



Beyond Victimisation

EXPLORING AVENUES TO OVERCOME GENDER-BASED VIOLENCE IN KAMPALA MARKETS





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Abbreviations

CBO	Community Based Organization
CEDAW	Convention on Elimination of All Forms of Discrimination Against Women
CSO	Civil Society Organization
CLV	Community Legal Volunteer
FGD	Focus Group Discussion
FIDA-U	The Uganda Association of Women Lawyers
GBV	Gender-Based Violence
GCRF	Global Challenges Research Fund
ICESCR	International Covenant on Economic, Social and Cultural Rights
IST	Institute for Social Transformation
KCCA	Kampala Capital City Authority
KII	Key Informant Interview
LC	Local Council
NGO	Non-Governmental Organization
SDGs	Sustainable Development Goals
UKRI	United Kingdom Research Initiative
WIEGO	Women in Informal Employment: Globalizing and Organizing

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We acknowledge and celebrate the resilient women who work in the informal sector in Kampala, in particular the women who sacrificed their time to participate in this study.





Executive Summary

The informal sector is one of the major sources of employment for women with market vending employing the majority of women in the working-age population in Kampala. Market vending enables many women to be economically empowered and to make valuable contributions to their families and communities. Nevertheless, women's participation in the market is threatened by the normalization of gender-based violence (GBV). This study, conducted with stakeholders of six large markets in Kampala, found that GBV in that context is characterized by a diversity of perpetrators and forms of violence including economic violence, sexual violence, physical violence, psychological violence and even domestic violence. Gender intersects with other identity factors such as age, class and tribe to further reinforce risks of exposure to violence. Furthermore, each type of GBV rarely occurs in isolation from others as several types of violence are often combined in the market set-up. Altogether, GBV in this specific informal work context is particularly gendered and systemic. It is both caused and sustained by several structural factors including poverty and patriarchy. It is noteworthy to highlight that the specific nature of informal work triggers several waves of violence with economic violence nearly always at the background, supplanted by other additional forms of violence as a second wave of abuse. Secondary-traumatization and lack of access to justice due to structural obstacles then constitute a third wave of GBV.

It is noteworthy to highlight that the specific nature of informal work triggers several waves of violence with economic violence nearly always at the background, supplanted by other additional forms of violence as a second wave of abuse.

In this context and despite an apparently robust legal and policy framework (though impacted by a crucial lack of enforcement mechanisms within the informal work sector), women vendors develop strategies of resilience in the face of GBV. Resilience, as a multi-dimensional process that is implemented by individuals who find themselves in a situation of adversity, is analyzed as being articulated around the mobilization of three vectors of support including personal vectors, natural relational vectors and organized community-based or social vectors.

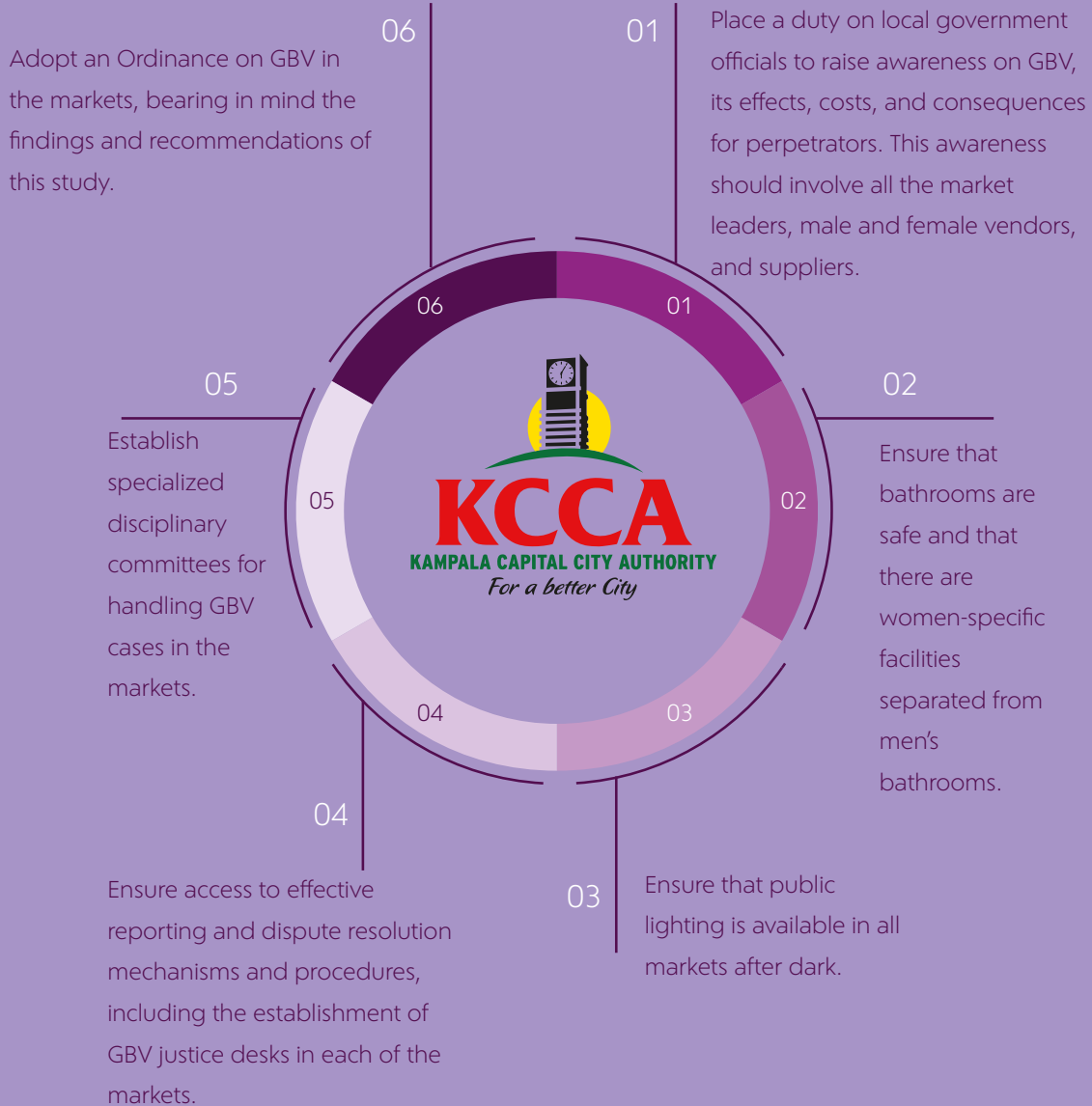
This study reveals that women vendors primarily rely on individual vectors of support to develop both preventive and responsive resilience strategies. These include, inter alia, silence, forgiveness, religion/spirituality, dress-code and explicit manifestation of absence of consent. It is notable to discover that relational vectors of support which usually encompass family members, friends and community leaders outside of the market are considerably less mobilized.

Fellow market vendors are the only natural relational vectors of support upon which survivors rely. Organized community-based or social vectors are more mobilized than natural relational support vectors with the reliance on economic empowerment initiatives and cooperatives, market structures such as chairpersons, market leaders and community liaison officers as well as community legal officers, an initiative established by FIDA-U as part of this study. These findings contradict the literature giving an overview of resilience strategies documented across the world which indicates a considerable reliance on organized community-based or social vectors. It demonstrates that the structural obstacles existing in the market set-up in Kampala do not encourage the development of such initiatives.

Following this analysis and with the view to enhance informal workers' right to be free from GBV, this study formulates a range of recommendations under both the prevention and protection pillars, targeting a wide range of stakeholders and applicable to the market set-up and beyond.

Key Recommendations:

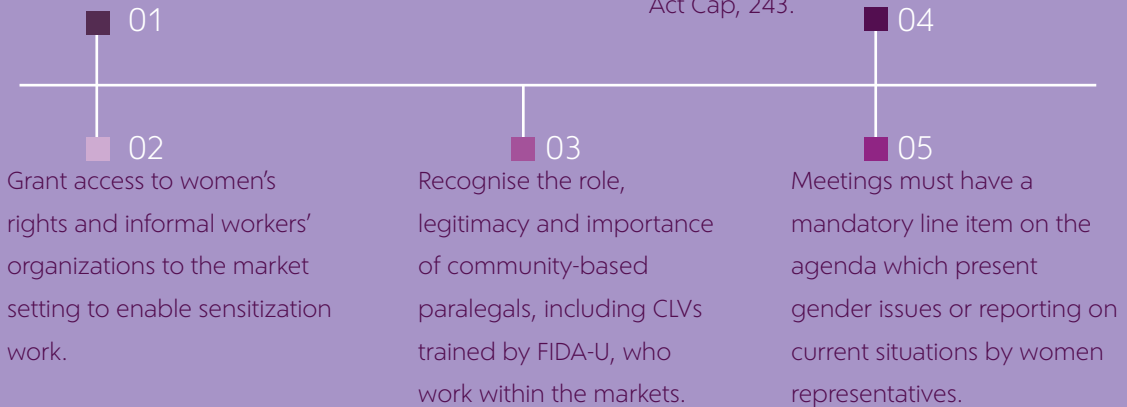
To KCCA:



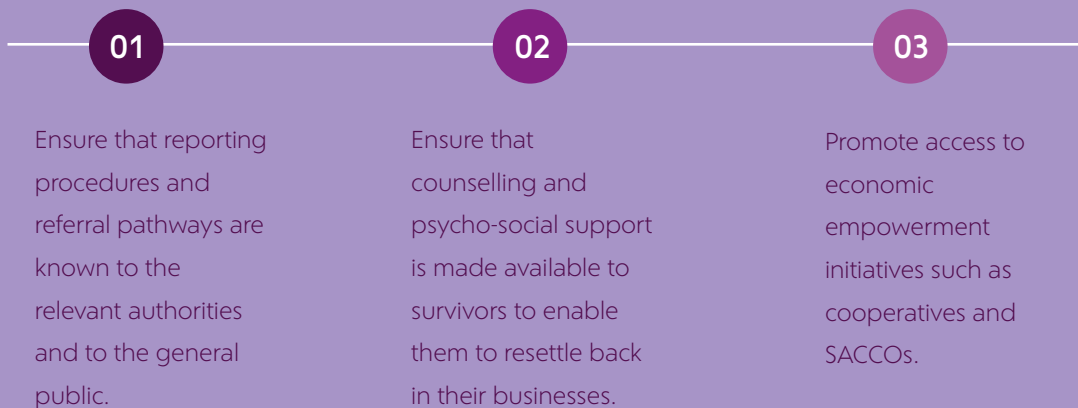
To market authorities:

Develop collaborative initiatives involving women vendors such as Community Legal Volunteers trained by CSOs like FIDA-U.

Adopt a 30% women representation on each leadership committee in line with gender representation targets in national legislation including the Local Government Act Cap, 243.



To civil society:





Introduction and Background

This section provides some background about the necessity to conduct this study as well as key information about the research design and data collection.

1.1 Introduction

The obstacles faced by women vendors to protect themselves from Gender-Based Violence and to end perpetrators' impunity are addressed in this report drawing on the experiences of women vendors from six large markets in Kampala.

The study project undertaken by FIDA-U investigates and documents the intricacies of a social setup where women take the initiative to work toward their own financial independence while being dragged down by the patriarchal structures that seek to keep them chained to their dependency on men. The nature of gender-based violence (GBV) as well as the obstacles faced by women vendors to protect themselves from such violence and to end perpetrators' impunity are addressed in this report drawing on the experiences of women vendors from six large markets in Kampala. The study discusses the normalization of GBV as a part of life and survival in the markets and identifies key policy and legislative shifts which need to be adopted in order to eliminate GBV and improve the working conditions of women, not only in the market set-up but also within the informal work sector as a whole.



