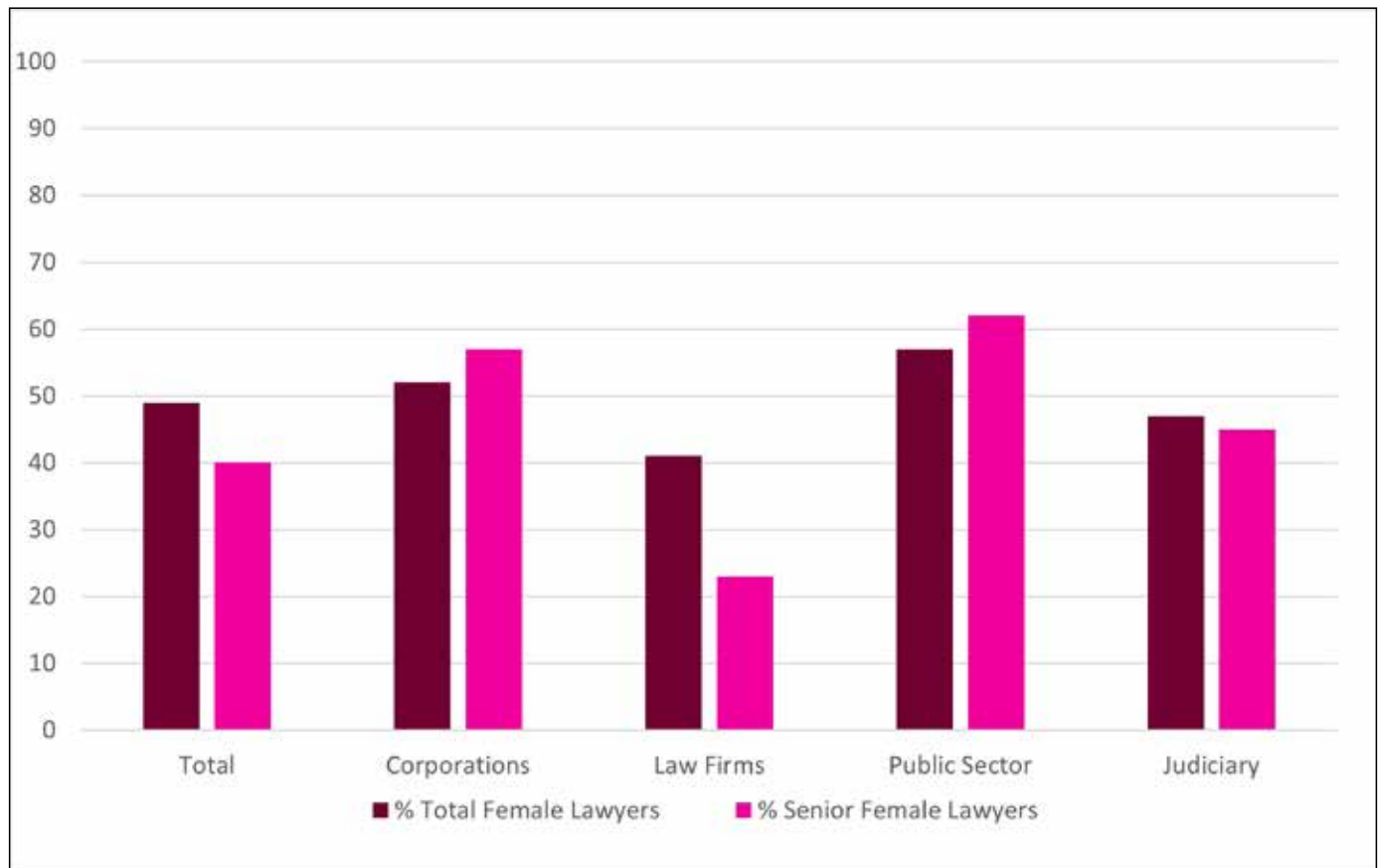


Figure 4: Representation of women among full-time advocates across the legal profession in Uganda

Overall, women make up 49 per cent of the legal profession. This is striking because it is higher than the proportion of women enrolling with the Uganda Law Council (37 per cent). This suggests that the proportion of women enrolling with the Uganda Law Council over the past two years has been lower than previous years, and that there are more women established in the profession than at entry point. It will be valuable to reflect on this possible trend in the future as this could raise concerns for future representation in the profession. The general representation of women across the profession is positive, but varies significantly between sectors. The public sector has the highest percentage of women (57 per cent), followed by corporate in-house teams (52 per cent) and the judiciary (47 per cent). Overall, law firms have the lowest percentage of women (41 per cent), and this statistic supports the perceptions of lawyers interviewed for this project.

At a senior level, the order of sectors according to the representation of women remains unchanged: the public sector has the highest representation (62 per cent), followed by corporate in-house legal teams (57 per cent), the judiciary (45 per cent) and finally, law firms (23 per cent). The judiciary is most evenly distributed, with only a two per cent drop between the representation of women at all levels and at senior levels. Meanwhile, in law firms, there is an 18 per cent drop between total representation of women and

representation of women in senior positions. Interestingly, in both the corporate and public sectors, there is a greater proportion of women in senior positions than among all lawyers in these sectors.

Part-time working in the legal profession is not common in Uganda. No advocates in the public sector and judiciary are registered to work part time; in the corporate sector, only two people (two per cent), were registered to work part time. In law firms, five people (1.6 per cent of our sample group) were registered to work part time. Overall, 0.5 per cent of all advocates surveyed work part time. As such, when women have children, they are faced with the choice of working full time or finishing their career. This dilemma was echoed by several respondents from the corporate and public sectors. Considering the young average age of mothers in Uganda, it comes to light that one major factor that affects women's representation in the legal profession is that women are faced with this choice very early in their careers.

Gender representation initiatives

Across the legal profession

The survey asked whether firms and institutions monitored the gender balance among their lawyers in aggregate and at a senior level. Seventy-six per cent of respondents stated that there is aggregate gender balance monitoring and 67 per cent responded that there is gender balance monitoring at the senior level. This suggests that there is more of an emphasis on achieving gender balance in the profession overall rather than at a senior level.

Across the legal profession, coaching and mentoring is the most popular initiative, while setting quotas for senior role positions and unconscious bias training are the least popular. On the whole, it is more common for law firms to implement initiatives than the public sector. However, some respondents also pointed out other initiatives that target support for nursing mothers, such as providing space for breastfeeding or nurseries in the workplace. Based on interviews, these facilities are more common in public sector institutions and courts than in corporate sector companies.

