Promoting Women's and Girls' Rights:
Is Culture the Missing Link?

Tooro Case Study
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Produced by the Cross-Cultural Foundation of Uganda, 2020

(Cover photo: The Emango Cultural Troupe in Fort Portal, Photo: Akaswa ka Tooro)

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The support from all these partners has allowed the potential of Tooro culture to be showcased as an important contributor to discourses and interventions for managing violence against women and girls and ensuring that their rights are respected.

Preface

The traditional kingdom of Tooro is endowed with a rich cultural heritage. It has a long history of traditional leadership, supported by structures and systems that are still evident today. The identity of the people is reaffirmed by the continuation of a traditional naming practice *"empaako"* which strengthens a sense of social relations and cohesion. The cultural practices of the Batooro starting with this naming ceremony, grooming, marriage and inheritance reinforce the people's social responsibility and their sense of belonging. The initiatives of individuals and groups that have independently established ways of engaging the youth and promoting the positive aspects of the Tooro culture illustrate the desire to strengthen the kingdom's heritage. Traditional ways of life are passed down generations, forming the wealth of cultural heritage that is a source of pride and is cherished by the people of Tooro.

Culture has a strong influence on the status, roles, responsibilities and power relations between men and women in most societies. Depending on the cultural context, women and girls hold different social positions, which are reinforced by values, principles, norms and practices that suit the social, economic and political needs of a given community. While the distribution of power and responsibility in a given cultural context may not always be informed by the principle of equality, there is value in understanding what informs traditional perspectives on gender relations in order to establish any convergence of thinking with more "modern" understandings reflected in statutory human rights.

The research described in these pages examined the existence of traditional perceptions of gender relations and roles, sexual reproductive health as well as access to justice by women and girls in the Tooro cultural community. The values, principles, norms and traditional practices that informed the worldviews of the people of Tooro were discussed with culturally resourceful men and women, who provided historical perspectives, reflected on the current status and shared their views on the future of their heritage in the face of diverse external influences.

The research outcomes provide an opportunity to reflect on the link between culture on the one hand and the well-being of women and girls, and the protection of their rights on the other. As detailed in the following sections, we look forward to utilising the research findings and contributing to the implementation of participants' recommendations, as well as to other activities under this project, all aimed at eliminating violence against women and girls, promoting their sexual and reproductive health rights, and their access to justice. Beyond the project, we hope that other development actors, the cultural institution and policy makers will find this report useful to respond to the ambitions of the Sustainable Development Goals and to the objectives of the Third National Development Plan.

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Executive Summary

This report outlines the results of research carried out in the Tooro region to identify the cultural values, norms and practices that enhance or hinder women and girls' rights to justice, sexual and reproductive health, and freedom from violence. This is part of a larger initiative covering the cultural communities of Alur, Busoga, Buganda, Karamoja, building on earlier work in Lango and in Acholi (where complementary interviews were carried out}.

The research was guided by the belief that representing culture as having only negative effects with regard to violence against women and girls (VAWG)[1], the abuse of sexual and reproductive health rights (SRHR) and access to justice can be erroneous, as it may disregard possible cultural resources embedded within cultural communities that can help protect women and girls from having their rights abused. Such resources might also contribute towards achieving, in particular, Sustainable Development Goals 5 and 16, whose targets respectively include ending all forms of discrimination and violence against women and girls; and promoting peaceful and inclusive societies, with access to justice for all.

The research employed qualitative research methods (such as key informant interviews and focus group discussions) and was participatory in nature to enable respondents take part in the research process as co-researchers and facilitators. A total of 33 interviews and 36 focus group discussions were held. The research was conducted in both rural and urban of the Tooro kingdom (Kabarole, Kamwenge, and Kyenjojo districts) which were purposively selected to represent the more culturally homogenous or diverse areas of the region. Participants were purposively sampled to include individuals with a good understanding of cultural resources, as well as young and old males and females, cultural elders and leaders, and local government officers.

The research also sought to establish whether cultural institutions have implemented interventions and policy statements in this regard as agreed on with the Ministry of Gender, Labour and Social Development in 2010, following research conducted by the Ministry, with support from UNFPA, UNAIDS and UNESCO, that revealed that socio-cultural practices and values impact (mostly negatively) on HIV/AIDS prevention, maternal ill-health and gender-based violence.

Research outcomes reveal the existence (past and present) of cultural resources such as beliefs, values, practices and norms that enhance women and girls' enjoyment of the right to justice, sexual and reproductive health, and freedom from VAWG in Tooro culture. With regard to sexual and reproductive rights, culture embeds resources (such as traditional medicines, communal responsibility for maternal processes, and traditional birth attendants - TBAs) that ensure individuals are well aware, have access to, and are educated about these rights (as culturally perceived) and that any abuses are dealt with for the purpose of maintaining social harmony. The

[1]Violence against Women is defined as "any act of gender-based violence that results or is likely to result in physical, psychological or sexual harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty in private or public life" (General Assembly of the United Nations, 48/104, 1993).

research also revealed strong evidence of cultural practices, structures and beliefs that enable women and girls access to justice such as the clan judicial system. The research also uncovered the existence of well-established cultural resources such as folklore, practices such as marital due diligence and family gatherings, and norms surrounding traditional marriages and values on masculinity, all relevant to the prevention and management of VAWG in the community.

The research results however indicate that some positive cultural resources have been eroded because of Western religion, formal education, technological advancement, inter-marriages, urbanisation and changes in the economic environment. Others however still prevail and can help prevent the abuse of the human rights of girls and women within the Tooro cultural context. The call by many respondents interfaced with to revive these practices, norms, values and principles reflects the usefulness their attach to culture.

Findings from the study are meant to contribute to a better use of cultural resources (and to reform any perceived negative cultural practices, norms and values) for a more effective implementation of formal laws, traditions and customs that protect women and girls by all concerned, whether State agencies, the cultural institution, non-governmental organisations, or development partners. Advocacy with regard to the Marriage Bill and various training activities by cultural resource persons have already started to benefit from this research work.

A number of recommendations arise from the research and the interactions with participants, among which:

1. ***Appreciating culture***

   Development actors and government institutions: The entry point into dialogue on VAWG, SHRH and access to justice needs changing by first focusing on the positive aspects of culture. Including the positive cultural resources outlined in this report and how they work (or can be put to work) in strategies and practices to strengthen the fight against VAWG and other ills, however, demands an important shift in perceptions.

   Cultural institutions: In the light of the continued high prevalence of gender-based violence and reproductive health rights concerns, the various "Strategic guidelines / royal pronouncements on addressing socio-cultural norms, practices and values that impact on HIV AIDS prevention, maternal health and gender-based violence" should be reviewed in the light of findings from this research.

2. ***Making use of positive cultural resources***

   Government institutions should mainstream the positive cultural values and practices described in this report in their development plans, strategic documents, programmes and projects, and other guiding instruments, thus placing public messages and other initiatives within a framework that is recognised and understood by the bulk of the population. This should be implemented in close collaboration with cultural institutions and their leaders.

   Local governments and their partners*:* Given the importance attached to these values and practices by many communities (especially in the rural areas where the great majority of the population resides), the promotion by local authorities and development partners of a violence-free environment for women and girls should harness these resources. They should therefore better incorporate a 'cultural approach' when planning and implementing their interventions.

The Law Reform Commission and the Ministry of Justice: the judicial functions of cultural leaders need to be recognised and harmonised as necessary, beyond the current provisions for restorative justice as stipulated in the National Transitional Justice Policy (2019). A more synthesised and comprehensive approach to justice could thus be promoted, thereby enhancing access by women and girls to forms of legal redress that are accessible and understandable in their cultural contexts.

3. ***'Re-energising' positive cultural resources***

Cultural institutions: these should take a lead role in championing a cultural renewal and a return to the 'cultural ways of doing things', so that they revive the respect and confidence of communities in their cultural identity and in values that help check VAWG, enhance SHRH and access to justice. Cultural institutions should promote research and the documentation of positive practices in different formats (print, digital and films).

Cultural institutions and development partners: Research on cultural resources relevant to the most marginalised groups (including albinos and people living with a disability), reflecting a research gap, needs to be carried out, with a view to strengthening any relevant positive cultural resources and other social protection measures.

The Ministry of Health: Research should be carried out to examine the causes for the persistence of demand for services by Traditional Birth Attendants, with a view to the potential use of trained and certified TBAs as important providers of reproductive health education.

4. ***Re-education and dissemination***

Cultural institutions need to re-educate their constituencies about the existence and significance of the positive cultural values, norms and practices, as identified by this project, that can facilitate the reduction of VAWG and other rights abuses, as well as the role of traditional justice systems.

They should also widely publicise the positive cultural practices and values described in this report to the youth, to raise awareness and appreciation. "Culturally aware" messages can be disseminated via educational establishments; cross-generational dialogues can be organised and cultural exhibitions held.

International and national players in global development also need to partner with cultural institutions to integrate or incorporate culturally appropriate models that create positive change, such as the socialising models of the *ekisaakate* in Buganda, the *ekigangu* in Busoga and the *ekikaali kya nyina omukama* in Tooro, with an accent on boys and their culturally-defined roles of family protection and care.

Ekisakaate and *nkobazambogo* groups or clubs in educational institutions (or equivalent) should include sessions on cultural resources for tackling VAWG and SRHR abuses in their work with youth.

Cultural institutions, the Ministry of Education, the Ministry of Gender, Labour and Social Development, and development partners: these need to promote "cultural literature", with its idioms and positive practices through booklets and films for the youth; appropriate cultural education in schools should also be actively promoted, in line with Government's proposed strategy for reproductive health education.

5. ***Tackling cultural values and practices with negative consequences***

   Cultural leaders: Cultural leaders need to reflect on the aspects of culture that are considered to have a negative impact on VAWG, SRHR and to be encouraged to reform them in line with national and international human rights standards. They need to be given the necessary knowledge and confidence to call regular clan meetings, engage and influence their people, as well as to train them on gender issues, and relevant laws and regulations.

   "Cultural re-engineering": the practice of widow inheritance which has been re-engineered in many locations after the HIV/AIDS pandemic to retain its symbolic and socially useful elements (support to the welfare of orphans, identification of a guardian to protect the rights of the family, etc.) while prohibiting its harmful practices - such as forced sexual relations - provides an example of useful evolution. Wherever possible and necessary, one should therefore aim at 'new cultures' that find their foundation in what people already know.

6. ***Support to cultural institutions.***

   Local governments and development partners: in view of the respect in which they are held and the influence they command, cultural leaders have an important role to play in sensitising communities on positive and negative cultures relevant to VAWG and other ills. Their influence is however curtailed by their limited political mandate and considerable capacity gaps.

   Local governments and development partners should therefore train, support and actively seek the active collaboration of cultural institutions in designing and implementing development initiatives, thus enhancing the sustainability and ownership of any intervention.

1. Introduction

a. Background

Working in partnership with UN Women and the Ministry of Gender, Labour and Social Development, and building on earlier work in Acholi and Lango (CCFU, 2017, 2019), the Cross-Cultural Foundation of Uganda (CCFU) set out to explore whether culture could provide a missing link in the achievement of a violence-free environment for women and girls, the respect of their SRHR and an enhanced access to justice, in the five cultural communities of Alur, Buganda Busoga, Karamoja, and Tooro. This report focuses on the Tooro cultural community in Western Uganda.

This study broadly set out to better understand the cultural resources that may contribute to (or hinder) (i) ending violence against women and girls in Uganda; (ii) promoting sexual reproductive health rights (SRHR); and (iii) enhancing women and girls' access to justice. This was predicated on the assumption that cultural communities embed specific cultural resources that can be used to promote respect for and enjoyment of these rights

Since 2006, CCFU has sought to promote positive aspects of culture, illustrating their relevance to the contemporary national and international agenda that is driving development. To work towards the achievement of SDGs 5 and 16, CCFU and the project partners will use the research outcomes to inform several activities, including a national level dialogue for cultural leaders and civil society to reflect on the role of culture to promote SRHR and access to justice for women and girls. CCFU will also work with cultural leaders, civil society and local government service providers to use a "culture in development" approach to promote women and girls' rights, to integrate modern and informal justice systems and to better appreciate gender from indigenous and "modern" points of view. The project will also facilitate cultural leaders to conduct cross-generation dialogues with young people to raise awareness on culturally-defined rights and on other cultural resources that contribute to the elimination of violence against women and girls.

The research has taken place in a context where Uganda has ratified several international and regional instruments to curb all forms of violence against women and girls, including the Convention on the Elimination of All forms of Discrimination against Women CEDAW, the Beijing Platform of Action (BPfA), the Global Agenda 2030 and the Sustainable Development Goals (SDGs) (UBoS 2019). At the national level, the state has also enacted policies and legislation to ensure the protection of women, men, boys and girls from Gender-based Violence. These include the Domestic Violence Act 2010 and the 2006 Uganda National Gender Policy.