1.2 Background to the study

Women in Uganda form 51% of the labour force and are primarily engaged in micro, small and medium enterprises.¹ Market vending employs up to 90% of Uganda's urban population, and women vendors make up the majority within these markets.² The most recent International Labour Organization's report on the topic indicates that women are over-represented in informal employment.³ The same report revealed that women are also over-represented in the lower parts of the informal employment hierarchy, for example, women working as domestic workers, sex workers, waste pickers and street vendors.⁴

Despite market women vendors' large numbers and efforts to participate in the economy, women who work in the informal sector in Uganda, and those employed in markets in particular, are at risk of experiencing GBV. GBV in markets is a systemic discriminatory practice which targets women and hamper their advancement and empowerment in the informal sector. It is based on and sustained by the intersection of several mechanisms of power and domination including patriarchy, classism, tribalism, ableism as well as migration and HIV statuses. The widespread exercise of violence prevents women from equally and actively earning a livelihood. Despite the apparently robust legal and policy framework to address GBV in the work sector, such violence is largely under-reported and could be better prevented. As a result, women lack access to protection and have to employ strategies of resilience in order to ensure their personal safety and security on a daily basis, while working hard to grow their businesses.

1.3 Problem Statement

1.3.1 Research question

Uganda ratified and domesticated international and regional instruments and enacted robust legislation that aim at the elimination of GBV. Despite these endeavours, GBV remains structural in all sectors and more particularly within the informal work sector due to a lack of law enforcement and strong community structures to both protect women from violence and provide effective remedies to seek justice. Against this background, women vendors have little choice but to develop resilience and coping mechanisms to survive and pursue their vital economic activities.

1 Uganda Bureau of Statistics, 'Statistical Abstract 2020' (2021), 30.

2 Ibid, 32.

3 International Labour Organization, 'World Employment and Social Outlook - Trend 2021' (Trend 2021, 2021).




4 Ibid.

The research question that guides the reflection in this report is the following:

How does the normalization of gender-based violence within the market set-up lead women vendors to develop strategies of resilience and what is the nature of these strategies?

1.3.2 Objectives

Therefore, this study seeks to:

		
<p>Explore and document the normalization of GBV in six large markets in Kampala: Nakawa, Kalerwe, Kamwokya, Nakulabye, Nakasero and St. Balikudembe (Owino) markets.</p>	<p>Investigate and document the avenues and mechanisms which are currently used by women in order to prevent and address GBV in the six large markets in Kampala, Uganda.</p>	<p>Determine the key aspects that local government legislation ought to address in order to protect women traders from GBV and strengthen their position within the economy.</p>

1.3.3 Scope of the Study

The study focuses on six large markets in Kampala: Nakawa, Kalerwe, Kamwokya, Nakulabye, Nakasero and St. Balikudembe (Owino) markets with an objective of analyzing the nature of GBV as a barrier to women's effective participation in the economy and to explore avenues which can be created and strengthened in order to end this violence. The project addresses perceptions on GBV by the key market actors, and the root causes leading to the normalization of GBV within the markets and by women vendors.





This study relies on the experiences of women at risk of experiencing GBV in the market setting and the evaluation of the existing legal and policy framework around women's right to be free from violence.

Research Design

2.1 Methodology and Approach

This study adopts a reform-oriented methodology.⁵ Socio-legal in nature, a reform-oriented methodology seeks to go beyond critique and analysis of a particular topic (here, the normalisation of GBV in the market setting and the subsequent strategies of resilience developed by women vendors) by using the findings to answer the research question and in turn inform adequate law and policy reforms. As such, it adopts a mixed-methods approach, combining desk-based research and empirical research to provide a comprehensive account of the issue before formulating recommendations. This study relies on the experiences of women at risk of experiencing GBV in the market setting and the evaluation of the existing legal and policy framework around women's right to be free from violence and women's right to work to recommend legal reforms in order to improve the working conditions of female vendors in the market.

The consulting team was guided by the following principles: (a) a participatory and consultative approach to allow active participation of all key stakeholders; (b) a user-friendly environment for the various respondents to freely express what they felt, thought, knew, or did not know about the questions raised to them.

⁵ Michael McConville and Wing Hong Chui, *Research Methods for Law* (NetLibrary, Incorporated 2007), 29.



2.2 Methods

The study is qualitative in nature. A mix of data collection methods are adopted including desk-based research and literature review as well as empirical research comprised of Key Informant Interviews (KIIs), Focus Group Discussions (FGDs), a few individual (face-to-face) interviews and a validation workshop.

2.2.1 Literature Review

Key concepts such as GBV, intersectionality, resilience and informal work are first reviewed in light of the relevant scholarship and grey literature on the topic.⁶ This process has been crucial in informing empirical data collection and analysis. A thorough review of the international and regional instruments as well as national legislation addressing GBV, women's economic empowerment, and market regulation is also conducted to identify gaps and formulate recommendations.⁷

2.2.2 Key informant Interviews (KIIs)

Key informants were identified in consultation with FIDA-U officers. Eight KIIs were conducted among key stakeholders including local councillors, chairpersons, market leaders and police officers throughout six different markets. Informed consent was systematically sought before conducting the interviews.

2.2.3 Focus Group Discussions (FGDs)

A total of 5 (one per market) FGDs were conducted among the targeted beneficiaries. Each FGD comprised of 6 – 8 members. Social distancing and other Ministry of Health COVID-19 preventive guidelines were observed throughout the study period. The FGDs were comprised of service providers (food vendors), women market leaders, and women who sell goods such as vegetables and foodstuff. FGD participants were selected by the women leaders (Nabakyala) based on their different capacities. Informed consent was systematically sought before conducting the interviews.

⁶ See section 3.

⁷ See section 4.

2.3 Data management

2.3.1 Data Collection

Two experienced research assistants were engaged to assist in the exercise, they were responsible for collecting, transcribing and translating field data. Recorders were used during KIs and FGDs, cameras were used to capture photographs. All respondents gave their informed consent before participating in the interviews and before being photographed. All the interviews were conducted in Luganda and the transcripts were then translated in English.

2.3.2 Data Analysis

Data was then analysed by two other researchers following a combination of content and narrative approaches to qualitative data analysis. Content analysis enables the analysis of respondents' responses and to categorize them within themes and subthemes. Narrative analysis allows for a deeper understanding of the respondents' stories and experiences which is particularly relevant when discussing GBV.

2.3.3 Data quality assurance plan

The quality of data was maintained throughout the process through: (a) Use of reliable sources of information and cross-referencing with other credible sources; (b) The design and use of the effective data collection tools and methods for analysis in order to ensure reliable data (c) rigorous training of the research team to ensure that they are fully conversant with the use of tools.





Key Concepts

This section seeks to clarify four key concepts that are articulated throughout the report to enable a better understanding of the analysis developed below.

3.1 Informal Economy

The informal work sector is a specific context that triggers the emergence of intersectional discrimination and types of GBV; women working as domestic workers, street vendors, sex workers, and waste pickers for example are particularly at risk to suffer from GBV

In its Recommendation 204 on Transition from the Informal to the Formal Economy, the International Labour Organization (ILO) defines informal economy as '(...) all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements'.⁸ Further, the ILO specifies that this definition does not 'cover illicit activities, in particular the provision of services or the production, sale, possession or use of goods forbidden by law (...)'.⁹ It is estimated that 2 billion workers, constituting 60.1% of the globally employed, were part of the informal economy in 2019.¹⁰

⁸ International Labour Organization, 'R204 - Transition from the Informal to the Formal Economy Recommendation' (first published 2015), para 2.

⁹ Ibid.

¹⁰ International Labour Organization, 'World Employment and Social Outlook - Trend 2021' (2021), 24.

Informal employment is described as a ‘norm’ in sub-Saharan Africa as it concerns approximately 85 % of workers with an overrepresentation of women and young people, an overwhelming majority of domestic workers, street vendors, sex workers, and waste pickers being female.¹¹ Several factors influence the level of informality in each country including level of education, socio-economic development and rurality.¹² However, the informal economy is not homogeneous. Rather, it is constituted of diverse sectors, statuses in employment and types of workplaces ranging from streets to private homes. This report exclusively looks at the market set-up as a specific physical as well as socio-economic space of work with a case study of six large markets in Kampala. However, the recommendations formulated at the end of this report could be extended to other informal work sectors to combat GBV.¹³

3.2 Gender-Based Violence (GBV)

GBV is undoubtedly one of the most rampant forms of human rights violations worldwide. It is a long-lasting global pandemic that affects 1 in 3 women in their lifetime.¹⁴ The United Nations defines violence against women as ‘any act of gender-based violence that results in or is likely to result in physical, sexual, or mental harm or suffering to women including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life’.¹⁵ GBV reinforces inequalities between men and women, girls and boys, and compromises the health, dignity, and security of those affected. It has individual physical, sexual, and mental health consequences as well as wider and more structural implications for the economic and social well-being of families and communities.

The informal work sector is a specific context that triggers the emergence of intersectional discrimination and types of GBV; women working as domestic workers, street vendors, sex workers, and waste pickers for example are particularly at risk to suffer from GBV compared to women working in the formal work sector for several reasons. Women working in sectors such as construction and waste picking evolve in a male-dominated and patriarchal space, which increases the risk of GBV and sexual harassment at work.¹⁶ In addition, the domestic work sector can be extremely isolating, depriving survivors of their natural and sometimes even organized

¹¹ Ibid, 47.

¹² Ibid, 6.7

¹³ See Section 7.

¹⁴ UN Office of the High Commissioner for Human Rights website, ‘Gender-based violence against women and girls’, available at <https://www.ohchr.org/en/women/gender-based-violence-against-women-and-girls> [Last Accessed 12/07/2022].

¹⁵ UN General Assembly, A/RES/48/104, Declaration on the Elimination of Violence against Women, 20 December 1993.

¹⁶ Women in Informal Employment: Globalizing and Organizing (WIEGO) ‘Violence and Informal Work’ (Briefing Note, May 2018) 6.

social support network, which is also the case for sex workers who face a particularly high risk for sexual violence. Women street vendors also report that poor urban infrastructure, including lack of light at night and the absence of toilet facilities, exacerbate the risk of violence.¹⁷ More generally, due to the very nature of informal work, workers do not benefit from State recognition and do not have access to mental-health and legal support to seek justice for GBV. This is also the case for migrant workers without regular immigration status and sex workers whose profession is often illegal. Even when these vulnerable groups are able to access support and legal services, they run the risk to suffer further discrimination on the basis of their employment status or due to the fact that they belong to another stigmatized group.

It is important to highlight that such obstacles to access services have been exacerbated due to the COVID-19 pandemic which particularly affected informal employment as the ILO reports that 1 in 3 informal workers is at risk to lose their job.¹⁸ Indeed, research demonstrates that GBV has risen exponentially in the informal work sectors due to COVID-19 restrictions.¹⁹

3.3 Intersectionality

This report adopts an intersectional approach to analyse GBV against women in the informal work sector. Intersectional analysis seeks to counter the idea according to which women would be a homogeneous and uniform group,²⁰ and would only suffer from one type of structural domination that would be patriarchy. Rooted in Black liberation movements and theorised by African-American lawyer Kimberle Crenshaw, intersectionality is a concept that seeks to describe the phenomenon of interlocking experiences located at the crossroad of several axes of power.²¹

Crenshaw created this analogy to traffic in an intersection constituted of the race-axis and the gender-axis, joining to form a new and unique form of discrimination that was distinct from racism or sexism.²²

17 Ibid.

18 International Labour Organization (n 3 above).

19 Yara Asi and others, 'In the Shadows of the COVID-19 Response: Informal Workers and the Rise of Gender-Based Violence' (Gender and Covid-19, 8 February 2021).

20 Chandra Talpade Mohanty and others, *Third World Women and the Politics of Feminism* (ACLS Humanities E-Book, Indiana University Press 1991) 67.