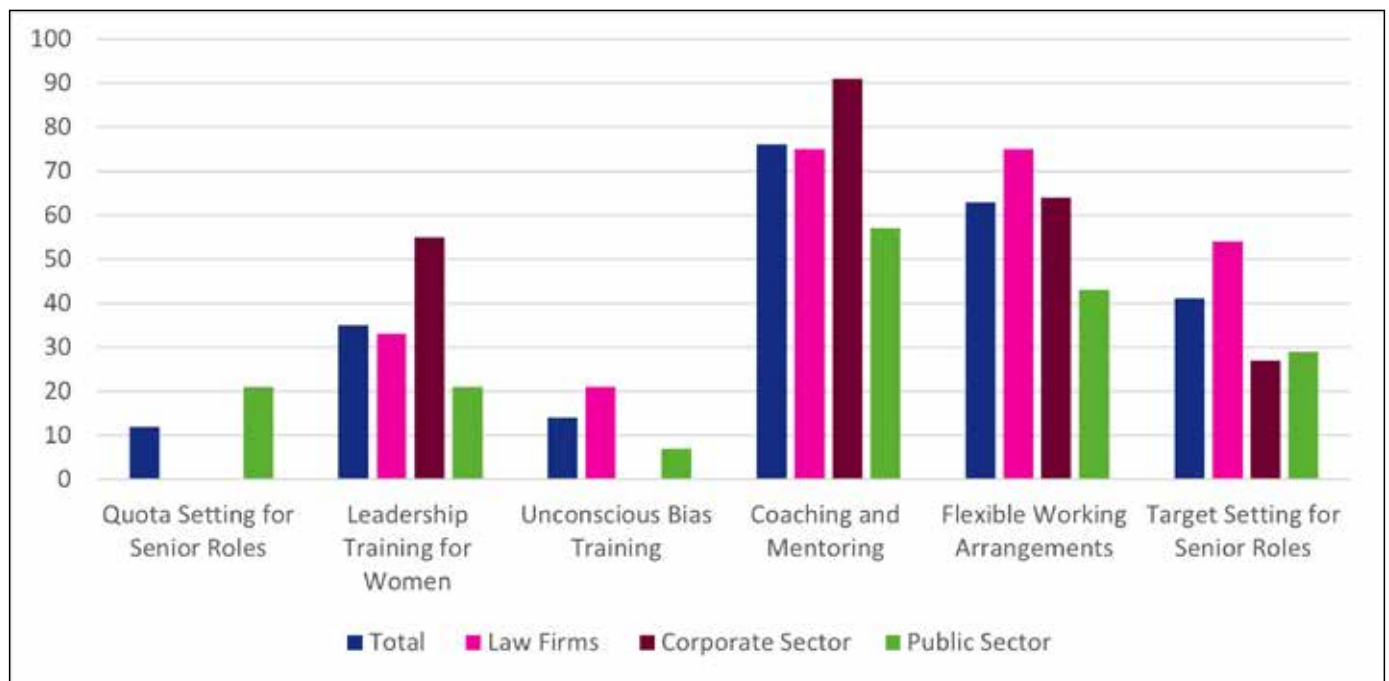


Figure 5: Popularity of gender balance initiatives across the legal profession in Uganda

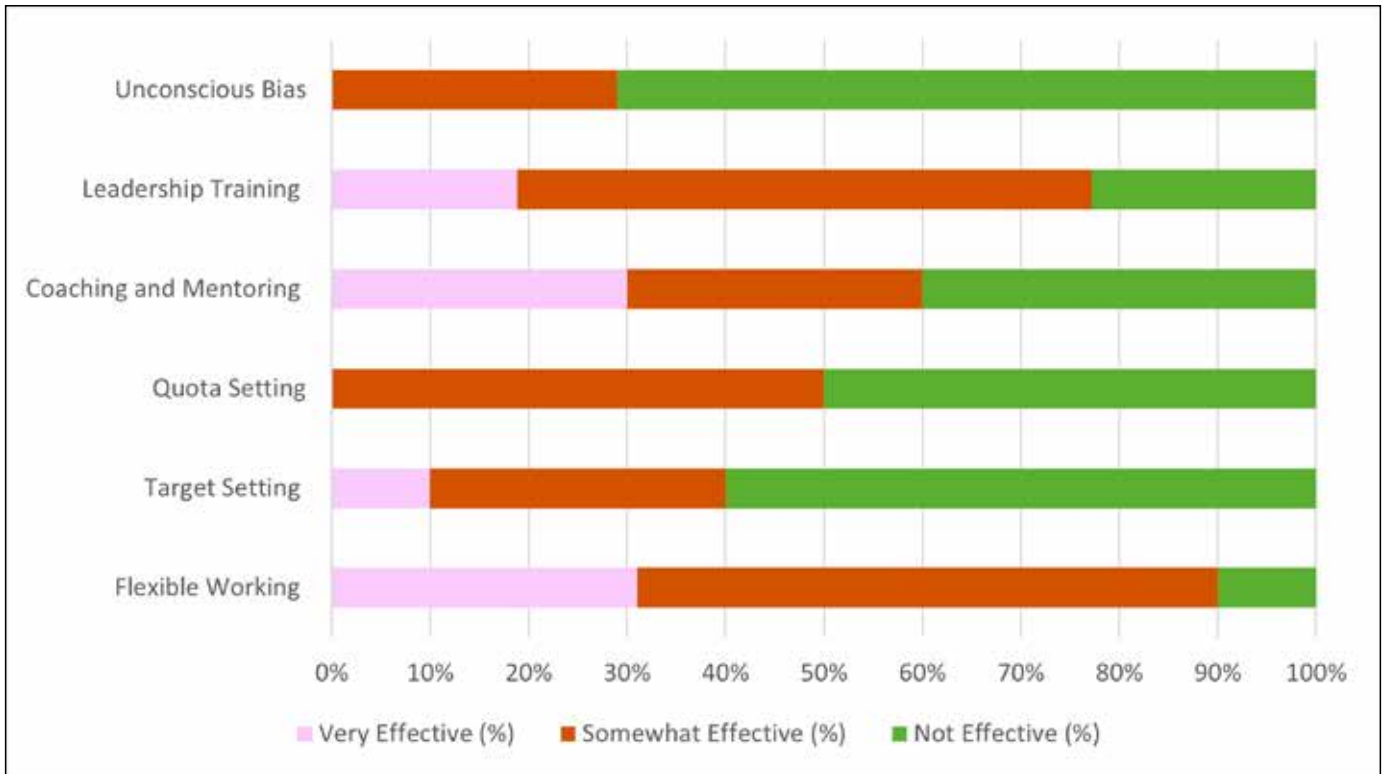


Figure 6: Perceived efficacy of gender representation initiatives across the legal profession in Uganda

In general, firms and institutions perceive their gender initiatives to have some impact, but there appears to be a high degree of scepticism of their success. Overall, a nearly equal proportion of respondents classed their initiatives as ‘somewhat effective’ and ‘not effective’.