Yet, despite these instruments, the violation of women and girls' rights remains pervasive. This is reflected in the Uganda Police and Traffic Report 2018 that indicated defilement and domestic violence as second and third topmost reported cases, which was confirmed by the Uganda Human Rights Commission Report in 2018. Many cases of VAWG moreover go unreported to formal institutions for reasons ranging from inaccessibility in terms of geographical distance, to use of English, and lack of knowledge about process and procedures used (CCFU 2017). Many

of these unrecorded cases are however handled by "informal" structures such as families, clans and other cultural mechanisms (CCFU, 2017).

78% of Uganda's population is below the age of 30 and 52% below the age of 15. These young people face a number of SRHR challenges (SRHR Alliance Uganda 2019), including the risk of unplanned pregnancies and their consequences, STIs including HIV/AIDs, and SGBV. Young women are four times more likely to suffer these challenges than their male counterparts. 33% of Ugandan women give birth before 18 years (Loaiza & Liang 2013 cited in Renzaho, Kamara, Georgeous &Kamanga (2017). The 2018 Uganda Police annual crime and traffic/road safety report indicates that, out of the 17,521 sex related crimes (i.e. defilement, rape, indecent assault, incest, unnatural offences) registered, 15,366 young females were defiled by HIV+ males, guardians, teachers, and parents compared to 228 young males. The report also shows that out of 14,450 victims of domestic violence, female adults (10,478) suffered more violence compared to male adults (2,873) and that young females suffered more than the young males.

Studies (see Renzaho, Kamara, Georgeous & Kamanga 2017) have critiqued the Uganda national adolescent health policy for failing to streamline adolescent health issues into development processes. Challenges include limited access to contraceptives, education gaps for young people and lack of trained staff to address their reproductive health needs, resulting in unwanted pregnancies, sexually transmitted infections, defilement, rape and substance abuse (Atuyambe 2015 and Amooti-Kaura & Nuwaha 2000, cited in Renzaho, Kamara, Georgeous & Kamanga (2017)).

SRH services and sexual education are thus noted to be difficult for young people to access (Kibombo et al 2008; Ninsiima et al., 2020). While there is a gap in knowledge and service delivery to young people who need them most, cultural ways to impart this knowledge are not given much regard. For mothers-to-be, the Government banned TBAs in 2010 as it was found that their services did not result in reduced maternal mortality. Despite this position, one source indicates that that 80% of Ugandan rural women prefer TBAs to skilled health care service providers and 10% of them delivered with their support (Kabayambi, 2014).

The research is therefore situated in a national context where, despite the extensive national and international legal frameworks and policies adopted to promote gender equality, and despite the presence of State agencies and of gender activists responsible for addressing VAWG and promoting human rights, the violation of women and girls' rights remains a serious challenge. Harmful social norms, attitudes, behaviours and practices – particularly discriminatory gender norms and inequitable power relations between women and men – have been pointed out to lead to VAWG and to undermine SRHR. The patriarchal system in Uganda upholds values, beliefs and practices that often reinforce the privilege of men and their role in society, to the detriment of women and girls.

The drivers of GBV are noted to include; "poverty, alcoholism for both women and men, some cultural practices like early marriages, bride price, limited counselling, peer pressure, drug abuse, among others" (UBoS 2019:5). Survivors of GBV endure a life-long impact because of mental and emotional distress, physical scars and other health risks (UBoS 2019). Women who have been subjected to violence also find challenges in accessing justice: the cost of the reporting process and "a general lack of appropriate and effective referral and legal support systems" among others (Fidh 2012:15).

VAWG is often accepted as an integral part of gender relations. According to the UDHS 2016, 49% of women and 41% of men believe a man is justified in beating his wife in certain circumstances. Of further concern, this view is held by 57% of females and 48% of males aged between 18-24 – demonstrating the prevalence of negative gender norms. Social norms around marriage and girls' education also remain strong drivers of VAWG. Women tend to marry considerably earlier than men (UDHS 2016), a practice fuelled in part by parental pressure for daughters to marry early in order to bring in bride wealth.

Premised on the assumption that culture is indeed a significant dimension in many instances of gendered violence and abuses of sexual and reproductive rights, this project specifically set out to bring culture into the conversation by altering this perspective and identifying culture as also a potentially important factor in stopping these abuses within Tooro as a cultural community.

b. The Tooro cultural community

Uganda has more than 20 cultural institutions (with 16 whose leaders are officially recognised and with different degrees of legitimacy) whose norms, values, beliefs and practices impact positively and negatively on women's socio-economic status and ability to exercise their human and sexual reproductive health rights. Cultural leaders through their structures and power of influence play a significant role in shaping social norms, attitudes, beliefs and practices within their communities. They have the potential to promote favourable social norms, desirable behaviours, deconstruct gender stereotypes, provide mediation to affected individuals and household members, and apply sanctions to non-conforming community members.

With the abolition of the traditional kingdoms in Uganda in 1967, however, the structures of cultural institutions that were responsible for managing gender-related conflicts and rights abuses, and that ensured women and girls' access justice were forced into a period of semi-abeyance. Since these traditional kingdoms were re-instated in 1993, their structures have not been as effective as they had been in the past.

The Tooro Kingdom covers the districts of Kabarole, Kamwenge, Bunyangabu, Ntoroko, Kyenjojo, Kitagwenda and Kyegegwa. Although it is the culturally recognised home of Rutooro language speakers, some parts of the kingdom are diverse, including a mix of Bakonjo, Banyarwanda, Banyankole, Sabiny, and others.

Every Mutooro has a pet name (*empaaako*) used in greetings, for endearment and respect. Every Mutooro also belongs to a clan which is led by a clan leader. The political leadership of the kingdom is predominantly patriarchal and hereditary with the Babiito as the ruling clan. The King is called "Rukirabasaija" in Rutooro loosely translated as "the greatest among men". In the leadership hierarchy, the chiefs, clan and family heads are below the king.

Although women in Tooro culture are subordinate to men in the public sphere, they wield power in the private space and there are a few cases where women exercise political power and authority comparable to the chiefs and other men, for example the King's official sister, mother and wife, the King's daughters and other females of the royal clan, traditional religious priestesses, and women who inherit their father's property when he dies without bearing a son. Oral tradition names one notable female leader whose legacy still continues today: Koogere, daughter to King Ngonzaki Rutahinduka. was appointed chief of Busongora chiefdom about 1500 years ago by her nephew King Isaaza Nyakikooto Mpuuga Rugamba Naabato.

2. Review of the literature

a. The legal framework and the recognition of cultural human rights

Uganda has ratified several legal instruments which protect and grant cultural rights to people, regardless of their gender or other differences. These instruments include the Universal Declaration on Human Rights (UDHR) 1948, the International Covenant on Economic, Social and Cultural Rights 1966, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979, the 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage, the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions and the 2003 UNESCO Convention for Safeguarding the Intangible Cultural Heritage (CCFU 2014).

At the regional level, Uganda has become a member to the Protocol to the African Charter on the Rights of Women in Africa (Maputo protocol) which some scholars have termed the equivalent of the CEDAW (See Tamale 2008). This protocol emphasises the participation of women in determining cultural practices and their right to live in a positive cultural context (Tamale 2008). Reinforcing these instruments, the Uganda Constitution of 1995 includes provisions to protect and promote Ugandan cultural heritage (CCFU 2014). This was the very first legal national instrument to do so. Its Objective xxiv affirms that the State "shall promote and preserve those cultural values and practices which enhance the dignity and well-being of Ugandans". More instruments have over the years been added, including the National Cultural Policy 2006, and several acts of parliament related to cultural preservation and protection (CCFU 2014).

b. Culture, rights and the Tooro context

Culture has been defined as the "inherited ideas, beliefs, values, and knowledge, which constitute the shared bases of social action" (Ssenyonjo 2007, 50). These inherited ideas, beliefs, values and knowledge intersect with women's rights in very specific ways that both protect and simultaneously undermine the rights of women and girls. It is thus critical that "we place the experiences and ideas of the community at the centre of our interventions" if we wish to "build the evidence base on what works to prevent violence" (Chadwick 2016, 153).

Oral literature and the limited but informative literary sources on Tooro indicate that the monarchy (*Obukama bwa Tooro*) is historically, culturally and socially part and parcel of the ancient Bunyoro-Kitara Kingdom (Nyakatuura, 1977; Miirima, 2005). Thus Tooro has a centralised governance structure over which the *Omukama* (King) reigns supreme with absolute powers, often assisted by the *Omuhikirwa* (prime minister), royal princes and princesses, spirit mediums, and clan elders. Monarchical power flows from the top echelons of the kingdom-state to the county chiefs (*abamasaza*), sub-county chiefs (*abeibohorra*), parish chiefs (*abemiruka*), sub-parish chiefs (*abatongole*) down to the village chiefs (*abakuru b'emigongo*). Moreover, according to

Nyakatuura, clan leaders, spiritual leaders and family heads reproduce the centralised powers, cultures and systems of the patriarchal kingdom-state even when there are traces of women's power. For example, a married woman calls her husband *Omunyoro* (or chief, not companion).

In patriarchal Tooro, respect for authority and all duty-bearers, namely state rulers, spiritual leaders, elders and husbands – was thus a deeply embedded cultural norm (Nyakatuura, 1977). The *Omukama*, for example, was bestowed with divine/godly titles: he was not just *Rukira Basaija* (or supreme ruler over all men *and* women); he was literally worshipped as *Kabamba Iguru* (one who stretches to heaven). The *Omukama*'s name of affection (or praise name) was – and still is – *Okaali*. Unlike other names of affection that could be shared by other males or females (without gender discrimination), *Okaali* was reserved for the king. In this institutional milieu, the enjoyment of rights was highly encumbered for both women and men (with the relative exception of the ruling family members).

According to Rwagweri (2003), traditional Tooro emphasised certain norms, values and forms of demeanour for a cultured man or woman. Central to the normative world of traditional Batooro was *amakune,* literally translated to mean humanness, humility or simply *obuntu.* This virtue enjoined the people, both male and female, to carry the demeanour of a civilized person, rather than a wild being. It involved doing one's best, even for strangers, often at one's own expense. Additionally, men were socialised to work hard, fend for their families and create wealth for the larger political economy (EzT, 2008:13).

The literature suggests that *amakune* and other culturally enforced virtues were a mixed blessing. One the one hand, they socialised the Batooro to practice good neighbourliness. On the other, they made the Batooro vulnerable. According to Rwagweri (2003), they gave rise to a spirit of complacency, gentility and calmness. For Rwagweeri (2003) this ideological content in the formation of the Batooro children to adulthood "conditions their general outlook on life. It sets the ceiling of achievement very low" (Rwagweeri, 2003).

c. Primacy of socially-embedded patriarchy

Cultural norms and practices have always enabled women's access to human rights such as rights to property because culturally, "their husbands could not dispose of this property without their permission" (Perlman 1966, 589). In addition, a woman involved in marital disputes in Tooro could initiate culturally-rooted legal proceedings by running away from her violent home to her father, while minor domestic conflicts could be handled by her father-in-law (Perlman 1966, 566).

Even though these examples reveal that Tooro culture allows women and girls to enjoy human rights, there are instances where culture contributes to the abuse of their rights, reflecting the patriarchal nature of Tooro culture. During cultural legal proceedings, for instance, "a woman [is] represented by some man, usually her husband or her father" or even her brother (Perlman 1966, 566). Women are thus unable to access justice without the assistance of a male relative and incidences of violence are resolved through hierarchical patriarchal systems whose main focus is "restoration of norms, meaning that violence is either not punished or is treated as a minor matter and it is difficult to get cases transferred into the criminal justice system" (UN Women 2011; Wyrod 2008). This community level practice, which is still prevalent today, takes away a woman's agency and right to represent her grievances and thus to an equitable access to justice. Further, if the dispute involves children, the woman most often is denied child custody because

of the cultural belief that children belong to their fathers (Perlman 1966, 589). Such cultural practices sustain male domination over women which consequently stands in the way of women's enjoyment of their freedoms. Women in Africa, and in this case in the Tooro region, thus continue to experience abuse of their rights because of "the lesser status ascribed to them by tradition and custom" (Ssenyonjo 2007, 39).

While traditional Tooro strongly cherished the values of humility and selflessness (EzT, 2008), children are taught gender stereotypes by their peers and adults. For example, through a traditional ritual – *harusiika* – adolescent girls being prepared for marriage are taught by their aunties how to please a man sexually. According to Rwagweri, Tooro elders emphasise two key points for the girl-child. It is the woman's duty to always provide sex for her husband. Second, it is the man's discretion to have sex or not. This is reinforced by an ancient Batooro maxim: *omusaija tayangwa* - a man's request for sex must never be turned down (Rwagweeri, 2003).