21 Kimberle Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (1989) 140 *The University of Chicago Legal Forum* 139.

22 Ibid, 149.



Progressively, such intersectional analysis was extended to address other identity markers such as class, age, ethnic origin, tribe, religion, disability, migration status, HIV status etc.²³ Adopting an intersectional perspective not only enables to account for all the realities but also to describe the way all systems of power sustain each other and reinforce domination of women. This report relies on intersectionality as an analytical framework as it is attentive to the way each woman experiences patriarchal domination, depending on her class, age, ethnic origin, tribe, religion, disability, migration status, HIV status etc.

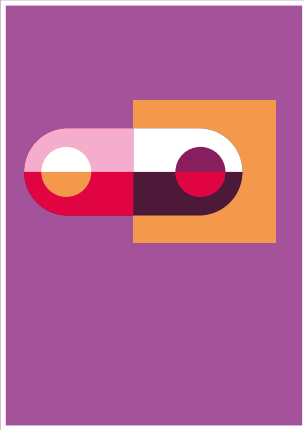
3.4 Resilience

In this study, resilience is understood as 'the potential to exhibit resourcefulness by using available internal and external recourses in response to different contextual and developmental challenges.'²⁴ It is a multi-dimensional process that is implemented by individuals who find themselves in a situation of adversity relying on both personal attributes and the social environment. This multi-dimension is also reflected through the different and sometimes overlapping vectors of support mobilized as part of the strategies implemented by resilient individuals. To simplify, there are three support vectors of resilience in the face of GBV which constitutes the framework of analysis in this report:²⁵

23 Patricia Hill Collins, *Intersectionality (Key concepts)* (Polity Press), Polity 2016).

24 Julie Ann Pooley and Cohen Lynne, 'Resilience: A Definition in Context' (2010) 22 *The Australian Community Psychologist* 30.

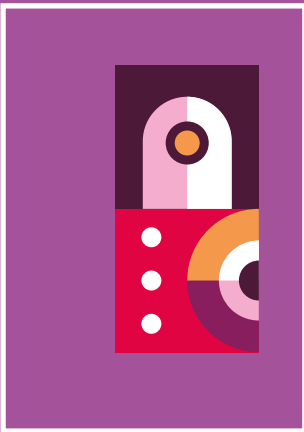
25 Rebeca García Montes and others, 'Personal Tools and Psychosocial Resources of Resilient Gender-Based Violence Women' (2021) 18 *International Journal of Environmental Research and Public Health* 16, 8306.



01

Individual Vectors of Support:

Individual vectors of support are personal attributes and resources that survivors of GBV will mobilize to develop mechanisms of resilience. These personal traits can include confidence, competence, character, ability to connect and to care. According to research, these attributes assist the survivors in their journey to resilience which often starts with the refusal to see themselves as victims and the identification of the situation as violence.



02

Natural Relational Vectors of Support:

Family members and individual members of the community such as religious leaders, peers, neighbors are part of the survivor's natural, self-constituted social environment and constitute their relational vectors of support. Access to natural social support network varies depending on the context of violence and abuse but constitute a key step towards resilience.



03

Organized Community-Based or Social Vectors of Support:

Community-based vectors of support, also called social vectors of support include support structures that will facilitate the individual's exercise of agency in developing resilience through (mental) health, judicial and educational services for example. While some of these services are professionally equipped, some community-based support can also emerge from other forms of (survivors-led) organizations that support survivors including, women's groups, unions, associations, and cooperatives.



Brief Review of Resilience Strategies in the Informal Work Sector Across the World



The literature review on the topic reveals that female informal workers largely rely on community-based or social vectors of resilience through different types of organizing including unions associations and cooperatives.

This section outlines some of the strategies of resilience that have been documented in various regions of the world to face GBV in the informal work sector. The literature review on the topic reveals that female informal workers largely rely on community-based or social vectors of resilience through different types of organizing, including unions, associations and cooperatives. These structures constitute an important support network to both protect informal workers against GBV and work-related violence and to promote more effective legal and regulatory frameworks.

4.1 Columbia: The Asociación de Recicladores de Bogotá: ²⁶

This organization was created following the murder of waste pickers in the streets of Bogotá in the 1980s. Here, violence becomes the driver for survivors to organize and to claim protection against GBV as a process of resilience. The WIEGO network (Women in Informal Employment: Globalizing and Organizing) noted, not only a global trend for informal workers to organize following a particularly difficult incident of violence but also that workers are less susceptible to suffer from GBV once they become organized as a union or an organization.

4.2 Bangladesh: The Bangladesh Textile Workers League's study circle:

This form of organizing has been adopted by members of the Bangladesh Textile Workers League (as well as the Garments and Textile Workers League). This model suggests that an informal worker individually gathers a small group of workers to lead a study group with various activities such as discussions, lectures, role play, case studies, field visits and reading. The objective is to foster equal participation and action-oriented discussion for the whole group to become increasingly empowered with regards to access to informal workers' rights and other services. The study circle can be a significant support network for informal workers survivors of GBV as well.

4.3 Sri Lanka: The National Workers' Congress' friendship house:²⁷

Many informal workers are reluctant to join a Union out of fear of losing their job. In Sri-Lanka, the National Workers' Congress created the 'friendship houses' in the 1990s to foster support and co-learning within a safe environment for women workers. In addition to offering leisure activities such as watching television, reading, baking, painting and other development skills training, the friendship house has a team of lawyers and union leaders to train informal workers about their rights and the benefits of joining a union. The friendship houses also offer awareness raising programs to prevent human trafficking, sexual harassment and other forms of GBV that remain prevalent in the informal work sector.

²⁶ WIEGO (n 15 above).

²⁷ Pong-Sul Ahn, 'Organizing for Decent Work in the Informal Economy: Strategies, Methods and Practices' (2007) 39.

4.4 Brazil: The National waste pickers movement and the Gender and Waste project:

From 2012 to 2015, around 70 female informal workers, members of the National Movement of Waste Pickers participated in a participatory research action project focusing on gender and oppression in the work place. Several workshops were organized and became platforms for expression and reflection for women. The objective of this project was to strengthen women's sense of self-worth in order to identify resources and practical needs that can lead to symbolic, economic and political empowerment. Discussions range from women's autonomy, experiences of GBV at work to how intersecting identities intensify levels of expression (i.e.: intersection of race, class and sexual orientation mainly). In this study, the researchers found that these workshops revealed the importance for women to have a space to share their experiences of oppression while building collective resilience. One woman reported:

'Because inside the movement, we always discussed topics [related] to waste pickers, but we didn't have anything, until then ... like this discussion on gender, something centered on women, on what we are going through, on what we feel, what we hope for. So when this occurred, I felt that it was the moment for me to find strength from those who were guiding me. So in that first discussion I decided, I chose to not subordinate myself anymore to violence. So it was something like I revealed my story and was able to openly tell all the people there what I was going through and I had this certainty, this conviction that I could change.'²⁸

4.5 Hong Kong: Stories of individual resilience among Sex Workers:²⁹

In this study, 23 sex workers were interviewed about personal strategies of resilience. The sex workers shared about their emotional journey and reported about the various challenges and stigma that prevent them from seeking social support. The development of resilient processes is described to be the key strategy to maintain women's psychological and physical well-being. Such strategies include the rationalization of self-worth and identity as sex-workers, deserving the same respect as other women and other workers, the sense of control over their emotions and the environment, the development of practical mechanisms to increase financial independence, the belief in the ability to cope and to stay optimistic as well as the willingness to confront violent clients and to stand up for their rights in a situation of violence.

²⁸ Ibid, 42.

²⁹ Sonia Maria Dias and Ana Carolina Ogando, 'Rethinking Gender and Waste: Exploratory Findings from Participatory Action Research in Brazil' (2015) 9 Work Organisation, Labour & Globalisation 51.

Here, it is interesting to observe that the isolating nature of sex work encouraged women to mobilize individual vectors of resilience, adopting strategies of emotional regulation and acceptance of their responsibility to cope rather than to join an organization or a union.

4.6 Chad: The informal women’s business support association:³⁰

In Chad, women working in the informal sector created “Saïd Al Awine”, the informal women’s business support association. This organization seeks to provide a safe space for women to share about their experiences of GBV. Workshops to raise awareness about GBV and more specifically GBV in domestic work are also organized by the association.

4.7 USA: The Coalition of Immokalee workers’ Fair Food Programme:³¹

In 2011, the coalition of Immokalee Workers in Florida launched its Fair Food Programme. This initiative is born from the observation that female members of the organization were particularly at risk of sexual harassment in the informal work sector and did not have access to safe workplaces and adequate support. This programme gathers (female) informal farm-workers, tomato growers and retail buyers and seeks to encourage buyers to sign legally binding agreements to guarantee workplaces free from wage theft, trafficking and sexual harassment. Peer-education activities, training and workshops are also offered to the members of the coalition to learn about their rights and to identify signs of sexual harassment at work. Thanks to the Fair Food Programme, the coalition noted a significant reduction of sexual harassment in participating farms.

30 Colette Benoudji and others, ‘Violence against Women and Girls and Resilience: Links, Impacts and Perspectives from the Chadian Context’ (2017).

31 Celeste Saccomano, ‘Sexual Harassment in the Informal Economy: Farmworkers and Domestic Workers’ (September 2020).

05

Legal and Policy Framework on Women's Economic Empowerment, Regulation of Markets, and Gender-Based Violence

The ILO Convention 190 recognises the right to be free from violence and harassment in the workplace and sets out states' obligations to respect, promote and realize this right.

This section considers and examines the legal and policy framework on women's economic empowerment, elimination of gender-based violence in Uganda, and specifically the informal sector with a focus on the markets of Kampala.

5.1 International legal and policy framework

5.1.1 ILO Convention 190:³²

The Convention 190 is the most recent international Convention specifically intended to eliminate violence and harassment in the work sector. The Convention recognises the right to be free from violence and harassment in the workplace and sets out states' obligations to respect, promote and realize this right. It is based on an inclusive, integrated, and gender-responsive approach calling for action on prevention, protection, enforcement, remedies, guidance, training, and awareness-raising. Although Uganda has not yet ratified this Convention, most of its provisions are directly or indirectly echoed in other international instruments which Uganda has ratified and domesticated.

³² International Labour Organization, 'Convention 190 - Violence and Harassment Convention' (2019).

5.1.2 The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW):³³

The CEDAW Convention, ratified by Uganda in 1985, was the first instrument to recognize and explicitly provide for the promotion of women's economic empowerment under article 13.³⁴ Women's right to participate in the economy under the Convention is to be guaranteed through the elimination of gender stereotype and social patterns,³⁵ as well as GBV.³⁶

5.1.3 International Convention on Economic, Social and Cultural Rights (ICESCR):³⁷

Under Article 3 of the Convention, states are obligated to ensure men and women equally enjoy economic, social, and cultural rights.³⁸ Uganda ratified the Convention in 1987 and it is under an obligation to implement it. The ICESCR and its accompanying general comments specifically obliges the government to adapt measures preventing direct and indirect discrimination against women,³⁹ and to ensure acceptable, qualitative, just and safe working conditions for all workers.⁴⁰

5.1.4 Beijing Platform for Action:⁴¹

The Beijing Platform for Action urges governments to undertake all the necessary administrative and legislative reforms to give women equal and full access to economic resources.⁴² Additionally, states are required to adopt measures to combat and eliminate structural gender-based violence against women, include in the labor market⁴³

33 UN General Assembly, U.N. Doc. A/34/46 'Convention on the Elimination of All Forms of Discrimination against Women' (18 December 1979) Vol 34.

34 Ibid, article 13.

35 Ibid, article 5.

36 Committee on the Elimination of Discrimination against Women, CEDAW/C/GC/35 'General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19' (14 July 2017).