Unconscious bias training – one of the least popular initiatives (14 per cent) – is clearly perceived to be the least effective initiative. A sizable 71 per cent of respondents perceived unconscious bias training to be ‘not effective’ and no respondent perceived it to be ‘very effective’. In contrast to unconscious bias training and target setting, both of which have results strongly skewed to ‘not effective’, the perceived effectiveness of coaching and mentoring, and leadership training are fairly evenly split between all three responses. The lack of consensus on their success – or lack thereof – suggests that the perceived success of these initiatives is highly dependent on individual experience, whereas unconscious bias training is clearly perceived to be largely ineffective.

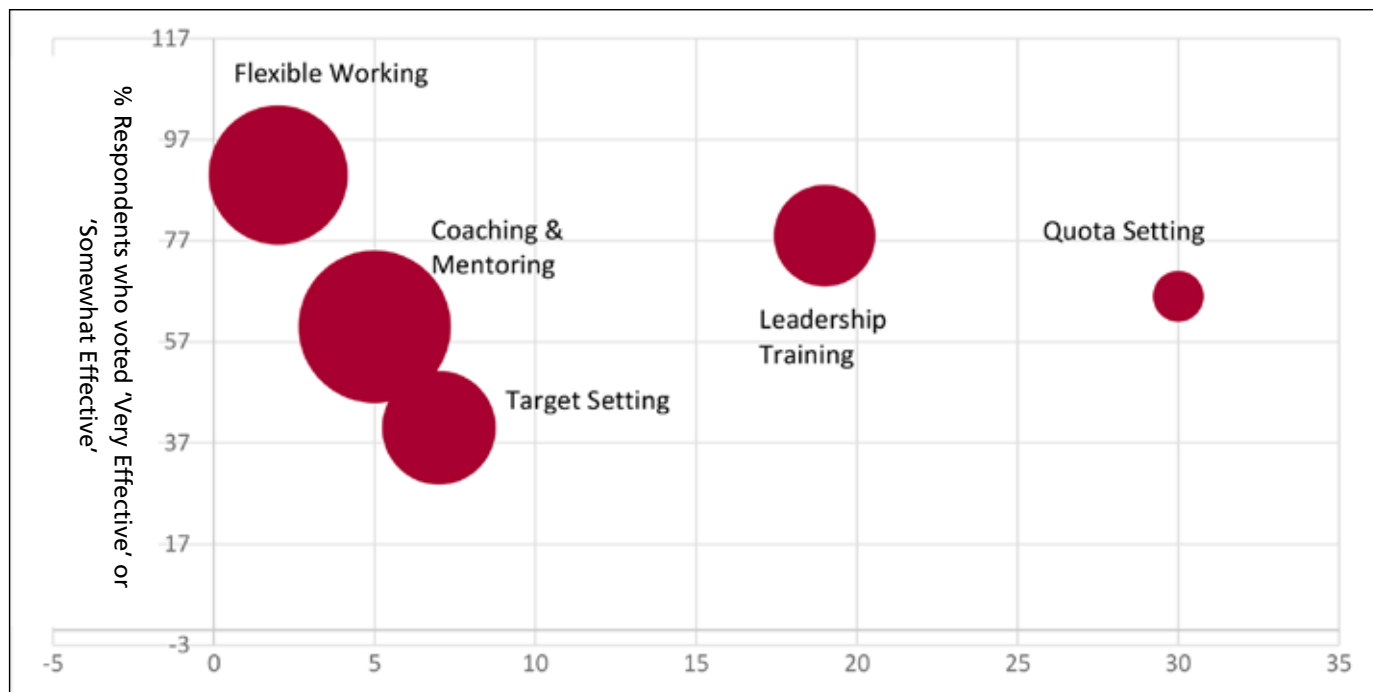


Figure 7: Relationship between initiative longevity, popularity and perceived effectiveness across the legal profession in Uganda

On initial assessment, Figure 7 suggests an early enthusiasm for initiatives, but that their perceived effectiveness declines over time. A small number of respondents have had some of their initiatives in place for more than ten years, and the perceived effectiveness of these has decreased over time. This might suggest the necessity of reviewing and updating diversity policies regularly.

Quota setting for senior role positions is the oldest initiative, having been in place for 30 years; however, it has a very low perception of success, with no respondents selecting 'very effective'. Leadership training for women is also a well-established initiative, with an average implementation period of 19 years, but with only 19 per cent of respondents perceiving it to be 'very effective'. It is important to note that the statistic for quota setting is only based on four responses – which reflects its low popularity – so may not fully reflect the whole legal profession.

Flexible working in Uganda

In this study, flexible working can include options such as remote working, adaptable or compressed working hours, or part-time contracts. In response to the Covid-19 pandemic, flexible working became necessary and lawyers all over the world were suddenly required to work from home, regardless of whether this was common practice before the pandemic. This was the case in Uganda, where lawyers began to work remotely from March 2020.

The data collected shows flexible working to be a young and popular initiative across all sectors of the legal profession in Uganda, particularly in law firms and the corporate sector. However, evidence from interviews suggests that flexible working arrangements in Uganda were primarily in response to Covid-19: as society emerges from social restrictions, flexible working is considerably less common than these statistics suggest.

Accessing the internet in Uganda is expensive, service coverage is limited and connections can be poor. In addition, providing laptops and desk set-ups for all lawyers is difficult: for example, there are around 500 lawyers in the Office of the Director of Public Prosecutions alone: it is not possible for the institution to

provide all their lawyers with laptops to work from home. As a result of these challenges, most firms and public institutions are now requiring their lawyers to return to the office full time. This requirement is reinforced by a strong culture of face-to-face meetings and in-office working in Uganda.

Although flexible and/or remote working may not be widespread, the experience of the Covid-19 pandemic highlighted the benefits, especially for women seeking to balance their family life commitments.

“Personally, I will say it is the best thing that has ever happened to me because I do not have to be physically present in office to deliver. I can call you; I can give you a legal opinion 100 miles away... [but] I think it is a mindset change and it is definitely going to take a little bit more than a pandemic to make up the principles. As the older generation gets out and the new generation comes in, it gets a little bit easier. Flexibility may become more common in the future. But at the moment, no, we are back to being in office full time.

Syson Ainembabazi, in-house lawyer, Petroleum Authority Uganda (PAU)

The digitisation of Ugandan society is progressing, and access to the internet and digital services is improving. The legal profession is embracing this facility and some courts continue to hold remote hearings after Covid-19. Lady Justice Nkwanga emphasised the value of this arrangement, in allowing her to cover the cases on her circuit more efficiently. However, in-person courts are vital for achieving access to justice for all areas of Uganda, and many women will continue to serve in-person for the foreseeable future due to lack of internet and digital infrastructure in more remote areas of the country.

As mentioned, part-time working is very uncommon in Uganda, but flexible hours, either reduced or compressed, can also be valuable for women balancing family life commitments. The core working hours in Uganda run from 0800 to 1700, five days per week. It is common for employer guidelines to specify expected working hours, along with the acceptable reasons for absence, which do not usually extend beyond exceptional circumstances. There is little flexibility for accommodating everyday family schedules in the form of compressed hours or flexible hours within the day in Uganda. Following their experiences of managing a legal career with childcare commitments, Lady Justice Nkwanga and the Honourable Norah Matovu of the JSC both emphasised the value of promoting a results-focused approach for working mothers rather than the number of hours or when women are working.