According to Businge (2019), marriage for both males and females was, and continues to be, and important social institution in Tooro. The virginity of the girl was so central that the first sexual encounter in marriage had to be witnessed by the bride's aunt. White beddings would be used and the girl was expected to stain them with blood as a sign of purity before marriage. Failure to stain the beddings spelt doom for the bride, as she risked being labelled a second-hand product. The man would send the girl and her aunt back with a coin which had a hole in the middle and he would reclaim his bride price, as a sign of terminating the marriage. This would bring shame and grief to the girl's family and the girl would be banished. While the boy was at liberty to find another girl to marry, the girl would carry the shame of a "used" product.

While women in Tooro may not exercise individual autonomy, they may however exercise their agency within existing social rules, values, and sanctions, whereby they may find it strategic to avoid confliction situations. In such situations, women strategically use the power of a humble spirit (what would be considered as instruments of their oppression) as a means to assert their value (Kabeer, 1994), and thus achieve what they would not have achieved had they used a confrontational method.

In this context, Batooro women are nevertheless arguably "domesticated" to give first priority to their husbands, then the other males in the household, the children, and lastly, themselves. Women then end up condoning their own discrimination and mistreatment both at home and in the community. For example, many women in Tooro have experienced domestic violence, and some are still experiencing it, but it is extremely hard to acquire accurate statistics because the victims regard this as "normal" in every relationship, since they have been socialised this way. Some women reject "domestic violence as a social construct of the unmarriageable girls of civil society organizations, arguing that it is the duty of a "real" man to "discipline" his wife whenever the need arises (EzT, 2008). Some even allege that wife beating is a sign of love, reflecting the national statistics that indicate that 49% of women and 41% of men believe that a man is justified in beating his wife in certain circumstances (UBOS, 2016).

d. From violence against females to SRHR

Rwagweri (2003) asserts that, to effectively mobilise the Batooro for development, one needs to begin from what they know – that is, their heritage. Thus, the Tooro cultural institution established a programme "to teach the social values of the Batooro to young girls, in much the same way that grandmothers and "aunties" would have done fifty years ago: modelled on a beautiful and intelligent princess called Koogere" and "in this way girls are learning social values" that signify their Batooro cultural identity (Quinn 2014, 41).

It has on the other hand been observed that the violent abuse of women's rights by their intimate partners has been a result of modernity and the loss of culture (Kaye et al. 2005). Consequently, some men, for example, lose their culturally given patriarchal power as the women become more empowered, and men's "position is weakened, their esteem and respect is affected as a result of altered gender relations following modernisation", while women enter public life, such as through public employment (Silberschmidt (1991) quoted in Kaye et al. 2005, 626).

The foregoing goes some way to explain why culture is often considered a significant agent in perpetuating violence against women, even though it is a universal human right of every individual to participate in and be a member of a particular cultural community. This perception has been emphasised by development practitioners, scholars and organisations, arguing that violations of women's rights are deeply rooted in and an effect of traditional culture. Indeed Article 5 of the African Charter on the Rights of Women in Africa similarly obliges state parties to take legislative and other measures to eliminate harmful practices that negatively impinge on the rights of human rights of women (as cited in Ssenyonjo 2007, 46).

Wyrod, in his study of shifting discourses of gender difference in Uganda emphasises that "many precolonial African cultures articulated clear visions of human dignity, freedom from oppression, and rules governing justice" (Wyrod 2008, 801, Mutua 2002). What is thus needed is the rejection of repressive cultures, coupled with the selective adoption of cultures that promote women's rights as human rights, and girls' rights as fundamental concerns of the wider society (Kaye et al. 2005, 629). Without being nostalgic about any idyllic precolonial past, this study thus seeks to identify those cultural resources synonymous with the values of human rights and dignity that can help eliminate the human rights abuses women and girls face in Uganda.

3. Research objectives and methodology

a. Objectives

The study specifically addressed the following objectives:

i. To systematically document the cultural norms, values, principles and practices that enhance (or not) the rights of women and girls to an environment free from violence, to sexual and reproductive health, and to access justice.

ii. To assess the extent to which women and girls are aware that their culturally-defined rights exist, and are being realised or abused with regard to VAWG, access to justice, and sexual and reproductive health.

iii. To assess the relevance, extent of implementation and effectiveness of interventions by cultural institutions in promoting women and girls' rights with regard to VAWG, SHRH and access to justice

iv. To draw lessons from the norms and practices of the different cultural communities under study and formulate recommendations to inform decision-making for enhanced realisation of girls' and women's rights in respect to VAWG, SRHR and access to justice.

The research also set out to assess the progress on policy statements and pronouncements developed by the Tooro Kingdom (with support from the Ministry of Gender Labour and Social Development) to address socio-cultural values, norms and practices that impact on HIV/AIDS prevention, maternal health and Gender-Based Violence (GBV) in Tooro. A summary is provided in the Annex.

b. Research methodology

As a qualitative study, the research employed Participatory Action Research methods because of their ability to turn the people most intimately involved into co-researchers and facilitators. These methods allowed for extensive, interactive, open and inclusive consultations with a wide range of community stakeholders.

The Ministry of Gender, Labour and Social Development supported CCFU in the planning and implementation of the research by coordinating and mobilising the cultural leaders who participated in the data collection. Ministry staff at the district level also provided information and identified the most appropriate sample communities to engage with.

The research process was undertaken in three phases: pre-visits to test the tools and confirm the right audience; data collection; and a data validation exercise. The data collection tools were first tested in the prospective field sites to validate them and identify whether the participants were

correctly identified for the study. After data collection, initial study results were taken through an interactive testing process of respondent validation for participants to confirm the validity of their views and authentic representation of their voice, as well as to fine tune some of the researcher's initial understandings.

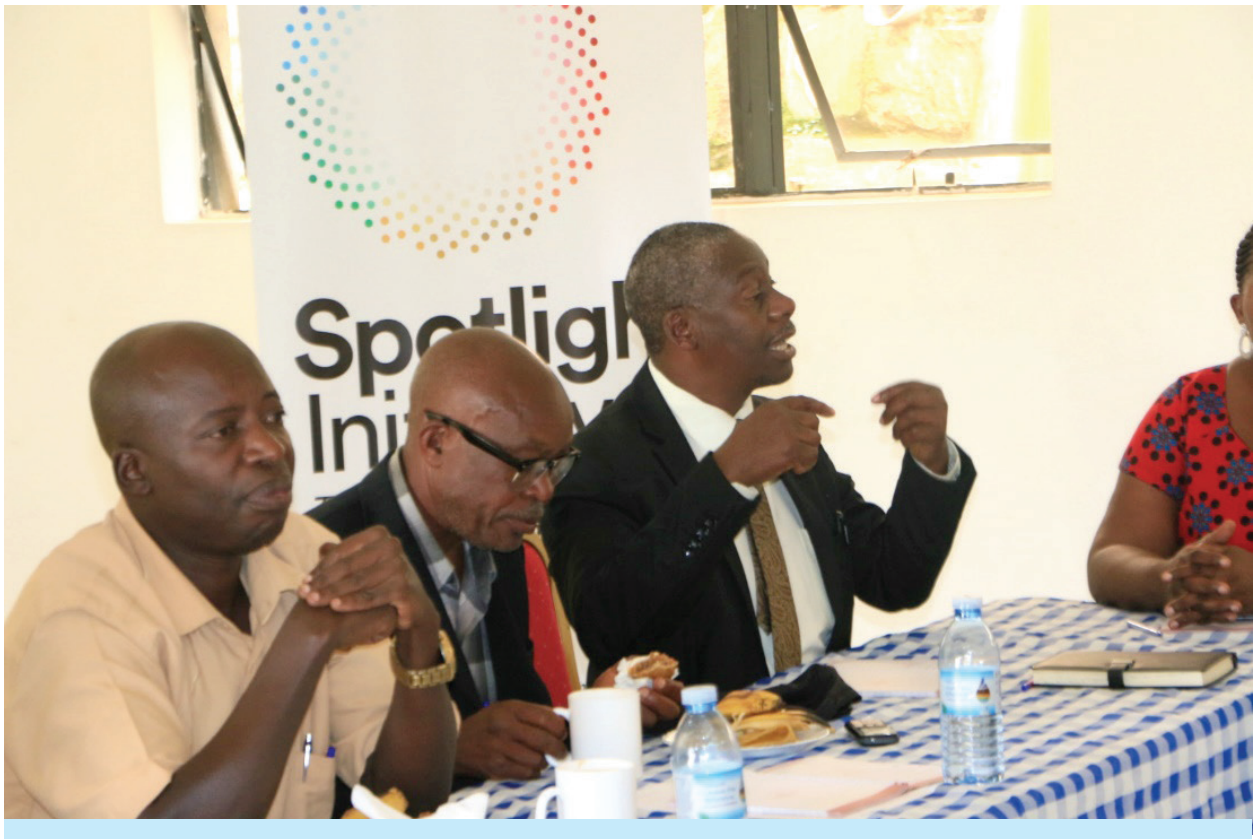
The specific PAR methods used were key informant interviews, focus group discussions and observation. An unstructured interview guide was used to guide the audio-recorded discussions, each of which took approximately 1 hour and a half to complete. A total of 33 interviews and 36 group discussions were physically conducted. Participants of different socio-economic class and spatial locations (rural, peri-urban and urban areas) aged 18 years and above were selected, depending on their competence and knowledge of cultural practices. They included elders, cultural leaders, opinion leaders and formally employed persons, such as Community Development Officers, Gender Focal Persons, Police Family Protection Officers, paralegals, and others.

The communities under study were selected from the districts that make up the Tooro Kingdom and according to their rural, urban or peri-urban character. These communities were also chosen depending on whether they are culturally 'homogenous' Batooro or culturally diverse. Thus, Kamwenge district was selected to reflect its diverse mix of cultural groups comprising of Batooro, Bakiga, Bafumbira, Banyankole, Bagisu, Banyarwanda Baganda and Sabinyi. Kabarole was chosen because of its relatively homogeneous communities and being the seat of Tooro Kingdom, while Kyenjojo and Kamwenge were both selected because of the reported high incidences of domestic violence in the national data. There was however no deliberate focus on the most vulnerable sections of the communities interfaced with, such as people living with a disability, albinos, of people living with HIV/AIDS.

The study ensured that the rights and welfare of respondents were protected by explaining the purpose and benefit of the research to them. Informed consent to be or not to be part of the study and to withdraw from it at any time of the study process was sought. Measures were taken to ensure respect, dignity, justice and freedom of each participating individual in the study. The research ensured that it valued the interests of the communities and wherever possible, protected them from harm. All information about the participants was kept anonymous to ensure confidentiality.

Representatives of the Tooro Kingdom, including the Minister of Culture and Cultural Leaders Affairs, the head and representatives of the Tooro Elders' Forum, clan leaders, respected women leaders on cultural matters in the Kingdom, Community Development Officers, religious leaders, local council leaders and women took part in a validation meeting held in Fort Portal town. The draft report was presented to them and consensus reached on each of the findings. A few divergent views are recorded in this report. The research data obtained during the research was also triangulated with findings from different sources such as focus groups, key informants and the validation workshop. Follow-up interviews were conducted where results were not clear and consistent.

The research process met few obstacles. Although a literature search relating to the three thematic areas of violence against women, access to justice and SRHR specific to the Tooro culture indicated that very little had been done on the subject matter, the data collected shows broad similarities with much of the literature obtained at the national level regarding other cultural communities.



Cultural leaders at the Fort Portal validation workshop. CCFU photo

The researchers largely used the local language to communicate with the respondents (English was also used to engage respondents who were not conversant with the local language such as the local government officers). This helped participants share information freely. Participants were also met in their locality and separated according to gender, age and social responsibilities in the community to allow for easy sharing.

Given the expertise of the participants, the methodology, processing and triangulation of the data obtained, information presented in this research report can be held to be representative of their views and of Tooro culture in its wealth and diversity.

4. Cultural resources in relation to sexual and reproductive health and rights

4.1 Sexual and reproductive health and rights

According to the participants, sexual and reproductive health refer to matters pertaining to sexual practices, sexual pleasure, a healthy body free from sexually-related diseases, child bearing processes and experiences, and health services. Sexual and reproductive rights include freedom to control one's body, choice of the number of children to have, their spacing and means to reproduce.

The study indicates the existence of cultural resources that enable girls and women access and protect their sexual and reproductive health rights (SRHR). The Tooro cultural community in its past (before the year 2000 for the purposes of this study) and present forms thus provides for education and information on cultural resources that are key in enabling women and girls access SRHR. Although respondents generally asserted that some traditions linked to safeguarding these rights have withered away, some are still vibrant, being re-invented or replaced by more contemporary (in some cases problematically commercialised) initiatives. Some, as this section illustrates, have positive and some negative effects.

4.2 Cultural resources and sexual and reproductive rights

a. Reproductive health education and folklore

Among the Batooro, sex education is still an important part of boys' and girls' upbringing. Every girl and boy has a right to access such education and to information about their sexual and reproductive health rights. This education is passed on to children before the onset of puberty and is continuous. Children are also taught the potential causes of sex-related violence, and how to mitigate them.