37 UN General Assembly, Resolution 2200 A (XXI) 'International Covenant on Economic, Social and Cultural Rights' (16 December 1966) Vol 993.

38 Ibid, Article 3.

39 Article 3

40 Committee on economic social and cultural rights, E/C.12/GC/186 'General Comment No. 18 on the Right to Work' (24 November 2005).

41 Beijing Declaration and Platform for Action, UN Doc.A /CONF:177/20 (1995) 'Fourth World Conference on Women' (1995).

42 Ibid, para 58

43 Ibid, paras 112-129

5.1.5 Sustainable Development Goals (SDGs):⁴⁴

Goal 5 of the SDGs is a standalone goal focusing on gender and women's empowerment.⁴⁵ One of the targets under goal 5 is to carry out reforms to ensure women's access and control over economic resources such as land and financial services.⁴⁶ In 2015, all UN member states adopted the Agenda 2030 for Sustainable Development and Uganda made a commitment to implement and raise awareness around the 2030 agenda.

5.2 Regional legal and policy framework

5.2.1. The African Charter on Human and Peoples' Rights:⁴⁷

Article 22 of the Charter provides for the right to economic development.⁴⁸ Furthermore, the State shall ensure the elimination of every discrimination against women and safeguard the protection of women's rights as stipulated in international declarations and conventions.⁴⁹ Ratifying states are also under the obligation to eliminate all negative norms and beliefs which promote non-equality and discrimination.

5.2.2 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa:⁵⁰

The Protocol to the African Charter also known as the Maputo Protocol was adopted in 2004 to enhance women's rights, strengthening the rights provided under the African Charter. Article 19 provides for the right to sustainable development, participation of women in decision-making, implementation and evaluation of development policies and programs and access to and control over productive resources. Article 4, on the Right to life, integrity and security of the person obliges States Parties to take appropriate and effective measures to prohibit all forms of violence against women.

44 UN General Assembly, A/RES/70/1 'Transforming Our World: The 2030 Agenda for Sustainable Development' (21 October 2015).

45 Ibid, Goal 5.

46 Ibid.

47 Organization of African Unity, OAU Doc. CAB/LEG/67/3 rev. 5 'African Charter on Human and Peoples' Rights' (27 June 1981).

48 Ibid, Article 22.

49 Ibid, Article 18(3).

50 African Union, 'Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa' (11 July 2003).



5.3 National legal and policy framework on GBV

5.3.1 The 1995 Ugandan Constitution:⁵¹

Objective XIV of the Constitution mandates the state to fulfil the fundamental rights of all Ugandans to social justice and economic development and in particular to ensure that all development efforts are directed at guaranteeing maximum social and cultural well-being of the people. The Constitution provides a strong legal framework with the view to eliminate GBV. In recognition of the fact that GBV affects women and girls more than boys, the government has the obligation to protect their rights, taking into consideration their unique status and maternal functions in society as provided for under Article 33(3) of the Constitution.

5.3.2 Domestic Violence Act 2010:⁵²

The Domestic Violence Act 2010 provides for access to civil and criminal remedies for survivors of domestic violence. Under Section 4 of the Act, any perpetrator exercising violence in a domestic relationship commits an offence and can be convicted to a fine and/or to imprisonment and the survivor is entitled to monetary compensation. The right to be free from domestic violence also falls within the scope of fundamental human rights under the Ugandan Constitution.

5.3.3 Penal Code Act, Cap.120, 1950:⁵³

Sexual violence offences are provided for under the Penal Code Act, Cap.120. Section 123 covers rape adopting a consent-based approach while Section 129 provides that any person performing a sexual act with an under-aged person (below eighteen years old) commits a felony described as defilement. Indecent assaults of a sexual nature against any woman or girl are also prohibited under Section 128 of the same Act. Finally, Section 128(3) covers sexual harassment and criminalizes the behaviour of anyone who insults the modesty of a woman or girl through words, wounds and/or exhibition of any object.

5.3.4 National Policy on Elimination of Gender-Based Violence in Uganda, 2019:⁵⁴

This recently enacted National Policy promotes a human-right based and survivor-centric

51 Uganda: Constitution of the Republic of Uganda, 22 September 1995

52 Uganda: Domestic Violence Act, 2010.

53 Uganda: The Penal Code Act (Cap. 120), 1950.

54 Ministry of Gender, Labour and Social Development, National Policy on Elimination Gender-Based Violence in Uganda, July 2019.

approach to combating GBV with a particular emphasis on delivery of timely services, effective participation, male involvement, and a multi-sectoral approach. It recognizes the fact that GBV is rooted in the structural imbalances of power between men and women and proposes a range of strategies including enhanced access to care and support services for survivors, provision of remedies as well as training and awareness-raising amongst all the stakeholders.

5.3.5 The Local Governments (Kampala Capital City) Prohibition and Prevention of Gender-Based Violence Ordinance, 2021:⁵⁵

It is important to note that all the national legislation and policies mentioned above do not address GBV in the informal sector and to be specific, in the markets. Nevertheless, this draft ordinance by the Kampala Capital City Authority intends to address GBV in that particular setting.

5.4 The legal framework regulating markets in Uganda

5.4.1 The Market Act, 1942:⁵⁶

The principal law for management and regulation of markets is the Market Act of 1942 and the market rules S.I 94-1. The Act provides for the establishment of public markets under section 1 and it gives the minister powers to make rules and bye-laws under section 2. However, the Act does not address concerns for women's participation in the market nor does it target GBV issues.

5.4.2 The Local Government (Kampala City Council) (Markets) Ordinance, 2006:⁵⁷

The ordinance attempts to establish measures for the elimination of GBV including the prohibition of the operation of a lodge and a bar, the establishment of working hours and the prohibition of intoxication in the market. The ordinance also sets protection measures such as forbidding vendors to come to the market with a baby except if there is a day-care in the market, and empowering market administrator to expel from the market any person who breaches the peace. However, this ordinance does not specifically provide for the prevention and protection of women market vendors from GBV, does not address the root causes of GBV and fails to stimulate the gender composition of the decision-making bodies.

⁵⁵ Kampala Capital City Authority, The Local Governments (Kampala Capital City) Prohibition and Prevention of Gender-Based Violence Ordinance, 2021.

⁵⁶ Uganda: The Market Act, 30 September 1942.

⁵⁷ Kampala Capital City Authority, The Local Government (Kampala City Council) (Markets) Ordinance, 2006.



5.4.3 Market Bye-laws on the management of markets country wide:

Section 2(2) of the Markets Act empowers a market authority to make bye-laws regarding the regulation of the market under its management and control.⁵⁸ Similarly, any person or authority vested with control and management of a market by a market authority may make bye-laws that only come into force after approval by the district administration. A preliminary review of the various bylaws across the country indicates that they essentially deal with matters of management. Salient areas covered by the bye-laws include opening hours, regulation of alcohol consumption, prohibition of fighting and establishment of a market master in charge of keeping order within the market.

5.4.4 The Market Bill, 2021.⁵⁹

The Bill seeks to provide for a comprehensive legal framework to strengthen the regulation, management, and administration of markets, and to repeal and replace the Markets Act, Cap.94.⁶⁰ Notably, clause 20(g) makes it a requirement for the market committees to elect a women's representative, and the elections of all members of the committees must take into consideration gender equality. Clause 22 gives the administrators an opportunity to address and resolve all issues within the market and further to that, clause 24(1)(c) provides for the removal of a committee member for misbehaviour or misconduct. The bill further provides for the establishment of market departments that must be headed by two people including a woman under clause 27(4) whose mandate includes dispute resolution.

58 Section 2(2).

59 Uganda: Markets Bill, 2021.

60 Ibid, Cap 94.



Gender-Based Violence within the Market Set-Up in Kampala: Study Findings



Discussed are the various forms of GBV described by women vendors as well as other key informants including police officers, chairpersons, local councillors and market leaders of six large markets in Kampala.

This section starts by describing the perpetrators and survivors of GBV in the market-set up. The second sub-section aims at discussing the various forms of GBV that have been described by women vendors as well as other key informants including police officers, chairpersons, local councillors and market leaders of six large markets in Kampala. It then moves on to analyse root causes of such violence according to the interviewees before outlining the lack of access to preventive and deterrent measures to address GBV in this particular context of informal work.

6.1 Types of Gender-Based Violence Experience By Women Vendors

6.1.1 Economic violence

All interviews indicate that the most widespread type of violence experienced by the market vendors is economic violence. Such GBV is perpetrated by clients, suppliers, leaders as well as traders:

“We normally get cases of economic violence. Some people are given things on credit and later they don't pay.” - **Police officer, Owino**

“There is also economic violence which comes as a result of one party failing to pay. Some people supply things on credit and after some traders do not pay yet they have sold all the supplied commodities. Same way some vendors give out things to their customers on credit and some customers end up not paying and all this result into economic violence.” - **Market leader, Owino**

“Eating their [the women's] food but not paying them. They underrate them in that regard.”- **Leader, Nakulabye market**

Women vendors themselves recognize the gendered dimension of such violence when they are asked if they thought economic violence is perpetrated against them because they are women.

“Yes, because he [the male client] will even ask: ‘what can you do to me?’. It affects us because our capital reduces.” - **Women vendors, Owino market**

“Some women explain that if they protest against such economic violence, they run the risk to trigger ‘rumors’ and ‘marriage failures,’ facing the judgement of the community”

“You have to bend low while demanding your own money because when you over demand it ends up leading to separation in marriage because of rumors.” - **Women vendors, Nakulabye market**

Furthermore, it is very concerning to learn that, in many cases, economic violence also intersects with physical and sexual violence. When male clients do not want to pay, and if women vendors insist, they run the risk to be physically or sexually assaulted.

“Mostly, women are not paid by men and again it is these men that abuse the women sexually.” -
Police officer, Owino market

“We have those that abuse us after eating our food and don't pay us.” - Women vendors, Owino market

Worse still, interviewees report that young girls are the most at risk of experiencing this combination of violence

“And for the girls who serve food in the market, they are not paid the money. Then, they are abused or assaulted. They [the clients] make them over chase the money for the food and yet they are almost their parents' age.” - Women vendors, Nakulabye market

“We have girls who serve food in the market but men always touch them inappropriately, they even prefer not to pay for the food during day and ask the girls to pick the money at night which results in sexual violence.” - Women vendors, Nakawa market

Age intersects with gender in that case as young girls selling food in the markets are made vulnerable by economic violence and often become the target of sexual violence by older men if they request payment for their due. Furthermore, these statements suggest that many transactions happen outside of working hours as vendors have no choice but to agree to meet the client at a later time to obtain their payment. In many cases, women vendors usually insist to be paid and then have to face a second wave of violence including physical and sexual violence.

6.1.2 Sexual violence

Sexual violence is also overwhelmingly reported by all participants in this study as being prevalent in the market setting, be it sexual harassment, sexual assault and rape or defilement.

■ Sexual harassment

Sexual harassment is often characterized by sexist statements towards women vendors by clients:

“When (the customer) is paying you, [he] scratches your hand and tells you how you look attractive like eats, you are like watermelon. You hear some other boy addressing you by your

body parts like “mama kabina,⁶¹ give me a drink!”. I feel so bad about it.” - **Women vendors, Kalerwe Market**

“Men tell them [other women vendors] obscene words to show that they are trying to entice them in sexual acts.” - **Women vendors Nakawa market**

One market chairperson also testifies of these instances of sexual harassment and even describes it explicitly as sexual violence:

“We have sexual violence in this market whereby we have some men who offer sexual advances to women and when these women refuse, men start harassing them.” - **Chairperson, Kalerwe market**

Interestingly, sexual harassment also occurs in an online setting, becoming cyber-harassment as reported by one of the women vendors:

“With regards to sexual violence, I have lost most of my potential customers especially when I share with them my number for business matters, they tend to divert from business goals to sexual related goals.” - **Women vendors, Nakawa market**

Exchanging phone numbers is common practise in the market in order to secure customers. This statement reveals that sexual harassment as a form of violence can continue even outside of working hours for women who agree to give their phone number for business purposes.