Managing pregnancy and children's early years is a major challenge for any mother with a career. Lady Justice Nkwanga, who had children while running her own private law firm, spoke of her efforts to demonstrate her commitment to her legal work while her children were young.

“I had experienced the difficulties of running out at lunchtime to go nurse my baby, almost sneaking out, and then being very, very early in the morning at work... as early as seven in the morning, just to show that I was dedicated. Up to this day, I understand the challenges women face in providing those gender roles and I know that it is not a level playing field, and so even when the women magistrates come to into my circuit, I speak to them about balancing work and life.

Lady Justice Victoria Nkwanga, High Court Judge

By law, women in Uganda are entitled to 60 days fully paid maternity leave and must take at least four weeks after childbirth or miscarriage. There is no legal requirement to grant paternity leave.

Although it is illegal for an employer to dismiss a woman due to pregnancy, Kirunga reflected on her personal experience of being discriminated against at the interview stage for a job at a law firm, due to the potential of her becoming pregnant.

“I applied to a particular law firm in Kampala City and I remember the reason I was not recruited was because the person who had just left was a female lawyer who got pregnant during that time, so they would actually not recruit me because they had the same fear that I would get pregnant. That was really not a good experience considering that [they] denied me an opportunity because I'm a woman.

Joy Kirunga, Consultant at FIDA-U

On the whole, women are expected to return on a full-time basis, but Syson Ainembabazi mentioned the possibility of a fully paid phased return over the course of three additional months to manage this transition. Nevertheless, the expectation to work full time means that a lawyer in the corporate sector, who has been qualified for more than a decade, expects that she will have to leave her job if she has children. This is not a unique dilemma; to manage their full-time careers, many female lawyers send their children to day care, and later boarding school, or choose to work in the public sector due to less demanding expectations of working hours. In Uganda, yearly fees for day care and boarding schools range from UGX 300,000 to UGX 1m per month, which is a significant proportion of an average lawyer's salary of UGX 386,000–2.637m per month.

Flexible working is an evolving initiative in Uganda, with digitisation offering possibilities for the future of remote working. However, working arrangements remain prescribed by employers, and women are expected to return to work full time very quickly after having children. As society evolves after Covid-19, it will be valuable to track the evolution of remote working and a results-focused approach for working mothers in the legal profession.

Sector breakdown

Law firms

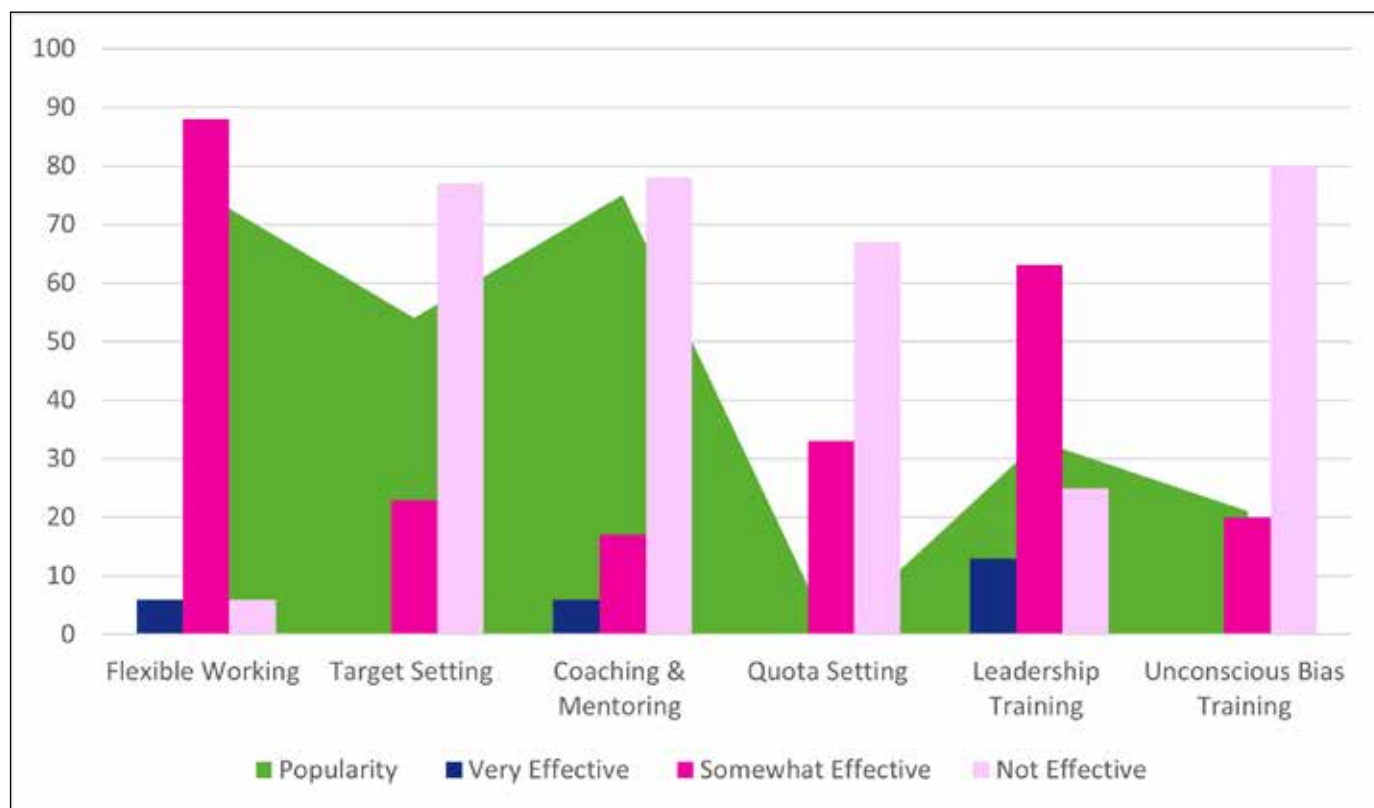


Figure 8: Popularity and perceived efficacy of gender representation initiatives among law firms

In Uganda, law firms are primarily small, with fewer than six lawyers. The largest firm surveyed was S&L Advocates, which has 33 lawyers; the second-largest firm surveyed was Onyango & Company Advocates, with a total of 13 lawyers. Despite the small size of most firms, there is an impressively high uptake of coaching and mentoring initiatives among law firms (75 per cent). Flexible working is equally popular (75 per cent), albeit under the limited circumstances that have already been discussed. While flexible working is predominantly perceived to be ‘somewhat effective’ (88 per cent v 59 per cent legal sector average), 78 per cent of respondents classed the equally popular coaching and mentoring as ‘not effective’ (78 per cent v 40 per cent legal sector average). Leadership training is perceived to be the most effective initiative overall (75 per cent ‘somewhat effective’ or ‘very effective’). ENS Africa and S&L Advocates, for instance, perceived leadership training for women to be ‘very effective’.