Various forms of lore are used to teach youth about their sexual and reproductive health, including songs, riddles, poems, quizzes and storytelling. Proverbs are also still commonly used by elders to role model and discipline children. They ensure privacy of the message and of the person involved since sexual matters remain a private issue in Tooro culture. One such proverb is "*akati okagorra kakyaali kato*" ("you discipline or teach a child the right way when they are still young because they will not depart from that path when old"). Another is "*amaka galindwa endoma*" loosely translated as "to sustain a marriage, one has to act as a fool". To illustrate this proverb, a respondent explained that, in the event of a married woman giving birth to a child whose paternity is in doubt, her husband is obliged to accept that child as his own, as a way of sustaining peace in the home. Society, he added, would otherwise blame the man for neglecting his wife and his conjugal responsibilities.

Folk stories, beliefs and taboos are still used to discourage young girls from moving after nightfall and thus protect them from sexual abuse, including rape. One respondent noted that although it was more prevalent in the past than today, traditional songs provide an acceptable form of passing on sex-related messages without children picking up the information. This helps to prevent young children from getting early exposure to sex-related activities. Songs can however also be used to stigmatise, as when composed about a particular family that has a sexual or reproductive illness, thus hurting the individuals' prospects for marriage.

Other cultural resources are still used to transmit sex education in specific contexts such as the "*akasaka*" - a private, specifically secured physical space in the home decorated with a special type of grass (called "*ekigaasi*") as the main prop on which a girl sits during a lecture on sex-related matters. The *ekigaasi* on which the bride sits for the first session at her husband's place is uprooted by the paternal aunt and kept by the bride's mother as it is believed that it could be used by wrong doers to harm a girl's future prospects in sex, reproduction and marriage. Participation in the *akasaka* is expected of a girl both before marriage (at her parents' home) and after (at her husband's). Before marriage (although this reportedly happens less frequently nowadays), girls are taught about "bad touches", that kissing and any other public display of sexual affection is prohibited. The girl is taught how to keep herself clean, and how to manage interpersonal relations, especially with her husband and in-laws.

This continuous education is usually given by the paternal matriarchs (paternal aunt, mother, grandmother) and, after marriage by the in-laws, such as the mother-in-law, sisters in-law, or husband's grandmother. In the past - and still today in some places - the girl was also taught on her first night of marriage how to successfully engage in the sex act. When participating in the *akasaka* after marriage, she would be given sex education and helped to navigate her new environment by her mother-in-law. This orientation helped the girl to quickly fit into the family, albeit according to then understanding of the subservient position of the woman in the home - and to get its support. Sex education for boys was also emphasised and given by fathers, uncles and grandfathers. There is no special session for boys' sex education as for girls, but imparting this knowledge is similar: through proverbs and folktales, and in the form of continuous free-floating education given whenever an opportunity arises.

Girls were in the past also provided with and later taught by the matriarchs to make their own sanitary wear using local resources. Every girl child had a right to access this wear. The community, particularly women, had the communal responsibility to support a girl if she for example soiled her clothing by accident. Respondents however noted that this responsibility has now been largely neglected and is being directed to the government through calls to supply girls with sanitary wear. Several female elders argued that such requests are culturally unacceptable and are outside the cultural ways of managing the sex maturation of girls among the Batooro.

Respondents also noted that another form of folklore concerned food. Women were aware that they had a right to sex thus they would signal preparedness for intercourse through the preparation of particular foods such as wild mushrooms (*obutuzi*) mixed with smoked beef and white ants. It was therefore important for the husband to positively respond to their call and not deny their wives' sexual rights.

Many of these practices, according to the respondents, are however waning because parents nowadays tend to relegate their parental duties to teachers (especially in boarding schools), or work long hours away from their homes and spend little time with their children. The disintegration of the extended family that provided the resourceful aunts to conduct sexual orientation is

A contemporary form of informal education: An elder at an Akaswa ka Tooro session. Photo: Akaswa ka Tooro

another factor, as are the "modern" religions that categorise cultural practices as satanic and the commercialisation of sex education. Business women commonly referred to as "*ssenga's*" who advertise their services were seen by respondents as vulgar, and the information they share and the language they use as not age appropriate. This has however evoked curiosity among the youth who end up trying out early what they are taught. This, according to many of the respondents met, has exacerbated sex related crimes.

In response, contemporary alternatives have emerged to bridge the gap and echo Government's proposed strategy for reproductive health education. One such initiative has been the "*Akaswa ka Tooro*" - a youth mentoring event organised by the Koogere Foundation, working in conjunction with women elders in the community, at which the youth are provided with reproductive education. A male respondent also stated that he had started an initiative in Kiguma sub-county which involves identifying a role model father or mother who is allocated to teenage boys and girls in the village as mentor.

b. The family matriarchs

One cultural resource for imparting reproductive education are the women who hold private but invisible power, authority, and leadership in the family. These are the paternal aunt, the mother and the grandmother. Paternal aunts ("*isenkati*") continue to play the important role of counselling young girls and women, modelling and training them for good character, and preparing them for marriage. Boys are similarly prepared by their fathers, uncles and grandfathers. Girls who marry without their parents' consent (although a discouraged practice) are counselled at a later stage. Much emphasis is placed on cleanliness and good health. In the past girls, especially

when reaching puberty, also spent some time with their paternal aunts to learn about caring for themselves and their family. This practice is however today undermined where the extended family has been affected by migration, family wrangles, distrust and economic demands.

These matriarchs are also responsible for resolving sex-related and other disputes if and when they arise in a home. In the past, they were the first to detect any sexual and reproductive health concern of the children in the home and to quickly identify solutions. For example, when a girl had her first menstrual period, the mother would be the first to know and perform rituals to establish, for example, the ability of the girl to give birth, and her possible (mis)fortunes in her future sex life, marriage and life in general. Today, to a large extent, this is done through peers who are said to have acquired the skill to foretell.

The role of mothers was stronger in the past than it is today although it is still evident. Specific nomenclature in Tooro is used to refer to, for example, a wife in the home as "*nyina bwenge*" loosely translated as the "mother of wisdom". Not every woman is a *nyina bwenge*, as one must have married according to tradition and embody the meaning of the designation. The stability and well-being of the family depends on and is seen through the way the *nyina bwenge* manages her home. A *nyina bwenge* teaches both boys and girls how to behave and relate with each other. They are taught respect for elders and selflessness. Reproductive diseases are explained to them and medicine procured. Similarly, *abagurusi* or elderly men in the community are responsible for supporting boys to seek reproductive health care.

Several participants stated that matriarchs, particularly the paternal aunts, today neglect their traditional duties; they either live far away or are busy earning their living. Children no longer share their private lives or seek to learn about reproductive health matters from their parents or paternal aunts, but obtain this information from school, where they spend most of their time. School matrons and senior women are the new mothers and paternal aunts, while other children learn from house helps, peers, social media, films and television. In some cases, the paternal aunties are too young to teach their nieces and they find little or no time to spend with them compared to the past where a girl would spend months with her aunt. Some mothers do not want to send their children to other relatives for support because of family conflicts. Young women in one group discussion also stated that "parents also fear talking to us about hard topics such as sex education. We end up getting pregnant because of lack of guidance". These women also stated that peer pressure is responsible for most teenage pregnancies and early exposure to sex.

c. Virginity

Virginity is still glorified as a value, although participants indicated that it has become difficult for young people to preserve. In the past, protecting a girl's virginity was one way of protecting her against sex-related crimes when young. It was a communal responsibility to punish offenders who raped or forced a girl into sex outside marriage. Girls were encouraged to preserve their virginity and in so doing self-policed themselves by for example avoiding situations that would put them at risk of sex-related crimes and sexually-transmitted conditions.

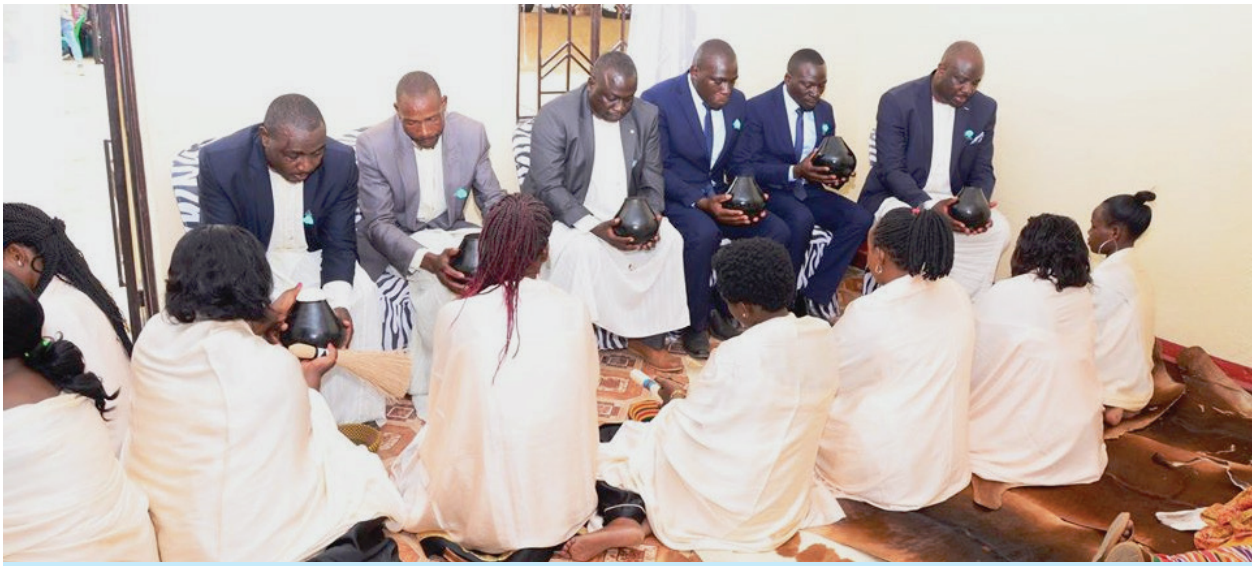
This reflected strong sanctions against having sex before marriage. Children were protected against sexual intercourse before marriage. This was, for example, done through restrictions on the games girls were allowed to play with boys, separating bedrooms according to sex, conservative dressing for girls, and parents shielding their young from exposure to sex acts.

Virginity for boys was not emphasised as much as that of the girls but it was strongly encouraged. While there was no reward for a boy's virginity, a goat would be given to the girl's mother and her paternal aunt. If a girl was married off and found to be a virgin, many presents were also given to her family, including local beer ("amaarwa") and a she-goat or cow that had never delivered, depending on the capacity of the boy's family. The bedsheets stained with the girl's blood on her first wedding night were given to the paternal auntie while the girl was given a goat or cow or (more recently) money according to the boy's family's means.

Virginity is still a value that brings pride to a family. Several participants however argued that mixing sexes in schools has caused some promiscuity and early engagement in sex by girls and boys. Girls no longer all go to single sex schools, where female teachers taught girls. Teachers were very responsible for the behaviours of the students/pupils, which is no longer the case today and, when they try to discipline children (by beating or caning them), they are apprehended for violating the children's rights. Young girls and women are also today forced by circumstances into premature sexual relationships: young girls in one group discussion stated that a lack of critical basic needs such as sanitary wear or school lunch, and walking long distances along bushy lonely paths to school unaccompanied by elders puts them at risk of being lured into cross-generational sexual relations with men (such as boda-boda riders) who offer free but toxic help. A girl's virginity then becomes the pawn exchanged to procure her basic needs, especially when parents fail to meet these needs. According to some participants, the preservation of girls' virginity has thus nowadays become a serious challenge and it is no longer the critical cultural concern at the time of marriage that it was in the past.

d. Marriage and readiness for reproduction

Culturally, reproduction is (and was) only acceptable between married couples. In the past, the key determinants for marriage readiness for both bride and groom were physical appearance, ability to reason and to take responsibility for a home. Although girls would previously be married off before the age of 18 without seeking their consent, this is now changing because of human rights awareness and government legislation. Today, as noted by several participants, women and young girls have the freedom to make choices about whether to get married or not, and to whom.



A traditional Tooro wedding ceremony. Courtesy photo

e. Wife sharing

Wife sharing involved a man offering one's wife to a very close or brother friend for a sexual relation at night. His sister would share her husband in some cases. While this led to several forms of abuse of a woman's rights (as for instance stipulated in the Uganda Constitution), it was argued by some respondents that, in cases where a man was sexually unable to perform reproductive functions, wife sharing would bridge the gap. Such practices have died out because of HIV and AIDS, education, and because of the influence of Christian teachings that condemn adultery and fornication. Participants concurred that, although this practice had some cultural functions, it is no longer a culturally relevant practice that should be encouraged, as it undermines women's rights.