■ Sexual assault

In many cases, sexual harassment is also accompanied by incidents of sexual assaults as police officers submit, specifying that women usually do not report these specific incidents:

“We know cases of sexual violence whereby some women are abused sexually like touching on their breasts and told sexual words.

Mostly men and boys are the most perpetrators of violence. They are mainly involved into sexual violence for they are used to touching women on their body parts like buttocks and breasts.” - **Police officer, Owino market**

61 In Luganda “Woman with a fat ass”.

Market leaders, LCs and chairpersons confirm this statement:

"Some men are found of touching women's private parts like breasts and buttocks whenever they are passing by. Women end up quarreling with these men, they even come and report to us, we talk to them but tomorrow they do the same". - **Chairperson, Owino market**

"In this market there is a habit of men touching women indecently. These men touch private parts of women like breasts, buttocks." - **Local Council, Nakasero Market**

"In our market violence happens to young girls from men who touch their private body parts like breasts, buttocks etc It is challenging the men touch women unnecessary and it is devastating." - **Leader Nakulabye market**

Only a few of the women interviewed testify experiencing sexual violence themselves but in all FGDs, sexual violence was discussed and participants all report about this issue in the market:

"We get cases of abuse because they are taken to be undereducated men touch women on their breasts and bums by force". - **Women vendors, Nakasero market**

"We get cases of sexual violence whereby some men touch women's body parts by force like breasts and buttocks and tell them obscene words to show that they are trying to entice them in sexual acts the girls have gone through challenges especially those that serve food are touched on the bum bums and breasts." - **Women vendors, Nakasero market**

"[There is] sexual violence, for example a man can hug and kiss you forcefully and then run away." - **Women vendors, Nakawa market**

"You find a man has been secretly admiring you and the moment you enter the toilet, he also enters and touches your breasts and we, as women, feel so bad." - **Women vendors, Kalerwe market**

The last statement testifies about the lack of adequate and safe accommodations which puts women at risk of experiencing sexual violence. These quotes also suggest that young girls who sell food are, here again, at a higher risk of going through sexual assault.

■ Defilement

Of particular concern are issues of sexual violence against girls under the age of 18 years who are often assaulted by customers who refuse to pay for what they buy. Some of them are extremely young and are forced to work in the market as they cannot access education:

“They are victims of that age [10 years old], they even get spoilt. They are mostly serving food with their mothers and when they take food to customers that’s how they end up into these relationships with these customers” - *Police officer, Nakawa market*

“Young girls who are vending food in the market are faced with sexual violence because at times male customers refuse to pay them after they have eaten and they tell them that they can go out with them and be paid from there.” - *Women vendors, Nakasero market*

In some cases, girls may even be taken away from their family:

“This has affected us so much psychologically because some of our girls have conceived from here in the markets and they have run away. We don’t even know where they are, some boys have taken them to their villages” - *Women vendors, Nakasero market*

Several women even reported instances of human trafficking for the purpose of sexual exploitation:

“The young girls who dropped out at school because they are young are used as slaves. I wish there was a way of helping these young girls in markets who are being exploited to be taken back to school.” - *Women vendors, Nakasero market*

6.1.3 Psychological violence

Psychological violence, reported by all stakeholders, can be perpetrated by either men or women. It is often exercised by persons of power in charge of collecting rent from the women vendors:

“I normally witness psychology violence (sic), you come very early in the morning for work and just because you have not yet paid enough rent, the chairperson comes to you and tells you how she is going to take away your stall.” - *Women vendors, Kalerwe market*



Fellow vendors are also described as potential perpetrators of psychological violence:

“Psychological violence arises from our neighbours who tend to use very offensive words to us that bother us so much and defamatory statements.” -Women vendors, Nakawa market.

Psychological violence is particularly characterised by the articulation of intersectional systems of power crossing to create a unique form of discrimination. One vendor experienced tribalist psychological violence during the election period.

“I have my neighbors and each one had a candidate they were supporting, but one day a certain women said that we have become rich in their country because we are Banyarwanda banyakole. The women harassed me because I am a Munyankole yet I only see president Museveni on TV. He does not even know that I exist. She was like the moment Bobi Wine becomes the president; we shall go back to our villages.” - Woman vendor, Kalerwe market

In most cases, in addition to being gendered, psychological violence is also classist and can be exercised by clients judging vendors based on their levels of education and socio-economic status:

“Women and men who come in this market underrate us. They take us not to be educated and feel it is the reason why we are working in the market. They underlook us (sic), even when they are talking to us, you really feel that she takes you of low standard.” - Women vendors, Nakasero market

“[The client] will come and approach you and when you answer rudely, he will abuse you and be disturbed psychologically. It [psychological violence] disorganizes our brain.” - Women vendors, Nakulabye market

This is also the case for market leaders:

“Market leaders undermine us so much because some of them are young and when they are talking to us, they are so rude, they do not respect us and take us as people of low value.”
- Women vendors, Kalerwe market

Furthermore, ageism is another system of domination at stake in the exercise of psychological violence, especially when perpetrated by fellow female vendors as this quote suggests:

"We are not only abused by men but also fellow women are the most perpetrators to us because they are so abusive. She can abuse you yet you are older than her, tells you how you are dense and you feel bad." - **Women vendors, Kalerwe market**

6.1.4 Physical violence

A few instances of physical violence were reported by interviewees and they usually occur as retaliation, following the clients' refusal to pay for what they consumed:

"Girls are beaten by boys after eating their food instead of paying. We have handled many of such cases." - **Leader, Nakulabye market**

"Some customers do not want to pay and this has resulted into physical violence" - **Chairperson, Kalerwe market**

"Women vendors also share about physical and economic violence perpetrated further experienced by young vendors who are abused by their boss if they fail to return with the money the client refused to give them"

"At times these men make orders of food from places where they do not work from, and by the time the girl returns to pick the money, she finds that the man has left. When she tells her boss, she is abused seriously and her daily pay is deducted." - **Women vendors, Kalerwe market**

6.1.5 Domestic violence

Domestic violence also occurs in the market set-up in various situations. The first one is if the two spouses both work at the market:

"Couples who bring their home affairs to the market because they all work in the same market at the end they create fights in the market" - **Women vendors, Nakasero market**

Some husbands also perpetrate violence against their wives to protest against their economic empowerment. This is symptomatic of the gendered nature of violence which is exercised to force the women into stereotyped gender-roles suggesting that women should stay at home rather than work:

"[There are a] few domestic violence cases where you find some men, you know it is night, and a free market there are some men who come following their women." - **Police officer, Nakasero market**

“Most women have got challenges in their marriages because the husband disagrees with the market set up and also knows [male] market vendors are with us and yet we are also Christians.”- **Women vendors, Nakasero market**

“Take an example when your husband refused you to work from the market yet that’s where you earn from. When the husband refuses I lose the capital that was injected in the business which sometimes is borrowed.” - **Women vendors, Nakasero market**

“My neighbor has a diary when he’s not around I help him and people take words that we are in a relationship which is not true but this can lead to failure in my marriage.” - **Women vendors, Nakulabye market**

Sometimes, women feel guilty for not being able to ‘care for their husband’ when they come back home due to work fatigue and express that this can lead to violence and marriage failures:

“We leave this place while very tired but on reaching home you have to play your duties as a woman. When you fail to perform it leads to separation in marriage caused by fatigue.” - **Women vendors, Nakasero market**

GBV, as described by the interviewees, evidences up to four successive waves of abuse suffered from women vendors, especially if they are young. The first wave is the economic violence with the economic loss resulting from the client’s refusal to pay. The second wave is the physical or sexual violence perpetrated by the same client when the woman insists to receive her payment. In some instances, women vendors and food sellers are employed by her boss who may perpetrate further physical violence, this is the third wave of abuse. The fourth wave of abuse, according to the last statement is economic abuse with a potential pay deduction as a punishment. This demonstrates that GBV against women vendors, especially young vendors, is a continuum that occurs throughout the different waves and prevents the survivor from exiting the situation.

6.2 Survivors and perpetrators of violence in the markets

6.2.1 Survivors of gender-based violence

All FGDs reveal that women and girls clearly constitute the majority of individuals going through violence. However, all women in the market are not on an equal footing when it comes to intensity and frequency of violence. Age is an important identity marker that conditions violence as several women market vendors explained that young girls and the elderly are more susceptible to experience GBV. Furthermore, although there are not many disabled women in the markets,

the few women who are not able-bodied are also more at risk of experiencing violence.⁶² The gendered dimension of violence is thus clearly visible and described by market vendors as it disproportionately affects women and girls. It is also combined with other systems of domination including ageism and ableism to strengthen and sustain patriarchal violence.

Interestingly, this gendered dimension of violence is rarely described by male leaders or police officers as affecting women disproportionately. Indeed, they report that women and men face violence equally:

“Both females and males are affected. for examples a man may go for a loan and he is denied the chance while a woman goes and she is favoured because the man giving out the loan has an interest in her” - Chairperson, Kalerwe market

This statement suggests that patriarchy favours women in getting a loan due to their ‘desirability’, causing economic violence to men. Women would also be perpetrators of violence against men as the same chairperson explains:

“Other perpetrators are the female customers. They come to market when dressing indecently and this leads to psychological torture in men.” - Chairperson, Kalerwe market

In that case, psychological violence would be exercised because of women’s physical appearance. Interestingly, dress code will be invoked as one of the causes of sexual violence against women as developed in section 5.3.

Overall, according to a police officer, women and men would represent the same percentage as survivors:

“(Economic violence affects) both males and females, it affects generally the business community. (Men and women) both share the same percentage.” - Police office Nakasero

62 Human Rights Watch “As if we weren’t human: Discrimination and violence against women with disabilities in Northern Uganda” (2010) 7. Available at <https://www.hrw.org/report/2010/08/26/if-we-werent-human/discrimination-and-violence-against-women-disabilities-northern> [Last accessed 30/09/2022].

6.2.2 Perpetrators of gender-based violence

The market set-up is characterized by a wide diversity of perpetrators, men being the large majority of them. Perpetrators encompass traders bringing goods to the market, suppliers, fellow market vendors, market leaders, clients and other individuals stationed at the market. Interviewees describe that suppliers, market vendors, traders, market leaders and stationed individuals perpetrating violence are all men. However, there is economic and psychological violence perpetrated by fellow female vendors as well as clients that has been reported by both market leaders and women vendors.

It is interesting to analyse here that those in a position of power are often described as the main perpetrators of GBV:

“Suppliers are the main perpetrators because they make people work but they do not want to pay them and become violent.” - *Chairperson Kalerwe market*

“The traders who are stationed here are the most perpetrators. All the people who commit such crimes are stationed here in the market.” - *Chairperson Owino market*

The same applies to market leaders themselves according to the women vendors and chairpersons:

“Violence was caused by the previous leaders. They could only decide and enforce in increasing rent and as women we had no voice. If you had said something you would be suspected or chased. There was a feeling of favoritism leading to violence.” - *Women vendors, FGD Nakulabye market*

“You may go to a leader with a specific request but instead he starts wooing you into love.” - *Women vendors, Nakawa market*

“We also had leaders who would harass women and end up chasing them from the market especially when these women reject their sexual advances.” - *Chairperson Kalerwe market*

“[Some market leaders] woo us, it becomes a problem, they make your life hell and you start considering leaving the market.” - *Women vendors, Nakawa market*



What is interesting to analyze here is that many perpetrators use their position of power to exercise violence, evidencing the patriarchal and classist nature of GBV in the market set up. Nevertheless, both market leaders and women vendors reported that many of the perpetrators are youth who do not have positions of power in the market beyond being male. These youths are often emboldened to commit crimes through their substance abuse.