Although law firms have been implementing gender initiatives for an average of 13 years, law firms have a largely negative perception of the efficacy of these initiatives; apart from leadership training and flexible working, all initiatives are predominantly perceived to be mostly ‘not effective’. This data does not show any relationship between the popularity of implementation and perceived effectiveness, suggesting that firms do not assess whether they implement an initiative according to its perceived success.

Some law firms specifically mentioned their initiatives. Agaba Advocates and Legal Consultants stated that they have had a non-discrimination policy for the last ten years, which they report has helped them to equally balance the number of female lawyers and male lawyers. Amber Solicitors & Advocates declared

that, although they do not believe or subscribe to quota-setting policies, gender representation is a focus for their current restructuring process; consequently, they have funded mentoring and personal development training for all their female staff.

ABM Advocates particularly stood out for its impressive female founding partner's approach to equality and supportive long-term mentoring approach. Naomi Byabazaire Mwebaze holds an LLB from Makerere University, a post-graduate diploma in Legal Practice from LDC and a Master's degree in Business Administration from Heriot-Watt University, Edinburgh. Upon entering private practice, Naomi and two female colleagues, Shane Gloria Musanase Mugenga and Jamina Apio, established their own law firm in 2017.

'We felt that we had reached a point where there was need to spread our wings and make an active impact in society'.

In addition to the three founding partners, the firm now employs five lawyers: three women and two men. The principles of equality permeate this all-women founded firm:

'There is much inequality for women, but if we were to leave out the men, then there would also be inequality for the men too'.

Naomi and her co-founding partners strongly believe in the mentorship of young girls and have focused on mentoring female talent through university and beyond. They identified one woman to support, offering financial sponsorship through university, a guaranteed internship during the LDC, followed by a clerk job offer upon graduation of the LDC. Eventually, the clerk will develop into a full associate role. They aim to offer her a full breadth of training opportunities and are conscious to avoid channelling her education down a certain route. This initiative is currently in a pilot stage, but the commitment to mentorship and focus on encouraging free choice and excellence at all stages of training and practice sets the tone for exciting developments in the future.

Corporate sector

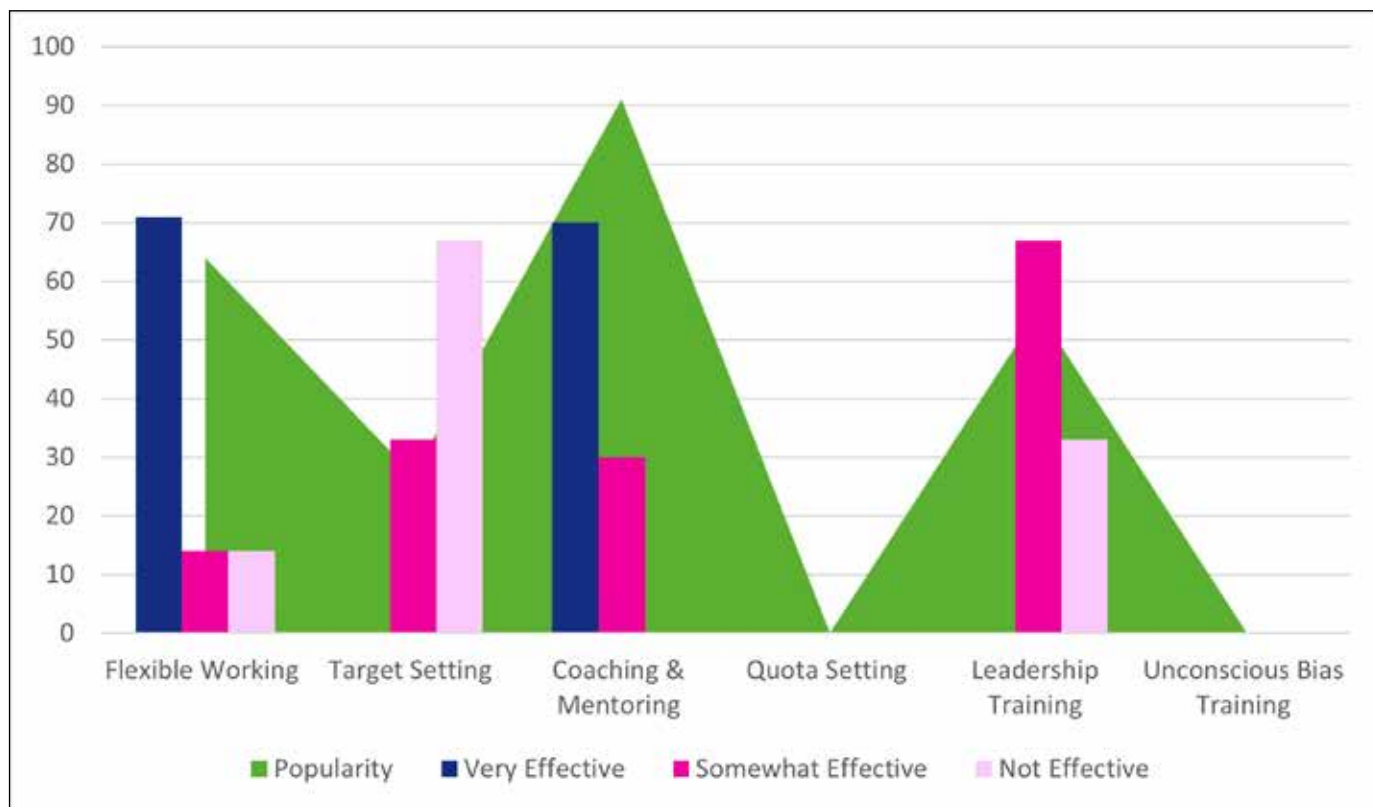


Figure 9: Popularity and perceived efficacy of gender representation initiatives in the corporate sector

This study approached 25 corporate entities listed by the Uganda Revenue Authority among the top 100 taxpayers.²⁶ The study found that most corporate entities do not have in-house counsel and mostly hire law firms when they require legal advice. Corporate sector firms that do have in-house legal teams have a high uptake of some initiatives, but very low uptake of other initiatives. This may suggest a lack of creativity in thinking in the corporate sector around branching out into new initiatives, which other firms are not also pursuing. In addition, both Juliana Namirembe, an in-house lawyer who works with a microfinance deposit-taking institution, and Syson Ainembabazi, lawyer at the PAU, noted that there are no specific gender initiatives in their workplaces. They spoke of the dominance of merit-based recruitment in the corporate sector, without showing preference to women in order to improve gender ratios.