Related to this is the practice of widow inheritance. At the death of a husband, the widow is "inherited" by a brother or male relative from the deceased's clan, chosen by the widow. This right to choose helps to mitigate violence in the home because brother in-laws are compelled to treat their sister-in-law well to have a chance of being selected to inherit her at the demise of her husband. A proverb, *"omwingirizi azooka kara nyineeka akyaroho"* ("the one to inherit a brother's wife is identifiable even before the death occurs") reflects this. The purpose of this practice is also to provide a father figure to the children, and to protect the family against any injustice. Although still present in some rural settings, this practice is dying out because of HIV and AIDS.

4.3 Cultural resources and sexual and reproductive health

Several participants noted that members of the Tooro cultural community have a right to reproductive health. Although some of the cultural resources that existed in the past have died out, others continue to protect women: a woman is cared for, her health and that of the (un)born child are respected and protected through specific cultural means.

a. Caring for the pregnant woman and the new born child

The desire to grow numbers in the family, clan and Kingdom reflects the need for social and political protection, wealth creation and the continuity of a lineage. This has prompted the Batooro to especially care for the pregnant woman and the unborn child. Practices, taboos, values and principles, some of which still in existence, were developed to guard against maternal and infant mortality rates, to promote the health of the mother and her unborn baby, and thus to ensure the right to life.

These practices include herbal steam baths ("*okwechumikiira*") that are still in use, though not as widely as in the past. A pregnant woman steams herself with aromatic herbs to prevent and treat illnesses such as influenza or a persistent cough which may affect her health and consequently that of her unborn baby. Another practice involves cleaning a woman's private area by shaving, to ensure that the baby is not hurt at birth. In addition, respondents stated that women in the past used to sit by the fire (referred to as "*kwoota omurro*") to keep warm, relaxed and healthy. Since the Tooro region is often cold and not every family can afford warm clothing, participants also argued that sitting by the fire would help to keep away diseases among pregnant women and children and in so doing prevent infant mortality.

New-born children were also kept indoors for 3 days (girls) and 4 days (boys) to keep them warm and to reduce the likelihood of infant diseases. Carrying the baby was controlled to safeguard his or her health, so long as the wound around the cord demanded it. Feeding children and young people is still a key family responsibility. Having malnourished children in one's household was considered shameful and neighbours were expected to support families unable to ensure child survival with cow's milk. Participants also stated that a purgative herbal procedure (locally known as *kwejumbura*) was used (and is still used in rural areas) to clean the stomach monthly and to deworm children and adults.

b. Taboos and beliefs related to pregnancy

Several taboos and beliefs are still meant to protect pregnant women from dangers such as miscarriages and foetal deaths through anxiety, stress or blood pressure. A pregnant woman is for instance denied any right to attend a burial or vigil, to kill a snake, to eat hot food (affecting, it is believed, the baby) or to commit adultery. A pregnant woman also has to be cared for and taught how to sit and how to sleep during pregnancy to protect the baby from birth complications.

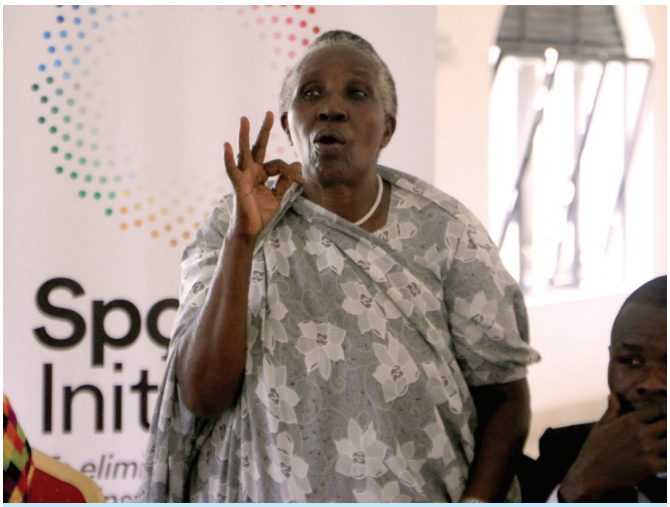
It is also a taboo for the husband of a pregnant woman to engage in any sexual activity with any other woman before he resumes sexual intimacy with his wife after giving birth. Otherwise, it is believed, the baby may fall seriously sick and die. Through this practice, women ensure that their husbands do not commit adultery. In a tradition commonly called "*okucwa ekizaire*", a man also has to sleep with his wife three or four days after child birth (depending on the sex of the child) to protect the health of the baby and depending on his wife's healing, regardless of his wife's rights and state of readiness. In some parts of Tooro, however, this practice has changed: most men caress their wives' shoulders and this is considered sufficient.

As noted above, getting pregnant before marriage (referred to as "*kutwarra enda hazigata*") is an abomination. In some clans, such as the *abasambu*, if a girl gets pregnant, she must be hurriedly married off to the responsible man to avoid bringing shame and calamity to her family, thus ignoring her rights. The matter however remains a secret in the family to avoid stigmatising the girl for promiscuity. We have seen that girls are taught to preserve themselves and grow up quite aware of the consequences of pregnancies before marriage. In case one is raped and becomes pregnant, the family may abort the pregnancy and re-integrate the girl into the family if the man is unknown. Although abortion is illegal (except to safe a mother's life), among the *basambu* clan, girls could be coerced into using traditional herbs provided by relatives and friends for this purpose.

c. Traditional birth attendants (TBAs)

Traditional birth attendants still provide an important resource in the communities in the form of alternative antenatal care and child delivery and care services. Although women use both modern health care and TBAs' services, several participants indicated that many expectant mothers go to TBAs as first point of contact. One participant thus testified that she had so far given birth to 10 children and all were delivered at home with the support of a TBA. Fifty-six-year-old Phoebe Nyesigire a TBA in Kamwenge District said that she had successfully delivered more than 50 women. Besides TBAs, male and female traditional herbalists provide services to the communities. Some TBAs and herbalists have received support from government and from commercial organisations to acquire specialised training and to research traditional medicines, so

that better services can be provided. Some female elders stated that today women are failing to deliver normally because they are ignoring the role of traditional herbs, following religious and government directives.



A TBA talks about her calling at the Fort Portal validation workshop. CCFU Photo

Despite the government ban on TBAs, several participants indicated that many women still use them because:

- Expecting mothers receive harsh treatment at the hospitals and nurses discriminate against poor women, whereas TBAs do not discriminate. Some expecting mothers are very young (4 deliveries by 13-14 years in one month in one sub-county) or do not have decent clothing, so feel ashamed to go to public hospitals.

Hospital services not always available (absenteeism by personnel) and expensive. TBAs are easily accessible and offer free services (although a token of thanks can be given). Some mothers fear caesarean sections which are believed to prevail in hospitals.

- TBAs provide companionship and medical support before, during and after giving birth. Traditionally, at 7 or 8 months, the TBAs help a pregnant woman to "*kusungura enda*" (the practice of smearing and massaging the stomach with ghee or Vaseline until the foetus is in a good position for delivery. Herbs are given to women to deliver well and fast, although this was argued by some respondents to be dangerous, even putting the lives of mothers at risk. TBAs also sensitise young expectant mothers on what to expect as they prepare for child birth and how to care for the baby. In case of suspected failure to deliver naturally, TBAs accompany the mothers to the health centres and care for them. As part of postnatal care, TBAs offer guidance on herbs to help clean the babies, to treat the umbilical cord and to heal, wash and clean the private parts to avoid bad odour or diseases.

d. Collective support

Mutual care for women's reproductive health remains a key aspect of Tooro culture. Two to three women keep an expectant woman company when the labour pains start and do not leave her side until she delivers. This ensures protection of the baby and its mother. In the past, when the cervix had opened well, the women took the expectant mother outside in the banana plantation to deliver. Post-natal support was communally given for about a month to clean the mother and baby until healed. Nowadays, women cook for the mother, give liquids "to clean the birth canal" and to help mothers produce milk, ensure food security for the household by keeping a garden, and sometimes even bathe her and the baby. In the past, the expectant mother's family or any relative at her husband's family would also send a female helper to support her during the pre-natal, birth and post-natal periods. Mothers-in-law played an important role in nursing and teaching their daughters-in-law maternal health issues; they were responsible for getting

medicine for them before birth, supporting them at delivery, and bathing both mother and new born.

Collective support also included (and still includes) making preparations early enough for food for the mother after child birth. Family members put the food together and save it for the period, thus ensuring that the mother has all the required nutrients. By giving presents to the new born, the relatives lessen the burden of the family. When a woman delivers, a goat is also normally slaughtered.

e. Health care for sexually transmitted diseases

Culturally, every individual has a right to information, care, and health with regard to sex and reproduction, including education about STDs. STDs (locally known as "*endwaara zensoni*") have however been associated with sexual promiscuity.

Various sexual and reproductive health diseases such as cysts, penile dysfunction, 'sexual coldness', syphilis, gonorrhoea, fallopian tube blockage, and candida are treated using traditional medicines and foods. One participant for instance stated that "women are encouraged to drink water from a clay pot because they have iron that helps women and young children stay healthy". He added that clay pots are also used for cooking for the same reason. In the past, there were also ways of checking for some STDs: while greeting a male suitor to the family, the male elders would extend a hand up to the elbow area of the boy and gently massage it to feel whether the radial nerve was swollen. If it was enlarged, they would politely decline to give away their daughter in marriage as this was an indicator that the boy suffered from syphilis. A herb called "*orwimukya*" was given to boys to restore their penile functionality. Fathers and paternal uncles had the responsibility to check their sons' 'functionality' and would seek interventions from herbalists or from 'modern' health care practitioners when needed. Confidentiality in such sexual related matters was key. This encouraged children to confide in their parents and built relations.

f. Family planning

Tooro culture allows women's access to family planning. Natural methods are in use, particularly in the rural areas, such as withdrawal, counting the moon phases, and counting the menstrual cycle using reeds. Some herbalists also provide traditional medicines that can prevent women from conceiving.

To conclude this section, research outcomes indicate that there is a wealth of cultural resources that enable girls and women in Tooro access and protect their SRHR. These include TBAs, matriarchs responsible for reproductive health education, folklore, taboos and beliefs relating to pregnancies and indigenous knowledge and skills related to herbal medicines and child delivery. Although these are not all without harmful aspects (such as wife sharing that can lead to contracting HIV AIDS), they are much in use and are perceived by respondents as reflecting the cultural identity of the Batooro.

The remarks that follow reflect the local understanding of the meaning of the word "rights", usually translated as "*obugabe*". *Obugabe* however means entitlement, reflecting the notion, according to participants, that one cannot have entitlements without responsibilities.

5. Culture and Access to Justice

a. The clan

Participants noted that the clan serves an important role in helping women and girls access justice, if the families are willing to settle them. Clan leaders are resourceful in bringing clan members together to solve such cases. They are more respected by community members than the police because they are usually persons of good social standing and they know the local families and their history well, helping them to make appropriate decisions. Participants stated that these cultural leaders are easily accessible and mediate cases free of charge: "elders are generally believed to be just and fair in their judgments when cases are brought to them for mediation because they often aim at reconciliation, bringing families together, whereas the police often take decisions that divide families". If no consensus is reached at clan level, cases can be referred to the cultural institution at parish, sub-county and county levels, where representatives of the King sit. These structures, on which some women are represented, are however not very active, in part owing to their voluntary nature.

Several participants asserted that excluding cultural leaders from mitigating gender- related conflict has led to family break-ups: "it is common for families to disintegrate if one reports to the police", as a female elder said. Most participants further stated that reporting to formal law enforcement such as the police exacerbates violence and abuse against women, as the male abusers rarely fulfil their mediation commitments, miss appointments with probation or law enforcers, and often mock their wives for reporting to law enforcement agencies. Participants also argued that in some instances, police officers are not well trained or professional enough to handle cases of a domestic nature in their cultural context.

Cultural leaders collaborate with State institutions, including the Police, the probation and social welfare offices and, to lesser extent, the LCs (although some are clan leaders themselves). This collaboration enhances the peaceful resolution of cases, such as land cases, child maintenance disputes and family conflicts. Where criminal cases are handled by the clan, however, this goes against the law. A *Bazira* clan leader met noted that law enforcement agencies at times refer VAWG cases to the clan for adjudication, showing that the clan system still provides a significant resource and allows women and girls to access justice in matters of violence against them.

Although the clan judicial system is still largely in use, the study met respondents who expressed reservations. Besides the fact that clan "courts" are only constituted as and when an issue arises, the clan system is patriarchal, with a predominantly male dominated leadership, save for the limited role (often advisory only) played by clan matriarchs such as mother-in-laws, grandmothers, paternal aunts, and mothers. This can bias clan heads against women victims. Secondly, some female participants stated that clan leaders sometimes demand food and drinks to sit for mediation, thus reducing access, particularly for victims who are poor housewives or vulnerable young girls. Clan leaders may also be far away.