6.3 Perceived causes of GBV in within the market set-up by women vendors

6.3.1 Poverty

All participants identified poverty as the main root cause of GBV, particularly in the informal work sector, not only limited to the market set-up:

“Poverty is the leading cause.” - LC, Nakulabye market

Both women vendors and clients experience poverty which creates a vicious circle of economic violence when clients are not able and/or willing to pay:

“Poverty is the leading cause where people take debts but are not willing to pay back.” - Leader, Nakulabye market

“For us, we believe it is poverty. People don’t have money. Automatically there is no work. Lack of employment causes violence.” - Police officer, Nakawa market

Because clients do not pay, they only come once and many vendors report that they do not have a lot of regular clients because of poverty:

“It’s because of lack of money. They [client who steal] fear to come back to you because they have not paid and you find almost everyone demands from the same person. I think it’s poverty”.
- Women vendors, Owino market

Poverty also prevents mothers to access day care for their young children and often have no choice but to bring them to the market:

“The absolute poverty has caused these abuses. If someone is not poor, she cannot bring her daughter to work with her in the market.” - Women vendors, Kalerwe market

"Poverty because if parents had money to take care of their children, they wouldn't bring them to the market to help them especially in restaurants". - **Women vendors, Nakawa market**

"Daycare, it should be put in place to help these market women with young children because they are suffering". - **LC, Nakulabye market**

These statements demonstrate the gendered nature of one of the causes of GBV in the market as it is women's responsibility to care for the children and to bring them to the workplace due to the cost and lack of access to day-care. An interviewee also highlights the additional burden of being a single mother and a vendor:

"Single parenthood [is hard] especially for women that's why they choose to come with their children to help them work". - **Woman vendor, Nakawa market**

Furthermore, poverty leads to economic competition and thus increases risks of and tolerance to violence from women vendors:

"What brings the violence mostly is from customers who buy from different people and hatred is developed there which leads to violence in the market". - **Women vendors, Nakulabye market**

"Then what causes the abuse in the market is competition. Because the vendors are many and customers are few, you find it can cause that, this results into fighting and quarrelling for customers". - **Police officer, Owino market**

6.3.2 Lack of knowledge about one's rights

Many women vendors recognize a lack of knowledge about one's right to be free from violence at home and in the workplace as well as the prohibition to exercise violence:

"They haven't taught us about the laws, unless they want to start now". - **Women vendors, Nakulabye market**

"Ignorance of how to handle people and the law where to stop and knowing each other's rights even workers have rights. They lack sensitization about their rights." **LC, Nakulabye market**

Some vendors submit that they have some knowledge about the substance of their rights, however, they were not taught about the procedures to report GBV which prevents them from accessing remedies:

“We know and have heard of the laws but where to start from to apply the laws is what I don’t know. I don’t know how to report a case to FIDA.” **Women vendors, Nakakwa market**

Indeed, not only is sensitization about human rights generally lacking in the market set-up, many are unaware of the various remedies and processes to report such GBV. Women vendors themselves are expressly looking to receive more sensitization about their rights:

“We would want to know as women [where to] go to report. They don’t know the law, or their rights as women.” **Women vendors, Nakasero market**

“We request FIDA to teach us the laws and how to apply them.” **Women vendors, Nakawa market**

6.3.3 Patriarchy and negative patriarchal attitudes

Patriarchy as a social norm and a system of oppression appears to be another cause of GBV. Women are often objectified, commodified and/or seen as sexual objects by their male counterparts:

“Men have used sexually both the mothers and their daughters and this has affected the women psychologically. These men who come and start touching women’s buttocks, it’s what they basically want and when they do so, they feel they have fulfilled their desire. Thus they cannot apologise.” **Women vendors, Kalerwe market**

Negative patriarchal attitudes also transpire from interviews conducted with market chairpersons blaming women for the way they dress and invoking this as a cause of violence:

“We also face the challenge of women who dress badly especially those who come to buy things, they entice us as men.” **Chairperson, Kalerwe market**

“Some young girls dress indecently and this pushes men who end up abusing them sexually.” **Chairperson, Owino market**

Such statements evidence a widespread phenomenon of victim-blaming, thus reinforcing rape culture existing everywhere in society, including within the market set-up. Interestingly, similar insights were provided by women vendors themselves invoking dress code as a cause of GBV:

“Indecent dressing especially for young girls [..] attracts sexual violence. Young girls especially those who deliver food from restaurants because they wear very skimpy clothes which tempts men to violate them sexually.” **Women vendors, Nakawa market**

Patriarchal attitudes are also emerging from characterized power relations between market leaders and women vendors:

“These market leaders have full powers and their words are final, no one will say anything that is centrally to what they have decided and this also has caused violence. The reality is, we do not have where to report because for us we are vendors who are looked at as people of low-level class by leaders.” *Women vendors, Kalerwe market*

These imbalanced power relations foster impunity when market leaders are themselves perpetrators of GBV or friends with perpetrators:

“These market leaders have full powers over us we are not part of any committee and even fellow workers who abuse us are the leader’s friends, so even if we report them, nothing will be done to them and this has caused some of these abuses.” *Women vendors, Kalerwe market*

Additionally, gender composition of market committees suggests that women are rarely part of decision-making processes. As a result, market accommodations and infrastructures are not always adapted to women’s needs and may further put them at risk of violence:

“Use of same toilets has also caused some of the abuses. At least, if we had separate toilets i.e. men’s toilets and women’s toilets, this would be helpful to avoid violence.” *Women vendors, Kalerwe market*

6.3.4 Perpetrators’ substance consumption

Individual causes of GBV were also mentioned by interviewees such as perpetrators’ substance consumption including drugs and alcohol:

“These boys - if it is not a Saturday or Sunday; those are the days when people come for shopping - if you pass there, they can abuse you and forcefully touch your body parts for they are intoxicated with marijuana.” *Police officer, Nakawa market*

Women vendors also invoke perpetrators’ state of intoxication as a cause of violence, highlighting that such consumption particularly concerns young boys:

“I would say most of the abuses in this market on the side of the youths has been caused by drug abuse. Majority of the youths use drugs and they live with us. They chew these, smoke these drugs and when you try to advise him, he will publicly abuse you.” **Women vendors, Kalerwe market**

“The abuses are related to the youth who take drugs and alcohol attempting to rape the girls who vend food and tea” **Women vendors, Nakasero market**

Perpetrators’ intoxication thus appears to be prevalent amongst the youth. Although substance consumption does not constitute a structural cause of GBV in and of itself, it has been repeatedly referred to by stakeholders provoking violence. Hence, it can be connected to poverty as a structural cause of GBV.

6.3.5 COVID-19 Crisis

When asked about whether the situation has improved recently, the majority of the stakeholders respond negatively, citing COVID-19 as a cause of increased GBV. Due to the limitation of movement as one of the strictest restrictions, many women either had to stay the night in their workplace, the market or close business for the duration of the lockdown. This has encouraged violence during the night as well as ‘marriage failures’ as some women vendors testify:

“More especially the time of COVID when we were sleeping in markets. We had to sleep in Nakasero market for a week because we could not move every day. By the time you go back to the house, the maid has taken over your husband.” **Women vendors, Nakasero market**

The lockdown also caused the schools to close and many children to drop out of schools, bringing them to the market, at risk of experiencing GBV.

“[The situation] has worsened because even those ones who were at school are also on streets because of COVID-19 which has led to lockdown. At least if schools are open they can be kept in schools, but now, we cannot know if this young one is at school or in the market.” **Police officer, Nakawa market**

“Last year because of lockdown the situation was worse as we would be having a lot of girl children working in the market and the ones mostly harassed.” **Police officer, Owino market**

“There’s no improvement but its instead worsening because last year was a COVID season so we have been working with our children even now, until the children went back to school.” **Women vendors, Nakawa market**



6.4 Structural obstacles impeding prevention and response

6.4.1 Lack of trust in the response institutions and fear of secondary-traumatization

The informal nature of the market set-up implies that women face specific structural obstacles when they are willing to report GBV or to educate themselves about their rights. The first set of obstacles relates to a general lack of trust in the response institutions being the police and the market leaders. Indeed, LCs themselves talk about the lack of efficiency of the police as an obstacle:

“There is a lot of congestion at police so we should not send these women there in these offices because there are so many so many people.” *LC, Nakasero market*

The same applies to market leaders and chairpersons who are perceived by women vendors as not willing to address their claims:

“Even if we report, the market leaders don’t take our issues serious. They just leave them there.” *Women vendors, Kalerwe market*

One of the women explained the procedure that leads survivors to go to the police:

“Every department has leadership but when they fail to handle is when we will go to the chairperson and in case he also fails, that’s when the issues are taken to police. *Women vendors, Nakulabye market*”

When survivors find the courage to report a case to the police, many testify of a deep lack of trust in male police officers and denounce the absence of female officer to listen to their plight:

“There was no women representative in the office to handle women.” *Women vendors, Nakasero market*

This is a major concern for women who generally do not feel comfortable sharing about their experiences of GBV with a man:

“As a woman you can’t take your issues to a man, we need police women who can handle the women affairs. You can go to police [but there is] no satisfaction.” *Women vendors, Nakulabye market*

Additionally, when survivors initiate the reporting process, they suffer from financial pressure from judiciary officers asking for high amounts of money to register the claim, deterring women to pursue:

“They keep asking for money, for example I was in Mukono district, at the court, a gentleman first asked me for two hundred thousand shillings but because I didn't have money, he put my file on the side.” **Women vendors, Nakawa market**

Because of this and combined with a widespread fear of secondary-traumatisation, many women are reluctant to report:

“Many women are lagging behind, others even fear to come and report.” **Police officer, Nakawa market**

Survivors speak about ‘shame’ to express difficulties to report and even feel devalued by the authorities in charge of taking their complaint:

“You feel ashamed to report because it is hard to say the same word used [in case of verbal abuse].” **Women vendors, Nakulabye market**

“You are undermined because of reporting and even where you have reported, it often leads to lack of interest.” **Women vendors, Nakasero market**

“The chairman's bodyguard shut me up and shouted so bitterly at me, so I was not allowed to give my opinion.” **Woman vendor, Nakawa market**

Women also speak about the fear of stigmatization from the community when they go back to the market:

“Another problem if you report and the suspect is arrested [is that when] you get back [to] fellow vendors, [they ask] why you reported.” **Women vendors, Nakasero market**

Such feeling of stigmatization may also be accompanied by a fear of reporting due to conflicts of interest if the market leader is related to the perpetrator and/or chooses to protect the perpetrator. In that case, women vendors prefer not to take the risk to lose their place in the market and do not report:

“If the person who violates you is say a child of one of the leaders, you cannot speak out because when you do, they may suspend you from working in the market.” **Women vendors, Nakawa market**

Furthermore, gender as an identity marker also seems to intersect with tribe to create a unique type of discrimination if some women vendors try to report an incident of violence as the following statement indicates:

“There’s discrimination for example my chairman is a Musoga so even when I raise an issue, he will not work on it since am not a Musoga.” **Woman vendor, Nakawa market**

Furthermore, of significant concern is the following statement revealing sexual blackmail when some survivors report a case of GBV:

“Whenever you could report a case, they would ask for sex in return for the service”
Women vendors, Nakasero market

Secondary-victimization, which constitutes in and of itself another wave of violence after the incident of GBV occurred may then be followed by another experience of violence when authorities demand for sexual favours as a condition to lodge the survivor’s complaint. This considerably deters women vendors from reporting violence.