The two most popular initiatives in the corporate sector – flexible working, and coaching and mentoring – mirror the trend across the rest of the legal profession. Coaching and mentoring, and leadership training for women, are proportionately more popular in the corporate sector than in any other sector of the legal profession. Meanwhile, target setting, quota setting and unconscious bias training are less popular in the corporate sector than in any other sector, with no corporate entity implementing quota setting or unconscious bias training. Although quota setting does not operate firm wide, PAU does set a quota of three women on the governing board at any one time (out of seven board members).

“When there are more women on the board, HR and staff welfare-related matters attract more attention and the HR department becomes much busier.

Syson Ainembabazi, in-house lawyer, PAU

Overall, the corporate sector perceives coaching and mentoring, and flexible working to be highly successful. In addition to the earlier discussion on flexible working, Ainembabazi commented that she frequently travels to operational oil and gas areas around the country, which makes flexible working difficult to implement. The impression is that target setting is ‘not effective’, with 67 per cent of respondents choosing this option. Young, popular initiatives have a high perception of success, but after five years, the popularity and perception of success both decline rapidly. This relationship may suggest that, despite initial enthusiasm, the initiatives that are being implemented are not consistently implemented or yielding sustainable results, which leads to a lack of trust in their success. This could potentially impact the future appetite for investing in these initiatives.

²⁶ See n 26 above.

Public sector

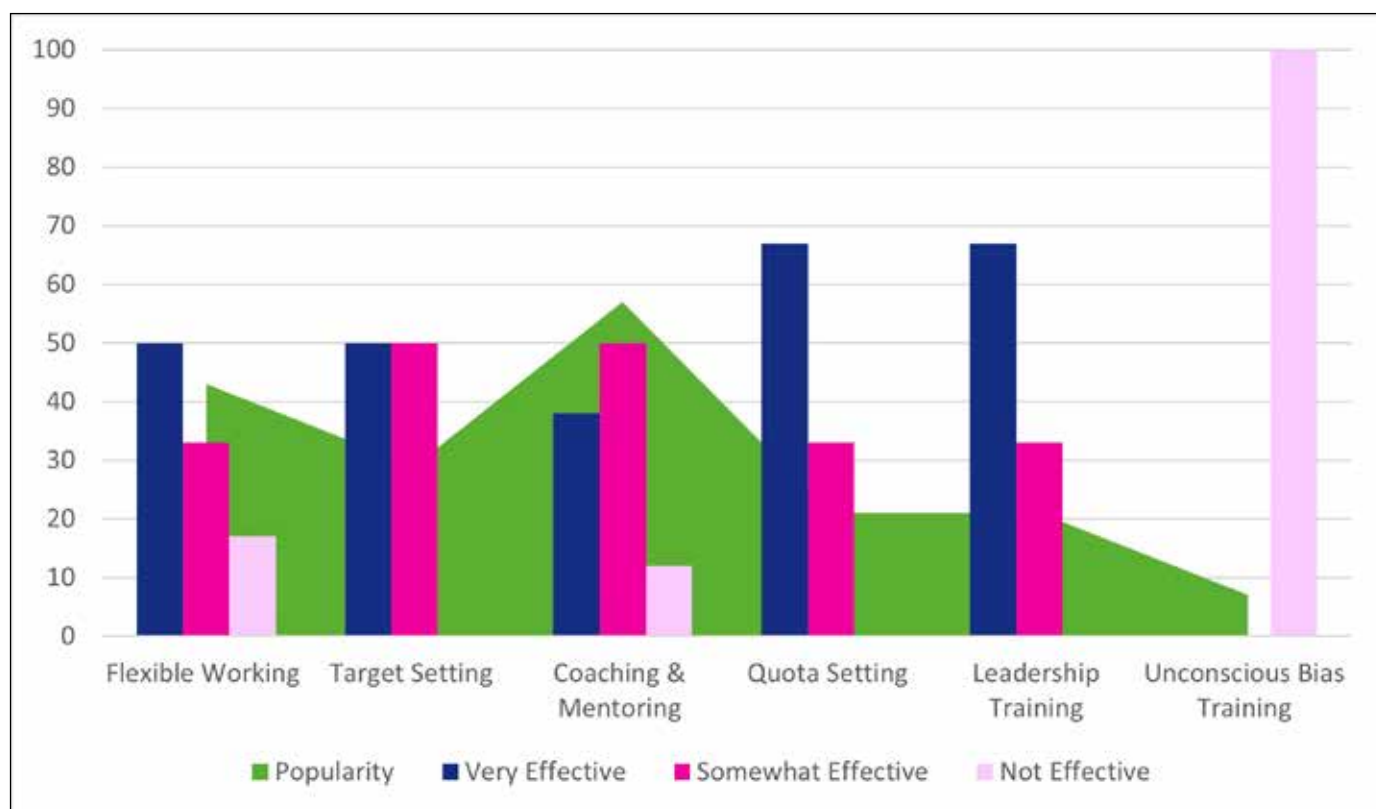


Figure 10: Popularity and perceived efficacy of gender representation initiatives in the public sector

The public sector is striking because of the higher percentage of female lawyers (57 per cent) in comparison with men (43 per cent). Overall, the data suggests that there is a lower proportionate uptake of formal gender parity initiatives in the public sector than in other sectors. Coaching and mentoring is the most popular initiative in the public sector (57 per cent).

On average, gender initiatives in the public sector are widely perceived to be ‘very effective’, which is a much higher perception of success than in other sectors. This is illustrated by the comparatively very high perceived success of quota setting and target setting; no other sector considered these initiatives to be ‘very effective’. These initiatives have both been implemented for 30 years each, which is interesting as it suggests an opposite trend to the corporate and law firm sectors: the older initiatives are perceived to be much more successful than more recent initiatives. Interestingly, both men and women at the Office for the Director of Public Prosecutions (ODPP) are encouraged to attend training to develop a mutual understanding and respect for different gender personalities; such policies may help to improve the efficacy of gender initiatives.

“We are all aware of the differences in gender and what gender means. In the ODPP, we have a department of Gender, Children and Sexual Offences that has ensured that all officers are trained on the gender perspectives of the work we do. Male officers are also trained to appreciate the gender dimensions in our work and lived experiences. This is aimed at bringing them on board and ensuring they are not left behind.

Daisy Nabasitu, Assistant Director of Public Prosecutions, ODPP

The National Water and Sewage Corporation (NWSC) is led by Pheona Wall Nabaasa, and 80 per cent of its lawyers identify as female. The NWSC also implements gender initiatives such as flexible working arrangements, leadership training for women, and coaching and mentoring programmes. The Uganda Communications Commission also noted that improving its gender initiatives is an ongoing process that is always under review. The organisation has five female lawyers out of a team of ten, and the organisation has a significant 80 per cent of its management positions filled by women.