Most young participants interviewed thus said they preferred going to the police, as a female youth in Kyenjojo district said: "Some clan leaders are not good role models because they are alcoholics. Others have not traditionally married their wives, or have unstable families with fights." Another respondent added: "Sometimes women take their cases to clan elders but you find their wives complaining of similar mistreatment". In a meeting at Kabunga trading centre, girls said that they mostly report to the police as point of first instance in cases of violence because government and civil society organisations have taught them to do so. This may explain why some other participants noted that many cases are reported to LC1s, sub-county Community Development Officers, NGOs, the police and the Child and Family Protection Unit.

b. Values and practices

Besides the clan judicial resources, cultural values provide another resource that the Tooro cultural community still relies on. Thus, the principle "owabu omukazi tosinga musango" ("a man can never win a case against his wife at the in-laws' home") helps men avoid committing acts that would result in their wives separating and returning to their parents.

"*Kutera ensango*" – the husband going to his wife's parents' home to dialogue and find a solution to a domestic conflict - helps in this respect. When a wife runs back to her parents' home, culture makes it hard for the man to retrieve her. While she has shelter at her parents', her family seeks justice on her behalf. The husband must come to the home, kneel and ask for forgiveness, even if not guilty. If the girl is at fault, she is asked to return to her husband's (if he is willing to have her back), or to stay at her parents' home and dissolve her marriage. If the husband is found guilty, he is fined depending on the magnitude of the crime. Where the marriage breaks up, part of the dowry is returned if there are no children, but this is not mandatory. If she has borne children, no dowry is returned.

This explains the saying among the Batooro that the door must always be open for a girl's return, something that guarantees her shelter from an unsuccessful marriage. The boys in a family, especially the heir (during last funeral rites), are thus counselled about the values and principles that hold the family together, including receptiveness to their sisters, in case their marriage fails. Through this practice, men teach their sons that instead of beating a partner, it is better to return her to her parents' home, thus protecting women from physical violence in their homes.

Tooro culture thus still provides for a woman's judicial representation in case her husband fails in his culturally-informed legal responsibility to protect or represent the interests of his wife in a conflict. Women are encouraged to initiate culturally informed legal proceedings against their husbands or seek representation and/or dispute settlement from culturally recognised jurors such as in-laws, her parents and family, clan elders or the wider clan membership. Seeking cultural forms of legal redress ensure that women's culturally-defined rights are respected, and that violence is mitigated.

The study found that according to the Tooro clan system, justice is administered immediately an offence is committed, something that enables victims access rapid justice, relief and redress. Participants noted that the formal judicial process on the other hand causes delays in victims' access to justice. It also fails to reflect Tooro's cultural ethic of justice whose essence lies in the immediate search for - and acknowledgement of - the truth around a conflict, and a commitment to reconciliation and rehabilitation to restore social harmony, rather than a focus on punishing the offender.

6. Cultural Resources Relevant to Mitigating VAWG

a. The context

Overall, most respondents stated that domestic violence is more common in urban than in rural areas. It was also said that communities which are culturally diverse experienced more cases of violence than relatively homogenous ones. Kamwenge town and the communities close to it, refugee settlements such as Rwamwanja, Kyenjojo (especially at the tea farms, Kyarusozi and Nyankwanzi sub-counties) were thus cited as places with many VAWG cases. According to Namyalo Hadijja, a Police Officer in the Family and Child Protection Unit in Kamwenge District, at least 3 cases of murder arising out of domestic violence are recorded a week. According to Police reports, the Rwenzori-West Region, where Kamwenge, Kyenjojo and Kabarole fall, 25 cases of murder as a result of domestic violence were recorded in2018, making it the 4th highest police region in the country in 2018. The common characteristics of these communities are ethnic diversity and distance from formal legal service centres. The reasons advanced include poverty and cultural differences (where some cultures – it is alleged - consider violence as a generally acceptable way of settling scores e.g. among the Bafumbira). According to the respondents, physical violence was reported to be the most common type of violence followed by sexual abuse, especially of young girls, as confirmed by the Kyenjojo District Health Department statistics.

Within the Tooro cultural community, this study also found that VAWG causes severe negative sexual and reproductive health effects and interferes with access to justice for women and girls. In Tooro, VAWG is a product of social norms and practices that make for a pervasive and unfettered prevalence of gendered violence against women and girls. The study however found that there was, in the past (before 2000) a vibrant culture that protected the society from severe occurrences of VAWG. Some of these cultural resources are still in use but participants attributed the significant rise in VAWG cases in Tooro to the loss of the cultural resources that used to protect the society against it. The sections that follow present some of the cultural resources that the study found to still be actively used in Tooro for mitigating VAWG, as well as practices that enhance and sustain its prevalence.

b. Marital due diligence

Participants noted that in the past, marriage was always an inter-family, rather than an individual affair. It was thus important that before any marriage, the intending parties thoroughly investigate the families involved, hence the adage "*asweera akaguza*" (those who intend to marry should first do due diligence on the family of the prospective suitor). Marriage was rarely between families that did not know each other but, even when well acquainted, marital due diligence was a precondition. Families with a record of thievery, witchcraft, violence or disease were usually shunned. Spiritual compatibility also counted. Participants stated that such practices helped to

prevent VAWG in the domestic setting. No marriage would take place before *"okusiima eka"* (appreciating the family – checking character and any hereditary disease). The processes leading to marriage were also long enough to provide time for families to bond. The family of the groom had to identify a person knowing the bride's family well to act as a mediator during the introduction and marriage ceremony (*"kweranga"*). The role of this person was to ensure unity between the two families and the absence of violence within the new couple.

Girls who had not married because of bad character associated to them or their families would become the objects of songs: *"kinyantale omubazalia, zikooma zaburwa kisenya",* metaphorically meaning "the family of Zalia has much firewood but no one is interested in collecting it". This would create stigma and discrimination among girls, even if the reasons for disassociation were not of their making.

Marital due diligence went hand in hand with the cultural values of self-dignity, personal respect or *"okuhemuka"* (fear of shame). This fear guarded against violence within married couples because they married into families with whom they had friendship pacts (see below). Fathers-in-law had to be responsible for their son's characters. One participant stated that "a man would always ask himself 'how will I be seen if I beat up so and so's daughter'". There was therefore a fear of mistreating a friend's child and of losing respect as a family due to VAWG. Husbands feared to be ashamed in case a woman reported to her family. Bringing such shame was believed to bring bad luck and the perpetrator would often be ostracised. Such fear helped abate violence in homes, as respect for the family was important, with the family considered more important than the individual person.

Several participants noted that what is causing VAWG today is marriage outside families that already have some form of mutual understanding. People meet at school or in bars and start cohabiting or get married without due marital diligence. When such couples experience violence in their relationship, they have no family to run to for support or shelter because they do not know or are not attached to anyone.

c. Traditional marriage practices

Several norms, values and practices surrounding the performance of a traditional marriage ceremony contribute to preventing VAWG in the community and ensure the safety and security of individuals. It should also be noted that under-age marriages are shunned today, reflecting legal prescriptions as well as the influence of education.

Traditionally, a few months before her traditional marriage ceremony, a girl was kept indoors to be counselled and taught about her sexual and reproductive health, and how to manage her prospective family and keep it free of violence. This tradition (although a violation of girls' rights in this instance, if well-intended) is only still practiced in few rural communities. A female respondent stated that in some instances, the intending brides now go home for the traditional marriage ceremony the night before the ceremony and spend only hours (if at all) with the traditional counsellors who are supposed to teach her about marriage- related issues. Increasing numbers of girls now therefore marry without the knowledge to prevent or manage violence in the domestic setting, and how to protect themselves from SRHR abuses. Female elders met prayed that the Kingdom encourage prospective brides to take part in these cultural education and counselling sessions because they thought them key in preparing them to become effective

managers of their homes (though in a subservient manner) and in instilling culturally acceptable behaviours that are important to avoid domestic and interpersonal violence.

The Batooro also have a traditional marriage ritual called "*kubukara*". This is performed on the morning a bride is taken by the husband. Before she leaves her parents' home, the bride sits on her mother's lap from where she is picked by the representative of the groom's father who must make a binding vow and promise to care for the girl as his own child and never to inflict harm on the bride. Sitting on her mother's lap is symbolically believed to broker success and peace for the girl in her prospective marriage. When the girl reaches her husband's home, she sits on her father and mother in-law's laps - a gesture that signifies that she is welcome into that home and will be treated as their own child. The representative of the groom's father then relays to the groom's family the binding vow he made to the girl's parents and cautions her in-laws to keep her in good health (both physical and psychological), without any bodily harm. This ensures that the bride is protected and that there is someone watching out for her safety and wellbeing. The head of the clan ("*omukuru woruganda*") has to witness this, reflecting the leader's and entire clan's role in ensuring peace in the newly marrieds' home, given that the marriage is a clan – rather than an individual affair. The binding promise made to the girl's parents gives them a basis to discipline their son in case he goes against the commitment they made to her family. In case of violence, this has to be reported to the girl's father-in-law, before it goes to any other person. Several participants noted that *kubukara* is still practiced in some areas of Tooro although it is slowly dying out. They noted that it is however an important practice to preserve because it helps families to be good keepers of each other's children, and for violence to be detected early and promptly dealt with. It also provides a leadership hierarchy that enables a woman access justice, beginning with her parents-in-law, her parents, and eventually the clan (if family structures have failed to help)

A respondent added that violence in a home is however sometimes promoted by poor relations between mothers and their daughters-in-law. When a girl gets married, her mother-in-law therefore gives her a cloth as a sign of acceptance and delegation of authority, indicating that the newly-wed will become her heir in case of death or act in her capacity whenever she is away. This practice builds trust between the mother and daughter-in-law and is meant to seal relations and to ensure peaceful co-existence.

Another cultural practice was "*okunywana omukago*" (creating friendship) – a practice through which interpersonal and marital relationships were built in the past. This took place in two ways: friendship by blood pact (*"kusara omukago"*) and without (*"omukago ogwekimeeri"*) and both helped to ensure peace in families and in the community. Families married those with special friendships and one would therefore not hurt a son or daughter in a family with which a friendship pact had been made. One participant noted that *"'munywani waawe tomwiita omutamu akenjeero'* ("You never kill a friend; you rather make them wander"). When someone has much annoyed a friend, they would rather send them off wandering, saying *"genda, oligwahandi"* ("May you go and meet the cause of your death elsewhere, not from me") rather than bewitch or kill them. It was believed that a blood pact could reverse and kill the perpetrator of violence and his/her entire family. Thus, as a respondent stated, "it is a taboo to deny food to someone who has a blood pact with you. If that happens, you also cannot eat that same food, lest you die with your entire family". There was a general agreement among respondents that today's extreme violence is prevalent because there are no longer such binding relationships – reflecting in part the fear of HIV - between families or individuals.

Bride wealth is communally contributed to, and paid by the groom's family to the bride's family. Even though a number of participants stated that payment (or not) of bride wealth instigates VAWG among some couples and keeps some in bondage, this practice can mitigate domestic violence. Respondents asserted that the communal gesture of contributing towards the bride wealth confers power and authority on the wider family members to intervene in mitigating any conflicts in that marriage. It also ensures that the groom's wider family has a stake in the health of the marriage and in the way the groom treats his bride. Providing the new couple with start-up wealth ensures stability and material security in the home and thus helps to minimise incidences of violence related to poverty in the home. As an individual, the husband has no right to mistreat, or to chase away his wife without the consent of his family, thus adding a layer of surveillance and violence mitigation. Sharing bride wealth also ensures the couple's commitment to the marriage: the girl is usually obliged to behave in a way that will not cause her family to refund the bride wealth (in some cases, contributing to women remaining in abusive relationships), while the boy is indebted to his family who helped raise the bride wealth by treating the girl well. Special incantations are made, particularly to bless the newly married couple when the bride wealth exchanges hands.

e. Separation and divorce

Returning the bride wealth ("*okuzimuza omukaaga*" in Rutooro) is considered a sign of failure and actively discouraged. Any returned wealth is seen as cursed and couples are therefore urged to solve conflicts so that this point is not reached. How much to return depends on each family, and, as noted above, does not take place if any children were born in that marriage, as it is believed that even though the two parents separate physically, they remain spiritually connected. Participants argued that the positive value of bride wealth has been misconstrued by negative publicity: it needs to be rehabilitated, they felt, and its role in mitigating domestic violence publicised.

In the past, taboos, beliefs and practices also guided communities on separation and divorce. Today most of these practices have died out and this was cited as a significant cause of VAWG – including intimate partner violence - especially when a woman carries away household property and leaves the husband with nothing – something that has been hitherto culturally unacceptable. A female elder thus stated that "women no longer follow traditional procedures for separation or divorce. Some women nowadays separate and take all household property, making it difficult to initiate dialogue. Some go and rent houses in the trading centres and don't return home as is culturally expected. This creates a fertile ground for VAWG". Though rare, participants stated that a few members in the community still believe that a woman should never take away household property when she separates or divorces, unless she is certain never to return. Leaving property behind was always a positive signal for reconciliation.

f. Herbal medicine

Participants mentioned the past and present use of traditional herbal medicine in ensuring peace in homes. It was asserted that in the past, women would get a stem of "*omwiikya*" (a local plant) and hang it in the house as, it was believed, such a home would never experience a fight. Still today, the "*omuhoko*" plant is used to stop marital feuds, by having it thrown by a relative on the couple. The use of spirits to solve disputes is also still used today: "traditional doctors" invoke the spirits of the dead in case they needed to find out a culprit of conflict.