6.4.2 Lack of systematic sensitisation

Generally, leaders express the need for more widespread and systematic sensitization as they identify lack of awareness raising about one’s rights as one of the causes of GBV:

“There is no any other organization apart from the IST 63 that come and give us something, sensitize and train the women.” **LC, Nakulabye market**

Several markets’ stakeholders express a general feeling of isolation and lack of interest from the government as well as specialised organizations in getting involved in these spaces and explicitly request a more active involvement

63 Institute for Social Transformation, see more information here: <https://ist-tft.org/>

"Many organizations are there and silent, let them come out and preach the gospel about the same including FIDA." **Chairman, Owino market**

"I would request the government and other NGOs to always sensitise people. They should always come to market and talk to us and we see how we can live in harmony in this market." **Chairperson, Kalerwe market**

"I request FIDA to consider helping people who are not financially well to help solve their problems. I also request FIDA to carry out awareness to equip the public with knowledge on how to solve problems." **Women vendors, Nakawa market**

6.4.3 Lack of access to information from women's rights organizations

The market set-up appears to be an isolated, difficult to access space. The informal sector, in that case, creates a barrier between women survivors and women's rights organization such as FIDA-U who offer free legal aid and sensitization to the most marginalised women. Several leaders reported that market vendors do not know about women's rights organizations:

"There could be those that would want to know more about your organization also, because many don't know even about FIDA." **LC, Nakulabye market**

FIDA-U is even feared by some women, according to a local councillor as they do not have enough information about their work:

"Women fear FIDA because they do not have where to stand from." **LC, Nakasero market**

Such a lack of access to information thus reinforces the barrier between the informal work sector in the market setting and (women's rights) organizations:

"Some of us we would fear sensitization. Some of us we would fear to express ourselves before people but currently, we can comfortably express ourselves" **Women vendors, Kalerwe market**

6.4.4 Lack of involvement in decision-making processes

Generally, women vendors all reported that the lack of possibility to get involved in decision making processes impedes their protection against GBV and protects perpetrators. Vendors thus do not feel represented by the leaders and their voices cannot be raised:

“We do not have any say in decision making in the market governance. The chairman of the market selects his committee and for us traders, even if we have issues to rise, they are not paned because we do not have any representative on the committee. We do not take any decision.

Our leaders just wake up in the morning and make decisions”- **Women vendors, Kalerwe market**

Not only do women feel excluded from decision-making processes, they also shared about issues of favoritism and corruption amongst market leaders, ultimately depriving them from the right to equality at the workplace:

“They [the leaders] never taught the laws to the market vendors because it is selectively applied to people and others are suppressed. And there is a feeling of favoritism leading to violence”- **Women vendors, Nakulabye market**

“I tried to follow the procedure of filing a rape case but when we went to the chairperson, I think he was given some money and all he said: ‘negotiate with each other.” - **Woman vendor, Nakawa market**

Here again, class and socio-economic status seem to be interlocked with gender as intersecting mechanisms of oppression, preventing women vendors from fully enjoying their right to be free from violence:

“We do not have a say in the market decisions. In the market leaders are so corrupt and they encourage segregation. They divide people according to the money. “ - **Women vendors, Kalerwe market**





07

The Development of Resilience Strategies to Cope with Gender-Based Violence within the Market Set-Up



In the face of such rampant violence and despite a relatively robust legal and policy framework, survivors have no choice but to develop mechanisms of resilience to cope.

Empirical research revealed that GBV against market vendors, in this specific context, is characterized by a significant diversity of (male) perpetrators, many different forms of GBV that are often cumulated, intersectional discrimination mainly based on gender, class, age and tribe, structural causes of GBV ranging from patriarchy to widespread poverty and a difficult access to prevention and protection measures for survivors.

In the face of such rampant violence and despite a relatively robust legal and policy framework, survivors have no choice but to develop mechanisms of resilience to cope. This section classifies these strategies of resilience into three units of analysis: starting with reliance on individual vectors of resilience, before discussing relational vectors of resilience and finally outlining organized community-based or social vectors of support.

7.1 Reliance on individual vectors of support

The reliance on individual vectors of resilience implies that the survivor mobilizes personal attributes and resources to cope with violence. This study demonstrates that women simultaneously use both preventive and responsive mechanisms.

7.1.1 Prevention strategies

In response to negative patriarchal attitudes operating within the market,⁶⁴ some women vendors seem to adapt the way they dress to prevent violence:

"I try to dress well as a respectable woman. You know, the dress code also entices men. When I am at work, I put on long dresses, tie myself with a piece of cloth and a customer comes, I welcome him but I don't come so close to him." *Woman vendor, Kalerwe market*

Similarly, in the face of the prevalence of GBV against young girls in the market, some women vendors prefer to look for solutions in order not to bring their children to the market:

"I also don't usually bring my daughters especially [those who are] adolescents to come and work with me and start roistering around." *Woman vendor, Kalerwe market*

Preventive strategies also include to express explicit absence of consent to customers who may show signs of potential interest in order to limit sexual harassment and sexual violence. In other words, vendors ensure not to adopt a cold attitude as one of them explains in the following statement:

"We need to show these men that we are not interested in their advances. The moment they hold you and you start laughing with them, they will think you are interested. More so, if a man brings a topic, just channel him to something different, he will know that you are not interested." *Women vendors, Kalerwe market*

"I am very bitter with anyone who tries to apply any violence to me, especially men." *Woman vendor, Nakawa market*

64 See section 5.2.3.

Both statements evidence that the gendered nature of violence requires the adoption of resilience strategies that also answer a gendered logic as women are more cautious about their behaviour when it comes to interactions with their male counterparts.

7.1.2 Response strategies

The interviews conducted revealed that the main type of resilience mechanisms adopted by women vendors are individual vectors of support to respond to GBV. Silence appears to be the main strategy after having experiencing GBV:

“I pretend as if [I have] not seen anything and life continues. I just keep quiet because silence wins.” *Women vendors, Owino market*

“Most times I keep quiet alone.” *Woman vendor, Nakulabye market*

“I keep calm in the heart.” *Woman vendor, Nakawa market*

Other interviewees speak about self-counselling with the necessity to use internal dialogue to cope with GBV:

“I did personal counselling since not all problems can be shared. I give myself respect. I have learnt to counsel myself, keeping calm.” *Women vendors, Nakawa market*

Generally, it is precisely the nature of informal and precarious conditions of work that pushes many women to adopt silence as a coping mechanism as they know that their economic survival depends on if the clients come back:

“So he [the client] will touch your body and you will suffer silently because, you want him to come back tomorrow and buy from you.” *Women vendors, Kalerwe market*

It is interesting to observe that some vendors acknowledge their privilege to work as a way to provide for their family and use this as a reminder in order to cope with GBV:

“[I] always remember the reason why I come to the market, [it] helps me focus.” *Woman vendor, Nakawa market*

Some women vendors also highlight the necessity to 'co-exist' with fellow vendors and suppliers to keep the business running even if this implies to tolerate GBV:

"We grow in different places so we need to keep quiet and coexist. Keeping quiet will help instead of confronting one another." *Women vendors, Owino market*

Others directly connect the strategy of staying silent to the difficulty to access justice when reporting to the police:

"We don't report, we keep the violence as secrets because if you can go to police there is no satisfaction." *Women vendors, Nakulabye market*

On the contrary, some survivors remind themselves and their fellow colleagues that GBV should not be tolerated and that everyone should have access to justice:

"[I have learnt that] women have rights and we can stand up for them." *Woman vendor, Nakawa market*

In addition, many FGDs suggest that religious values such as forgiveness and spirituality play a significant role as part of individual response mechanisms of resilience. For instance, several vendors referred to the importance of forgiving perpetrators with the objective to 'move on':

"[In the face of violence] I forgive and leave." *Woman vendor, Owino market*

"I have learnt to forgive and forget what someone has done. We are old people in the market, we have understanding in our hearts to forgive and things become normal again." *Women vendors, Nakulabye market*

This last quote refers to age as a justification for the relevance to rely on forgiveness as a coping mechanism. Here, older women seem to use their wisdom and their life experience to forgive, as if such a strategy of resilience was not necessarily accessible to all women vendors, depending on their age. Furthermore, religion was also expressly mentioned by a woman vendor relying on prayers in order to prevent violence to happen again, mobilizing internal spirituality-driven resources to cope:

“I counsel myself and pray they [the perpetrators] become better. To be stronger in all conditions and see how to go through it with the help of God. Learn how to pray to God so that all things become better.” *Woman vendor, Nakulabye market*

What is interesting here is that prayers are directed both at the survivor herself but also at perpetrators in general so that they ‘become better’. Hence, it is both a prevention and a response mechanism.

Finally, other response mechanisms encompass self-control strategies to prevent violence from escalating further:

“I have learnt to be patient in all situations. If I am challenged with something, I do not need to rush to act or respond back. You need to first cool down and think of what to do next.” *Woman vendor, Kalerwe market*

Another woman also explains how she sometimes responds to violence, threatening perpetrators so that they do not exercise violence again, counting on the perpetrators’ capacity to listen and respond positively:

“if a man comes to me and starts holding me or touching me, I warn him seriously not repeat such. If [the] person is sensible enough, he will not repeat it.” *Woman vendor, Kalerwe market*

7.2 Natural relational vectors of support

Natural relational vectors of support are part of the survivor’s natural, self-constituted social environment and can be constituted of individual members of the community such as friends, peers, religious leaders etc. These vectors of support are thus context-dependent and this study reveals that women vendors rely very little on these vectors of support due to the specific context of the market set-up, contrary to what the literature review on other initiatives across the world indicated.

7.2.1 Fellow workers and friends

This study finds that the only relational support comes from fellow workers whom survivors can share their plight with:

"We do not report anywhere, you just get annoyed and complain to your fellow workers and it ends there." **Women vendors, Kalerwe market**

Vendors recognise the fact that mobilizing this vector of supports helps them to cope with violence and to get better:

"I have learnt that if I experience some challenges, I need to share with some of my friends and get better.

I have friends in the market and if I have a challenge, I share with my friends and feel better." **Women vendors, Kalerwe market**

One woman vendor speaks about the importance of collective consciousness raising and discussion to ensure that experiences of violence do not stay within the private sphere:

"Togetherness helps a great deal, [this] thing should not be personal, discussing and understanding one another helps." **Women vendors, Owino market**

7.2.2. Family

Interestingly, no one amongst interviewed women vendors spoke about mobilizing their family as natural relational vectors. On the contrary, as developed in Section 5.1.5, domestic violence can even constitute a negative consequence of women's empowerment as vendors. Therefore, not only is the home never described as a safe space by interviewees, but it can also become a space of violence. Women fear to be replaced by another one while they are at work and do not seem to share their potential experiences of violence within their family network.

7.2.3 Other leaders

The same applies to reliance on self-constituted networks of community leaders outside of the market. Women vendors seem to clearly separate their private and community life from the life at the workplace. Here again, no-one mentioned community leaders outside of the market setting as potential relational natural vectors of resilience. This resonates with the findings developed in section 5.4.1. about the lack of trust in leadership institutions and response institutions. Overall, these findings demonstrate the particularity of GBV within the market setting which seems to de facto deprive survivors from several vectors of resilience

7.3 Reliance on organized community-based or social vectors of support

Community-based vectors of support or social vectors of support describe structures that facilitate the survivors' full exercise of agency in developing resilience through (mental) health, financial, judicial and educational services for example. While some of these services are professionally equipped, some community-based support can also emerge from other forms of organizations including women's groups, unions, associations, and cooperatives.