Generally, the women interviewed were positive about gender balance in the public sector, citing the greater flexibility of leave, child-friendly facilities at work and good job security. Diana Prida Praff is a litigation supervisor at the Uganda Revenue Authority, but spoke in her personal capacity. She manages significant cases and was positive about her experience with colleagues at her workplace.

“I can handle a multi-billion-shilling case as well as the next male colleague and I do not feel I have been passed over because of [my gender], but I feel it outside [the Uganda Revenue Authority], when we are dealing with lawyers from law firms. When they ask who is representing the Revenue Authority and they see it is a lady, you feel that disbelief and you know they look at you like “really, is it you?”

Diana Prida Praff, Supervisor Litigation at the Uganda Revenue Authority

The ODPP is a significant employer of women in the public sector and is led by the Honourable Justice Jane Frances Abodo. Rachel Bikhole, Assistant Director of Public Prosecutions and Deputy Head of the International Crimes Department, highlighted that the ODPP has child-friendly workspaces available to support nursing mothers. Meanwhile, the value of flexibility of postings and leave was emphasised by Daisy Nabasitu, also an Assistant Director of Public Prosecutions in the ODPP and interviewed in a personal capacity. Public sector salaries are considerably lower than private practice, but this is a worthwhile trade-off for Nabasitu.

“I personally have been getting job offers with other better-paying institutions/ organisations. However, upon making an overall assessment of all the working conditions besides salary, I realise that the terms of work in the ODPP and public service more generally enable me to allocate time to my other duties such as family, studies and leave. I realise that it is better to stay in a place where I have peace of mind, ample time to complete familial duties and pursue my further studies. I am currently pursuing my PhD for which I was granted leave. This would not be possible if I was working with another institution. All these factors influence my decision to continue working with the ODPP.

Daisy Nabasitu, Assistant Director of Public Prosecutions, ODPP

Additionally, while women are well represented at a senior level in the public sector, Nabasitu distinguished between ‘senior’ positions and ‘high’ positions (ie, senior leadership positions). She highlighted the progress of having more women heads of department than men, and welcomed the appointment of a woman as the new Director of Public Prosecutions for the first time in the history of Uganda. However, Nabasitu also raised the need for a greater focus on promoting women to high positions in the public

sector. Overall, this public sector institution is making impressive strides towards promoting women at the most senior levels through recognising their academic competencies, gender-responsive recruitment, inclusive training programmes and considering women for leadership positions at all levels.

The judiciary

Over the past ten years, the number of newly recruited female judicial officers has increased; now, 47 per cent of all lawyers in the judiciary are women. Forty-five per cent of all women employed by the judiciary are in senior positions, which means that the majority of women in the judiciary serve in junior positions. There are formal paid work experience tracks for lawyers of both genders to be exposed to the work of the judiciary and build necessary skills. The aim of these schemes is to recruit young lawyers into (junior) Grade One magistrate positions and later to become permanent researchers. Although there is no quota for women on this track, the scheme attracts a good rate of women applicants.

The JSC, a separate public sector institution, is responsible for recruiting judicial officers for the lower bench and for recommending appointments to the higher bench. During the judicial application process, gender balance is accounted for, along with other demographic data, at the third round of sifting. The Honourable Norah Matovu, Commissioner with the JSC, highlighted that while there is a legal framework in place that requires gender balance to be accounted for in judiciary recruitment decisions, a lack of women applicants makes it difficult to improve the gender balance at more senior levels in the judiciary. She recognised the valuable work of organisations that promote women in the legal profession, such as FIDA-U, for improving awareness of job vacancies and women’s career progression.

In addition, she noted that the JSC has recently established a group that brings together female advocates who are leaving law firms to spread job adverts for the judiciary. The aim of this group is to increase the likelihood that qualified women are aware of job vacancies.

Overall, women are generally better represented in family courts, while there are more men in the commercial courts and in the Kampala court circuit.

“When I was appointed judge, I suffered from imposter syndrome. “Am I good enough? Can I do this? Wasn’t this just a fluke?” And so, I was more comfortable being in the Circuit Court than being in Kampala where male lawyers dominate the courtroom and may intimidate you, and I am sure that I speak for a number of colleagues who may not come out right.

Lady Justice Victoria Nkwanga, High Court Judge

There is gender equality in the judiciary regarding deployment both in Kampala and out-of-city courts. The judiciary tries its best to cushion women who give birth and work in upcountry courts: they are given an opportunity to apply for a transfer closer to home when their maternity leave is over so they can take care of their young children more easily. This is not always automatic, however, since applications to be transferred closer to the city might not be approved depending on the prevailing circumstances. Even so, there are still many women who work in courts that are several hours’ drive away from their homes in and around Kampala, and therefore leave their children with nannies and extended family from Monday to Friday – including one of our respondents.

“Uganda is much wider and much bigger [than the Kampala area] and we have to make sure that everyone has access to justice even outside Kampala. So that means that most times the office of the Chief Registrar has to actually make sure that we are all deployed in those different places, otherwise a lot of places would not have access to justice.

Joy Kebirungi, Grade One Magistrate, Kamuli Chief Magistrates Court (Eastern Uganda)

Despite the importance of maintaining out-of-city courts, there is growing acceptance of the early stages of digitising access to justice.

“It is really self-management and working with your team to make sure that the work continues whether you are there physically or not. That flexibility today, the way I see it, is a little more acceptable: now we are getting judgments and rulings online, whereas before we had to physically go and appear.

The Honourable Norah Matovu, Commissioner with the JSC

The judiciary has five top management positions: the Chief Justice, Deputy Chief Justice, Principal Judge, Chief Registrar and Secretary to the Judiciary. Her Worship Sarah Langa Siu, the current Chief Registrar, is currently the only woman to fill one of these top management positions.²⁷