An elder showing how young women would use traditional herbal perfume to make themselves attractive in the bedroom. Photo: Akaswa ka Tooro

g. Family gatherings

The practice of families inviting all sons, daughters and their families to convene once or twice a year to feast, teach and transmit their culture to children, still exists in a few families. The family priest (the *nyakatagara*) is invited to ensure that the get-together is harmoniously performed. It is at these functions that each family presents their plans for the following year and receive blessings. In the past, family gatherings were times when those facing challenges sought healing, as well as the resolution of conflicts. If one bore a child with diseases such as epilepsy, with mental health challenges, or for any sexually related diseases, this was also the time for healing and treatment. If there was doubt about a child's paternity, the *nyakatagara* would consult the spirit during these gatherings to resolve the matter. These reunions therefore aimed at promoting family peace and bonding among the different generations.

Respondents however noted that, in the past, families and clans were more united than today, would spend time together and be taught "the ways of the clan". Families were extended and lived together to be each other's keeper, even in times of tragedy. One elder thus said that "collective responsibility stretched to caring for a neighbour, unlike today where one fears to even ask for drinking water from a neighbour because selfishness and wrangles have spoilt the spirit of collective social responsibility. All elders in the family were parents and had to care for the children. This was part of the collective responsibility in building morals that were fundamental to the community". This also protected the community from abusing individual human rights through acts of violence.

The extended family is also slowly being replaced by nuclear families with house helps. The latter have now taken over some of the responsibility of extended family members, at times teaching children poor habits or even sexually abusing them. Children have thus lost an important cultural

resource where they were taught good morals, culturally acceptable values and ways of behaviour that ensured social harmony. Children, in other words, have also lost access to cultural resources to model and to relatives close enough to confide in and get support from in times of conflict.

Another prominent practice in the past but less seen today is *"okuteera ensaango"* (mediating disputes between husband and wife). This often involved the husband's and wife's parents coming together to mediate marital disputes and thus mitigate VAWG in the community. The practice often targeted men, as it forced husbands to ensure that any dispute did not escalate to the level of needing an inter-family mediation meeting. Punishments and fines were meted out.

h. Folklore

Tooro culture also addresses VAWG through its folklore: proverbs, curses, songs, drama, stories, puzzles and riddles are used to teach children behaviour that protects individuals from violence. Emphasis is usually on the lessons that can be drawn from these different forms of intangible lore. Folk songs, for example, are still sung when a girl is getting married. As the girl goes away, they are shared to console her: *"leka kuura kwesaasa nowaitu abaana baliyo, orugire kasaaro katooma ogarukire kataijuruuka'* ("do not feel dismayed, we too have children, you are from a watered place that never dries to another which is always watered"). Such songs are meant to comfort, to teach about marriage and to advise on marital concerns.

Proverbs provide another cultural resource to keep families peaceful. One such proverb, already mentioned above, is *"amaka galindwa endoma"* ("marriages are kept by fools"): partners in a marriage should not be short tempered and react to everything they hear. Other proverbs however demean the status of the girl child, contribute to her marginalisation and eventually lead to a risk of abuse of her rights. Elderly male participants for instance noted that some men misuse proverbs such as *"ekiteezire tikyenga"* ("what has not matured cannot ripen") to abuse under-age girls.

Youth keeping traditional Tooro folklore alive: the Emango Cultural Troupe in Fort Portal. Photo: Akaswa ka Tooro

Curses and taboos also still provide an important tool for mitigating behaviour that violates human rights. There are many 'do's' and 'don'ts' in the form of fearful curses and taboos that motivate and facilitate peace in a family. People still fear being cursed as calamity befalls an individual who has been cursed and he may die unhappy. It is also believed that if one murders, a curse will befall their entire family. Committing suicide is still considered taboo and will similarly bring a curse on the family. This mitigates violence in the homes because it can result in death, with its dire consequences for the family and its future generations. It was also taboo to rape a woman or girl: should this happen, the offender would be punished, with the community

composing a song to bring public shame on the rapist, in addition to being at times ostracised from the village. Another taboo prevented a man to speak ill of his wife, especially in his children's presence, as it was believed that this might one day result in death: thus the adage *"ekirikuranga kiruga munda yaawe"* ("what will betray you always comes from inside"). Parents were taught to handle any conflicts in the privacy of their bedroom, although this might at times promote a culture of silence; any fight where a child stands in-between them had to stop forthwith.

Drama and games were at times also used to educate and entertain. Some games could not to be played by boys or girls, such as wrestling. Abusive language when playing games was not allowed, thus laying the foundation for non-violence in homes and to protect children from learning to be violent and to be tempted into sexual activities.

Folk and personal experience stories were also narrated to the young to teach them to open up about their lives. For example, the story of the ant "*Oruhazi*" tells of a bride who was bitten by a red ant in her private parts and, because she couldn't disclose what was happening to her, she died. The moral of the story is "never hide what will kill you": girls are encouraged to share their experiences to get help when needed.

i. The traditional notion of masculinity

The cultural notion of masculinity also helped prevent VAWG in Tooro, as it involved the responsibility of establishing a home, to lead it and to provide for its members. A home was and is still named after a man. Masculinity is derived from this responsibility: when a man fails to execute it, he loses respect and his privileged masculine status in society. Traditionally, not every man is therefore the head of his family (*"nyineeka"*) despite having a house. This title of respect is only acquired when one marries a woman and takes care of her, the home and the children in a suitable manner. As noted above, women are called "*nyina bwenge*" – the wisdom providers and there is meant to be consensus and consultations between man and woman to manage the home effectively. It is because of a woman that a man earns the title of *nyineeka* as a woman is equated to a home, reflecting the Rutooro saying "a man without a wife has a house not a home (*omukazi niyo eka*). The title *nyineeka* is thus a source of pride among men, encouraging husbands to provide for their families and keep peace. In this way, nomenclature also plays a role in mitigating human rights abuses in the domestic setting.

In the past, according to one participant, "there was always plenty of food to eat and people were always busy working. There was enough land to till and therefore no energy to waste in fights". The cultural practice of "okuha orubimbi" (providing labour in the farm) ensured that every home enjoyed some food security and held VAWG in check, although women, except for the Babiito clan, could not own land (though having to consent to any land sale). A home that went hungry was a shame to the man of the house, as ensuring food security was part of fulfilling the traditional call for masculinity.

A man in Tooro culture does not fight or beat a woman, as this is seen as a weakness. Participants asserted that whenever a domestic conflict grows to the point of any violent exchange, a woman is taught to run for safety to the kitchen, where a man is not supposed to follow her. Should he do so, tradition says that she had the right to assault the man and he would be judged guilty no matter the dynamics of the case. Further, should he have been hit with a ladle or a stick, this would lead to his becoming impotent. Running to the kitchen still happens in a few rural

areas, reminding us of the safe spaces from domestic violence, as provided by culture, such as a woman's parents' home, where her parents have a right to deny her husband access to his wife if she was battered.

It was noted that today, the traditional value and meaning of masculinity have waned. In one group discussion, elderly women in Katinda decried that "Men sell food and spend all the money on alcohol. Violence mostly happens during the harvesting seasons. Even cases of men selling food crops when they are still in the garden are many and this causes violence. Men grow commercial produce while women's gardens are for feeding families. Most of the cases of violence emanate from control of produce from the gardens, men become hostile to women and push them into separation. During the separation, men sell all the farm produce and this leads to further violence". Women in one mixed group also stated that one of the major challenges they face is that men sell the livestock without asking for their permission: "Men say animals were acquired while using the land that belongs to them so everything on the land belongs to them too. When cases are reported to the Community Development Office (CDO), decisions favour men, as the question asked is "whose land was utilised to graze the animals?'" This has forced women to abandon reporting to the CDOs or to the police. Respondents also noted that men spend family resources on caring for their concubines or drinking alcohol in bars, resulting in female-headed households or women taking on the responsibility of providing for their families. To summarise the respondents' views: in the past, land was sufficient and people shared with those who had nothing to survive on. Today land is scarce, people are more selfish, living in urban settings without space for farming.

Many men have thus abdicated their cultural mandate of establishing a home and providing for their families: today a man can fight his wife without bothering about the shame this brings to his masculinity. A participant noted that "men in Kamwenge often invest in business and expect their wives to provide for the daily family upkeep. Fathers neglect their children who grow up seeing their mothers struggling to provide. So when they grow up, they tend to support their mothers and this causes divisions in the family resulting in violence" Another observed that "when women struggle and pay school fees, they feel they are now the heads of the family, they lose trust in their husbands and begin undermining them and in some cases demand that men also do house chores since they can't provide, thus leading to violence". As a result, men feel their sense of masculinity is threatened and engage in VAWG.

7. Conclusions

The purpose of this study was to identify cultural resources that may contribute (or not) to ending VAWG, to ending sexual and reproductive health rights abuses and to increasing women and girls' access to justice.

The study employed qualitative methods of research and was based on the assumption that cultural institutions embed resources that can help deal with these challenges. The study indeed found that Tooro culture offers resources that are instrumental in enabling women and girls' access to justice, and resources that inhibit or moderate VAWG and abuses of sexual and reproductive health rights. In the rural areas, these practices are more vibrant that one can find in towns. This may be due to an influx of other cultural groups that have migrated and settled into Tooro region, and to the influence of "modernity", among others.

The findings show that Tooro culture allows for and enables women and young girls' access to sexual and reproductive health and rights through the comprehensive reproductive health education offered from the time they are pre-teens to when they get married and, in some cases, extending into their marriage. Such education is given with a hope for stable marriages and successful reproduction. There are various education channels, such as the family matriarchs (particularly mothers, grandmothers and the paternal aunts of the girl child), and patriarchs (particularly the paternal uncles, fathers and grandfathers of the boy child). Various forms of intangible lore such as games, puzzles, riddles, folk stories, idioms, rituals and customs, songs, and practical demonstrations are used to teach youth about their sexual and reproductive health and rights. As a reproductive health right, girls were provided with and later taught by the matriarchs to make their own sanitary wear using local resources.

In addressing sexual and reproductive health, sexually transmitted diseases were treated using traditional medicines. Pregnant women were given extra care by traditional birth attendants and family carers. Various other cultural resources exist, including herbal treatments for pregnant women and for young mothers and for family spacing. Traditional marriages encompass several values and practices that are also meant to protect women's sexual and reproductive rights. The study however found that the commercialisation of sex education has brought harm as it has enabled young children to access sexually explicit information not suitable for their age. The study also found that although virginity was celebrated in the past, it is no longer much emphasised and treated as an honourable quality. Other practices that were helpful in addressing sexual and reproductive rights in the past, such as wife sharing, are no longer in existence.

The study found that women and girls are aware that culturally defined-rights exist, thanks to cultural educators such as the family matriarchs mentioned above. Women and girls also learn about their cultural rights through informal cultural education resources such as the *akasaka*. They are taught what to do in case their rights to justice, to sexual and reproductive health, and freedom from violence are violated.

Some of the practices mentioned violate women's and girls' rights, but others can support or supplement government efforts, such as the *akasaka*. Some practices that go against the law,

such as having recourse to TBAs, continue, as they are seen to play a useful and culturally-understood role, especially when no viable alternative is available. Such cultural resources are often overlooked by development actors.

The concept of justice is rooted in Tooro culture and the community is a key stakeholder. The cultural ethic of social harmony drives community efforts to realise justice, particularly with regard to sexual and reproductive health rights and to VAWG. The Tooro cultural institution has mechanisms for settling sexual and reproductive rights abuses and cases of VAWG in a way that taps into its social environment and value system to deliver justice to individuals. Cultural modalities in exercising justice in Tooro involve truth finding, acknowledgement of wrong-doing and a commitment not to repeat the wrong, getting to the root of any conflict, apologising and reconciling, rehabilitation rather than punishment, and restoration of social harmony. The arbitrators are usually cultural elders with the respect, status, moral value and honour that are culturally bestowed upon them. Even though some aspects of Tooro culture have been replaced by "modernity", the way the Batooro respond to justice is still rooted in their worldview.

Even after cultural institutions were abolished in 1967, Tooro's traditional justice system has continued to co-exist with the formal justice system. Although this co-existence has weakened their power to dispense justice and complicated their use, the Batooro still widely acknowledge, appreciate and accept the utility of traditional judicial resources with particular regard to sexual and reproductive health and rights, as well as for matters of VAWG. The system enables victims access to immediate justice, mediation, relief and redress, whereas the formal judicial process was seen to causes delays in victims' access to justice and fails to reflect Tooro's cultural ethic of reconciliation and rehabilitation to restore social harmony, although the role of women is limited to providing suggestions, rather than in making decisions. One traditional justice resource – the clan judicial system – predates the modern court system and is still a vibrant resource used to mitigate gendered abuses of rights. This is effective, especially at the village level, and referral to State institutions takes place.