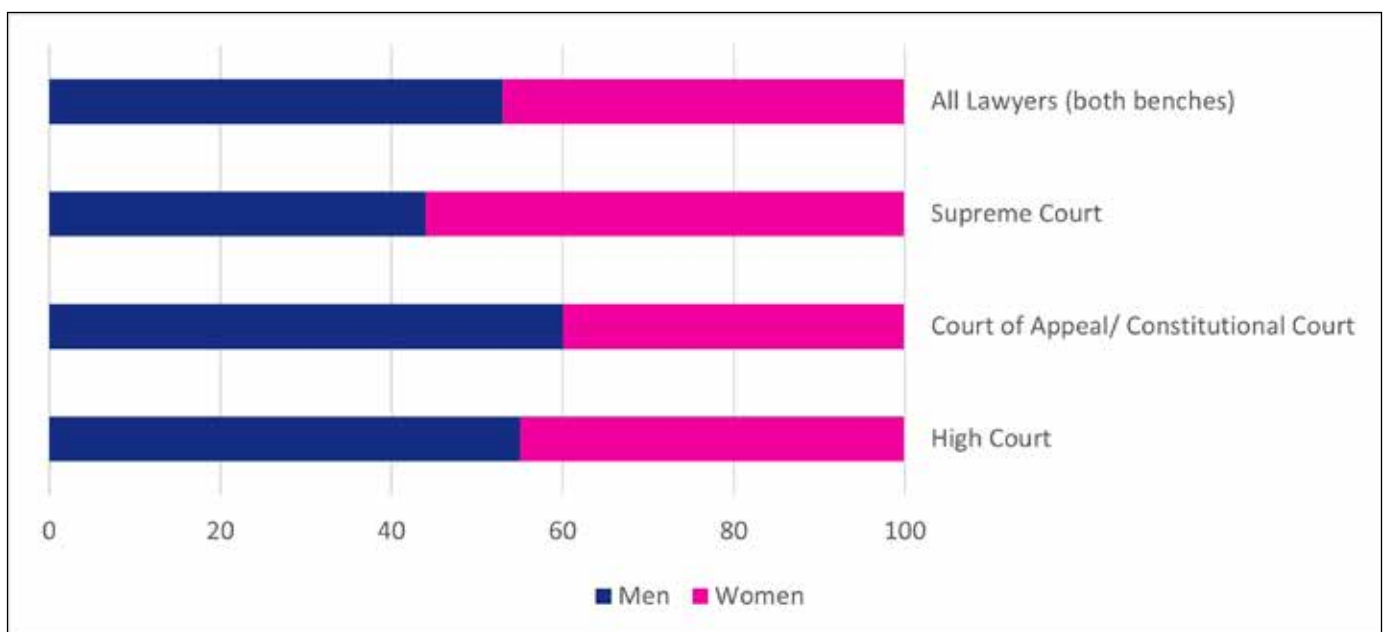


Figure 11: Gender representation at different courts in the high bench of the judiciary

Figure 11 shows that the Supreme Court has the highest proportion of women, but that the representation of women at Court of Appeal/Constitutional Court and High Court level is below the overall average for the whole judiciary.

²⁷ ‘The Judiciary, Republic of Uganda’ (the Judiciary) www.judiciary.go.ug/data/smenu/91/Judicial accessed 2 May 2022.

The Constitutional Court is the second-highest court. There are 15 Court of Appeal Justices: of those, six are female. The court is headed by the Deputy Chief Justice, The Hon Justice Richard Buteera, who is male. In the past, there have been two female heads of the Court of Appeal/Constitutional Court: the late Lady Justice Mukasa-Kikonyogo (2001–2010) and Justice Elizabeth Mpagi Bahigeine in an acting capacity (2010–2012). In addition to the current Chief Registrar, two other women have served as Chief Registrar: Retired Hon Justice Flavia Anglin Senoga and Justice Hon Justice Esta Nambayo (2018–2020).

The judiciary supports the National Association of Women Judges: in the past, it has sponsored networking and training conferences for the organisation. Female judges use the association to advocate for quota setting for senior roles, target setting for senior roles, give space for leadership training for young judges, and avail of coaching and mentoring services. The association has been in place since 1994, with two of its objectives focusing on, (1) urging an increase in the number of women judges so that the judiciary more appropriately reflects an equal role for men and women in society; and (2) providing a clearing-house and resource centre to disseminate information affecting women judges.

The Uganda Association for Women Lawyers (FIDA-U)

FIDA-U is a female-led organisation that advocates and implements proactive change to promote women's positions in the legal profession. Currently the organisation approaches the matter through both legislative and litigation advocacy as well as strategic litigation. It is currently exploring new areas for advocacy as it seeks to engage with both men and women in a drive for change.

Comparisons with England and Wales

One of the aims of the Gender Project is to paint a global picture of gender parity in the legal profession. As new jurisdictions are explored, it is interesting to expose similarities and differences between jurisdictions. Reflecting on the recently published *England and Wales Interim Results Report* indicates some curious patterns.²⁸

It is striking that in both England and Wales, and in Uganda, the public sector has the strongest representation of women and law firms have the lowest representation of women. In addition, the percentage gap between the representation of women at junior and senior levels is largest in law firms, and was almost exactly the same in both jurisdictions (18 per cent drop in Uganda, and 19 per cent drop in England and Wales). There are more women than men in senior roles in the public sector in both jurisdictions, but the percentage representation of women in senior positions is higher in Uganda (62 per cent v 57 per cent). This is impressive and indicates that the public sector working environment is well suited to – and supportive of – working mothers.

Compared with England and Wales, where 96 per cent of surveyed firms implemented at least one gender initiative, fewer Ugandan institutions and firms reported formal gender parity initiatives: rates of implementation across all initiatives were considerably lower. The overall perception of success of initiatives is also much higher in England and Wales than in Uganda. It is interesting that, in both jurisdictions, quota setting was the least popular initiative and flexible working was one of the most popular initiatives. While unconscious bias training was the second most popular initiative in England and Wales, it is the second least popular initiative in Uganda, but nonetheless was perceived to be the least effective in both jurisdictions.

Some of the similarities between England and Wales and Uganda are remarkable, but perhaps the most striking difference is the almost complete lack of part-time working arrangements in Uganda compared with the popularity of these contracts in England and Wales, especially in the public sector. It will be interesting to track not only the popularity of this arrangement in other jurisdictions to understand whether this is a feature of England and Wales, but also whether the current part-time working situation in Uganda evolves in the coming years.

²⁸ See n 22 above.

Conclusion

Overall, this study shows that gender representation in the legal profession in Uganda has positive attributes, such as relatively even overall statistics at both education and professional level, but there is room for improvement.

“There are reasons to be hopeful about the progress. Yes, there is a big reason to be hopeful. We’ve seen changes over the period, but the barriers are still there and most of the barriers have been created in the minds of the women.

Lady Justice Victoria Nkwanga, High Court Judge

Across the survey, a reasonably even number of women are engaged in legal education, but this contracts sharply at the point of final qualification. There is strong representation of women at junior levels of the profession, and the public sector and judiciary in particular have a good balance of women in senior positions.

There is wide engagement with particular initiatives, particularly coaching and mentoring, but quota and target setting are widely unpopular and regarded as ineffective. Flexible working became common during Covid-19 lockdowns, which was well received by the women interviewed, but as society returns to normal many lawyers are returning to the office full time. In light of the largely positive approach to remote working expressed by interviewees, digitisation and improved internet infrastructure may result in flexible or remote working becoming more common in the future.

There is a limited relationship between the general popularity of initiatives and their perceived effectiveness. Some initiatives have been implemented for decades – most notably quota setting – while some initiatives are very young – such as flexible working. There does appear to be a trend of initial enthusiasm and high approval for new initiatives, which declines after they have been implemented for more than about five years.

Some law firms and public sector institutions are trailblazing a path for women to progress in the legal profession. However, significant challenges of gender-biased attitudes, resource limitations and unreported misconduct add to the importance of continuing to invest and advocate for equality for women in the legal workplace going forward.

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