VAWG was mostly understood by the respondents as violence that happens in the home. Many young girls and women know about the cultural practices and safe spaces for women that mitigate VAWG, especially those who have grown up in families with their parents. The decline and loss of cultural values and resources that used to help prevent occurrences of human rights abuses has exacerbated their prevalence: there is a wide acknowledgment of a significant increase and prevalence of VAWG today compared to the past, although this might be seen as nostalgia about an idyllic past. This trend might also reflect an increase in awareness among women and girls on what constitutes VAWG, leading to increased reporting to law enforcement agencies, as opposed to the silence that traditionally used to surround problems of the home outside the family.

To conclude, this research has indicated that some positive cultural resources have been eroded because of Western religion, formal education, technological advancement, inter-marriages, urbanisation and changes in the economic environment. Others however still prevail and can help prevent the abuse of the human rights of girls and women within the Tooro cultural context. The call by many respondents interfaced with to revive these practices, norms, values and principles reflects the usefulness their attach to culture. Some of these cultural mechanisms exist in part to educate people about the resources that protect individuals from VAWG and thus help to mitigate abuses of the rights of women and girls. Such resources need to be harnessed to further contribute to efforts to secure women's enjoyment of an environment free of VAWG, abuses of their sexual and reproductive rights, and unhampered access to justice.

8. Recommendations

A number of recommendations were formulated by the cultural practitioners, representatives of cultural institutions and other respondents met in the course of this research. With the researchers' own and CCFU's recommendations, these include:

1. ***Appreciating culture***

   Development actors and government institutions: In many ways cultural values and practices promote the same objectives as those espoused by Government and other development partners in relation to the well-being of women and girls. The entry point into dialogue on VAWG, SHRH and access to justice however needs changing by first focusing on the positive aspects of culture. Including the positive cultural resources outlined in this report and how they work (or can be put to work) in strategies and practices to strengthen the fight against VAWG and other ills, however, demands an important shift in perceptions.

   Such a shift may also be warranted from a practical point of view as cultural institutions are protective and guarded about the cultural values and practices they stand for. Any initial attention to these from a negative or accusing standpoint may lead to defensiveness and lack of open cooperation.

   Cultural institutions: In the light of the continued high prevalence of gender-based violence and reproductive health rights concerns, the various "Strategic guidelines / royal pronouncements on addressing socio-cultural norms, practices and values that impact on HIV AIDS prevention, maternal health and gender-based violence" should be reviewed in the light of findings from this research.

2. ***Making use of positive cultural resources***

   Government institutions should mainstream the positive cultural values and practices described in this report in their development plans, strategic documents, programmes and projects, and other guiding instruments, thus placing public messages and other initiatives within a framework that is recognised and understood by the bulk of the population. This should be implemented in close collaboration with cultural institutions and their leaders.

   Local governments and their partners*:* Given the importance attached to these values and practices by many communities (especially in the rural areas where the great majority of the population resides), the promotion by local authorities and development partners of a violence-free environment for women and girls should harness these resources. They should therefore better incorporate a 'cultural approach' when planning and implementing their interventions. As a Community Development Officer suggested in Busoga, there is a need to impart the 'long ago' cultural values and to disseminate simple messages aimed at dissuading perpetrators of VAWG, such as *"A good Musoga respects women and culture"*.

The Law Reform Commission and the Ministry of Justice: the judicial functions of cultural leaders need to be recognised and harmonised as necessary, beyond the current provisions for restorative justice as stipulated in the National Transitional Justice Policy (2019). A more synthesised and comprehensive approach to justice could thus be promoted, thereby enhancing access by women and girls to forms of legal redress that are accessible and understandable in their cultural contexts. This alignment should involve (re)empowering traditional clan resources to be a part of the management of VAWG cases and SRHR abuses, while involving women in this dispensation.

3. ***'Re-energising' positive cultural resources***

Cultural institutions: these should take a lead role in championing a cultural renewal and a return to the 'cultural ways of doing things', so that they revive the respect and confidence of communities in their cultural identity and in values that help check VAWG, enhance SHRH and access to justice. If bride wealth were again for instance considered as consisting of gifts by family, rather than friends, this could reduce VAWG and lead to a better observance of their SRHR, particularly by restoring the role of fathers-in-law to ensure the stability of their children's marriages.

Generally, cultural institutions should promote research and the documentation of positive practices in different formats (print, digital and films).

Cultural institutions and development partners: Research on cultural resources relevant to the most marginalised groups (including albinos and people living with a disability), reflecting a research gap, needs to be carried out, with a view to strengthening any relevant positive cultural resources and other social protection measures.

The Ministry of Health: Research should be carried out to examine the causes for the persistence of demand for services by Traditional Birth Attendants (TBAs), with a view to the potential use of trained and certified TBAs as important providers of reproductive health education.

4. ***Re-education and dissemination***

Cultural institutions need to re-educate their constituencies about the existence and significance of the positive cultural values, norms and practices, as identified by this project, that can facilitate the reduction of VAWG and other rights abuses, as well as the role of traditional justice systems. Starting with the family units, there is a need to help people appreciate the value of shared communal values and livelihood, as enshrined in culture, emphasising that the sense and practice of communalism provides a safety-net against VAWG and SRHR abuses, and offers cheap and effective avenues for resolution of conflicts in a reconciliatory manner.

They should also widely publicise the positive cultural practices and values described in this report to the youth, to raise awareness and appreciation. "Culturally aware" messages can be disseminated via educational establishments; cross-generational dialogues can be organised and cultural exhibitions held.

They should foster the formation and accredit Ssenga Associations (or equivalent) to teach young girls positive cultural values, as they often do not have access to a "proper" *ssenga*, for instance when their paternal aunts are not married, are in the same age bracket, have died or are non-functional as *ssenga*. This would prevent girls from going to commercial *ssenga's* whose advice is often ill-informed.

International and national players in global development also need to partner with cultural institutions to integrate or incorporate culturally appropriate models that create positive change, such as the socialising models of the *ekisaakate* in Buganda, the *ekigangu* in Busoga and the *ekikaali kya nyina omukama* in Tooro, with an accent on boys and their culturally-defined roles of family protection and care.

Ekisakaate and *nkobazambogo* groups and clubs in educational institutions (or equivalent) should include sessions on cultural resources for tackling VAWG and SRHR abuses in their work with youth.

Cultural institutions, the Ministry of Education, the Ministry of Gender, Labour and Social Development, and development partners: these need to promote "cultural literature", with its idioms and positive practices through booklets and films for the youth; appropriate cultural education in schools should also be actively promoted in line with Government's proposed strategy for reproductive health education.

5. ***Tackling cultural values and practices with negative consequences***

Cultural leaders: Cultural leaders need to reflect on the aspects of culture that are considered to have a negative impact on VAWG, SRHR and to be encouraged to reform them in line with national and international human rights standards. They need to be given the necessary knowledge and confidence to call regular clan meetings, engage and influence their people, as well as to train them on gender issues, and relevant laws and regulations.

"Cultural re-engineering": the practice of widow inheritance which has been re-engineered in many locations after the HIV/AIDS pandemic to retain its symbolic and socially useful elements (support to the welfare of orphans, identification of a guardian to protect the rights of the family, etc.) while prohibiting its harmful practices - such as forced sexual relations - provides an example of useful evolution. Thus, the practice of FGM (female genital circumcision) could be re-engineered to retain its symbolic and socially useful elements (initiation, transition) while prohibiting its harmful aspects. Wherever possible and necessary, one should therefore aim at 'new cultures' that find their foundation in what people already know.

6. ***Support to cultural institutions*.**

Local governments and development partners: During all the research stages, the cultural leaders met showed an enduring interest in their culture. Apex cultural institutions and their outreach structures - that have supported people in dealing with issues of VAWG for years - and in view of the respect in which they are held and the influence they command, have an important role to play in sensitising communities on positive and negative cultures relevant to VAWG and other ills. Their influence is however curtailed by their limited political mandate and considerable capacity gaps.

Local governments and development partners should therefore train, support and actively seek the active collaboration of cultural institutions in designing and implementing development initiatives, thus enhancing the sustainability and ownership of any intervention. Clan leaders for instance need to be helped to utilise positive cultural resources (for example promoting relevant values and practices and making pronouncements on child marriages) and desist from negative practices, e.g. corporal punishments.

Cultural institutions that apply cultural resources to facilitate the promotion of SRHR of women and girls, access to justice and the mitigation of VAWG need to be accorded recognition by signing Memoranda of Understanding with partners working on similar issues, including local governments.

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Appendix

Assessment of the implementation of the "Strategic guidelines on addressing socio-cultural norms, practices and values that impact on HIV AIDS prevention, maternal ill-health and gender based violence in Tooro"

In 2010, the Ministry of Gender, Labour and Social Development (MGLSD) with support from UNFPA, UNAIDS and UNESCO, conducted research that revealed that socio-cultural practices and values impact (mostly negatively) on HIV/AIDS prevention, maternal health and gender-based violence. Based on the assumption that apex cultural institutions can provide conduits for appropriate interventions, the Ministry facilitated these institutions to develop policy statements, to make commitments, and to formulate strategic guidelines to assist them address socio-cultural practices, values and norms impacting on the three thematic areas of HIV/AIDS, gender-based violence, and maternal health.

The current study sought to investigate the relevance, extent of implementation, and effectiveness of these interventions by the Tooro cultural institution in promoting the rights of women and girls with special regard to VAWG, SRHR, and access to justice. Efforts were made to interview respondents that took part in the formulation of the guidelines: two out of the 4 members were met, including the team leader.

According to the respondents, little has been implemented by the institution for various reasons. The lack of funds to implement the commitments made by the responsible Ministers within the Kingdom was cited as the major challenge. The Ministers serving the cultural institution provide voluntary services and therefore movement within the Tooro Kingdom to disseminate and operationalise the guidelines could not be accomplished without funding. The Isaazi (equivalent to Parliament) has also not convened for some time due to lack of funds. It was reported that the MGLSD pledged support which, at the time of the research, had not materialised. Secondly, the respondents cited the constant administrative changes of leadership of the relevant ministries in the Kingdom as a factor responsible for the delay to implement the guidelines. One key informant with close links to Tooro Kingdom summarised: "It is very unfortunate that the Kingdom has not done anything regarding the implementation of the strategic guidelines developed with the support from the Ministry of Gender. This has been due to a lack of sufficient funding and defined timelines to implement, as well as the split and later merger of the Kingdom's culture and gender ministries into one ministry - the Ministry of Culture and Gender"

In order to address such challenges, one respondent proposed that the kingdom replicate the seemingly successful strategy used by Buganda to remunerate people assigned to implement kingdom work. He also suggested that implementation of such guidelines would have been easier if the kingdom's resources held by the central government were returned, thus providing a source of capital to run its affairs.

Another high ranking source within the Kingdom pointed out that the failure of such guidelines to be implemented or even disseminated reflects a deeper challenge within the institution. The lack of an institutional strategic plan to provide an overall framework for development initiatives

(including the Guidelines) was noted as an important gap. He also pointed out that the kingdom has no Constitution, and that clans' Constitutions were primarily designed for clans' income generation initiatives.

In spite of these challenges, some of the planned Guideline objectives are being implemented in an ad-hoc way, such as awareness campaigns to legalise and formally register marriages and the initiatives led by the King of Tooro to raise awareness about HIV and AIDS.

Nevertheless, according to respondents, the strategic guidelines are still valid and need to be implemented because they address concerns of current relevance in the community (such as the prevalence of cultural practices, values, and norms that negatively impact on maternal health, HIV AIDS and VAWG). Practices, they say, such as bride price, have been misrepresented and misused and have in some instances contributed to VAWG.

It was stated on the other hand that there are positive resources that the Kingdom needs to revitalise and sensitise the community about, because of their potential to help deal with HIV and AIDS, VAWG and maternal ill-health. Such resources include traditional birth attendants that help in maternal health, resolution of conflicts through clan leadership that helps mitigate VAWG in communities and provide women and girls access to justice, and informal cultural education resources such as the "*akasaka*" that pass on positive education on the risky sexual behaviour that places the community at risk of HIV, AIDS and VAWG. Participants therefore recommended that, in order to move the strategic guidelines forward, a team of elders should be identified and trained in awareness creation, focusing on relevant cultural norms, values, practices and principles.

One key respondent also asserted that it is important for the kingdom to cultivate a sense of ownership of the Guidelines and to take upon itself the responsibility to educate its people about the positive cultural resources of the kingdom to promote a violence-free society. He shared a proverb to the effect that *"Nyineeka obwabyamira akalimi, enyana zibyaamira esaabu"* loosely translated as "the fate of a society is sealed the day its leaders remain silent"

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