7.3.1 Economic empowerment initiatives and cooperatives

This study reveals that economic violence is the main type of violence experienced by women vendors in the market set-up. Many of them are not systematically paid by the customers and even see some of their salary deducted by their unsatisfied boss. Several interviewees thus reported about the existence of cooperatives to enable financial solidarity between vendors. These findings are in line with the literature review outlining examples of strategies of resilience across the world as developed above:

"Generally, the money from the SACCO has greatly helped those who are involved." **Women vendors, Nakasero market**

"They have just started a SACCO which needs boosting." **LC, Nakulabye market**

SACCOs or Savings and Credit Cooperatives are 'community membership-based financial institutions that are formed and owned by their members in promotion of their economic interests'.⁶⁵ SACCOs enable women vendors to utilise flexible terms to access credits and loans as requirements are way less strict than those of banks or other financial institutions. These cooperatives adopt a solidarity-based approach whereby all members contribute financially to support one of the members and thus constitute perfect examples of organized community-based or social vectors of support. However, not all women vendors praised the qualities of SACCOs as they also come with constraints:

65 Arthur Nuwagaba, 'Savings and Credit Cooperative Societies (SACCOS) As a Source Of Financing Agriculture: Challenges and Lessons Learnt' (2012) 2 Journal of environment and earth sciences.



“We have small groups of SACCOs in our market [but some] don’t want to borrow money for it brings stress to them” **Women vendors, Owino market**

7.3.2 Market community structures

Despite a general lack of trust in leadership institutions preventing access to response mechanisms, some women vendors did mention improvement in leadership which is able to better provide them with counselling and alternative dispute resolution:

“The current leader helps them with some capital and outsourcing for them, giving them milk for their children trying to help much as they haven’t reached where they want to be but at least she cares for them.” **LC, Nakasero market**

This is particularly the case for women leaders:

“The current situation is better because of the leadership which gives counselling to the women about the hardship they face. The past women leader had no love for her fellow women like helping them compared to the current one.” **LC, Nakasero market**

“At times, [when] people that take our goods are our friends and we know them, we report to the woman leader who helps in demanding others pay, others don’t.” **Women vendors Owino market**

Some markets seem to have adopted a collaborative approach to GBV response where several stakeholders work together to support survivors:

“The woman leader works hand in hand with the chairman of the whole market we don’t usually prefer going far because these are internal issues.” **Women vendors Owino market**

Several vendors indicate that they prefer to directly speak to the chairperson about the issues that they are facing:

“At times if you get challenges while in the market, I call the secretary and the Chairperson, sit with them and tell them what is challenging me. Whenever I share with them, and they advise me, I feel relieved.” **Woman vendor, Kalerwe market**

“For the one man who kept abusing me on a daily basis, I ran to the chairman of the Muwogo department who helped me resolve the issue.” **Woman vendor, Nakawa market**

What is interesting is that, for some vendors, the gender of the leader listening to their plight matters. Indeed, section 5.4.1. highlighted that many women do not feel comfortable speaking to a man about their experiences of GBV. As a result, use of community structures appears to be even more relevant when the leader is a woman:

“As for our department, we are lucky that we still have our woman representative for the old cabinet, so that’s where we run to for help since she is feared even by some men.” **Women vendors, Nakawa market**

Furthermore, some women go to leaders who even use mediation as a way to provide justice to the survivors:

“We try to harmonize the disagreeing parties before involving the police. We first talk to them but if we fail to agree that’s when we take to the police. We tell the business people and people in the market to stop using vulgar words in the market, we encourage them to work together as a family.” **Leader, Nakulabye market**

However, cases such as rape and extreme sexual violence are to be reported to police. In that case, some markets have a community liaison officer whose role is to bridge the gap between the police and the public:

“[The community liaison officer] is the person who tells you that, “if you are beaten by the leader in the market for example, don’t just keep quiet you have a right to go to police and report.” **Police officer, Nakawa market**

Finally, several interviewees mention the importance of relying on the training provided by organizations, in particular IST to identify a form of violence and to deal with it:

“When IST came to us, we at least got some relief. Whoever gets an issue, she comes to us the women and we guide her. We also have our own committee from IST training, so a person can come to us if she has an issue.” **Police officer, Nakawa market**

“For the gentleman who insulted me, I used the teaching from IST to inform him about my rights as a woman so with that I got peace at heart since I spoke out my heart.” **Woman vendor, Nakawa market**

7.3.3 Community Legal Volunteers

As part of this project and in response to women vendors' plight relating to the lack of access to information delivered by organization, FIDA-U has trained women market vendors as Community Legal Volunteers (CLVs). CLVs provide legal aid and justice support to women in the market.

One of these CLVs who is also a market vendor, Susan Tafumba, has then joined the leadership structure of Nakawa market in her capacity as a CLV. The leadership structure in Nakawa market consists of men only, apart from Susan and one other woman. Susan and her colleagues are now effectively handling cases of GBV within the market. These CLVs offer an avenue of community resilience for women in markets facing GBV. Susan Tafumba speaks passionately about her work in addressing GBV as a CLV within Nakawa market:

"It is out of courage; I just love it. Ever since I got the training from FIDA, I just love it. We work, tirelessly without pay but we are not afraid, because we love the work we do. Through my training I learned, I feel bad when I see a fellow woman tortured." *Susan Tafumba, women vendor and CLV, Nakawa market*

The market authorities have introduced Susan and the five other women vendor CLVs within the market to the other markets vendors, which affords them a measure of legitimacy to undertake their work as CLVs. Women vendors approach the CLVs for legal knowledge and counselling. The CLVs also make a point of visiting the stalls of other women vendors and speaking to them about their well-being and the challenges they may be facing, including GBV. FIDA-U hopes that this newly-created organized community-based vector of support will be increasingly mobilized by survivors both in the CLVs' preventive and responsive roles.

08

Recommendations

8.1 Conclusion

The informal sector is one of the major sources of employment for women with market vending employing the majority of women in the working-age population in Kampala. Market vending enables many women to be economically empowered and to make valuable contributions to their families and communities. Nevertheless, women's participation in the market is threatened by the normalization of gender-based violence (GBV). This study, conducted with stakeholders of six large markets in Kampala, found that GBV in that context is characterized by a diversity of perpetrators and forms of violence including economic violence, sexual violence, physical violence, psychological violence and even domestic violence. Gender intersects with other identity factors such as age, class and tribe to further reinforce risks of exposure to violence. Furthermore, each type of GBV rarely occurs in isolation from others as several types of violence are often combined in the market set-up. Altogether, GBV in this specific informal work context, is particularly gendered and systemic. It is both caused and sustained by several structural factors including poverty and patriarchy. It is noteworthy to highlight that the specific nature of informal work triggers several waves of violence with economic violence nearly always at the background, supplanted by other additional forms of violence as a second wave of abuse. Secondary-traumatization and lack of access to justice due to structural obstacles then constitute a third wave of GBV.

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In this context and despite an apparently robust legal and policy framework (though impacted by a crucial lack of enforcement mechanisms within the informal work sector), women vendors develop strategies of resilience in the face of GBV. Resilience, as a multi-dimensional process that is implemented by individuals who find themselves in a situation of adversity, is analyzed as being articulated around the mobilization of three vectors of support including personal vectors, natural relational vectors and organized community-based or social vectors.

This study reveals that women vendors primarily rely on individual vectors of support to develop both preventive and responsive resilience strategies. These include, inter alia, silence, forgiveness, religion/spirituality, dress-code and explicit manifestation of absence of consent. A key finding of this study is that relational vectors of support which usually encompass family members, friends and community leaders outside of the market are considerably less mobilized. Fellow market vendors are the only natural relational vectors of support upon which survivors rely. Organized community-based or social vectors are more mobilized than natural relational support vectors with the reliance on economic empowerment initiatives and cooperatives, market structures such as chairpersons, market leaders and community liaison officers as well as community legal officers, a newly established structure with FIDA-U as part of this study.

These findings contradict the literature giving an overview of resilience strategies documented across the world which indicates a considerable reliance on organized community-based or social vectors. It demonstrates that the structural obstacles existing in the market set-up in Kampala do not encourage the development of such initiatives.

Following this analysis and with the view to enhance informal workers' right to be free from GBV, this study formulates a range of recommendations under both the prevention and protection pillars, targeting a wide diversity of stakeholders applicable to the market set-up and beyond.

8.2 Recommendations on prevention

Overall objective	Actions	Stakeholders
To improve awareness raising and training on GBV in the market setting	a) Provide for the creation of partnerships with institutions such as NGOs, Community-Based Organizations (CBOs), Civil Society Organizations (CSOs), and governments to fund and facilitate training and awareness-raising on GBV for all stakeholders in the market.	Civil society, policy makers, law enforcement agencies, market authorities
Though awareness of women's human rights including the right to be free from GBV is on the increase, this is not paired with efforts to challenge the widespread patriarchal attitudes that have been accepted by both men and women themselves within the market setting.	b) Ensure that the market leaders collaborate effectively with specialised organizations such as FIDA-U to develop and disseminate training manuals. The manuals should address factors that sustain GBV such as the social norms and abuse of power relations, discriminatory attitudes, stigmatization of victims, complainants, witnesses, and whistle-blowers.	Civil society, market authorities
Further, the study suggests that market leaders and women vendors themselves explicitly request awareness-raising activities and training to be better equipped to prevent GBV.	c) Place a duty on local government officials to raise awareness on GBV, its effects, costs, and consequences for perpetrators. This awareness should involve all the market leaders, male and female vendors, and suppliers.	KCCA
	d) Provide a clear definition in law of GBV within the market context	Ministry of Gender, Labour and Social Development; Policy makers, KCCA
To enhance women's involvement in decision-making bodies and processes	a) Adopt a 30% women representation on each leadership committee in line with gender representation targets in other national legislation including the Local Government Act Cap, 243;	Market authorities

<p>It was found that the composition of the leadership committees was not specified hence, most of the committees were comprised of men only. This creates insensitivity where women's issues are neither addressed nor their voices heard thus, marginalization occurs, especially of young women and new mothers. Therefore, clarity on the composition of committees to include women would increase their protection and address irregularities in the market management</p>	<p>b) Meetings must have a mandatory line item on the agenda which present gender issues or reporting on current situations by women representatives.</p>	<p>Market authorities</p>
<p>To enable women's access to (women's rights) NGOs</p>	<p>a) Develop collaborative initiatives involving women vendors such as Community Legal Volunteers trained by CSOs like FIDA-U</p>	<p>Civil Society, market authorities</p>
<p>The study finds that the market setting is perceived by all stakeholders as an isolated space that is not reached by specialized organizations including feminist NGOs conducting prevention programs against GBV. The findings call for the adoption of a multi-sectoral approach to prevent GBV and to facilitate access to feminist NGOs including FIDA-U.</p>	<p>b) Ensure that reporting procedures and referral pathways are known to the relevant authorities and to the general public</p>	<p>Civil Society, market authorities, law enforcement agencies</p>
	<p>c) Grant access to women's rights and informal workers' organizations to the market setting to enable sensitization work</p>	<p>Market authorities</p>

<p>To provide safer infrastructures</p> <p>The physical setting of the market and the lack of safe infrastructures including bathrooms put women vendors at risk of GBV according to the interviewees.</p>	<p>a) Ensure that bathrooms are safe and that there are women-specific facilities separated from men's bathrooms</p> <p>b) Ensure that public lighting is available in all markets especially after dark</p>	<p>KCCA, Market authorities</p> <p>KCCA, Market authorities</p>
<p>To improve research and data collection on GBV in the market set-up</p> <p>Extremely concerning issues were raised as part of the interviews and FGDs conducted with the stakeholders including on the prevalence of GBV, the diversity of forms of violence and perpetrators, the impunity of perpetrators and the lack of access to remedies for survivors. It is paramount to ensure that research informs law and policy-making in the future.</p>	<p>a) Fund research on the causes and consequences of GBV in the market setting to inform law and policies.</p> <p>b) Conduct a nation-wide and state-funded survey on GBV in the informal work sector at large</p> <p>c) Ensure that all stakeholders are involved in research and data collection.</p> <p>d) A gender-sensitive and intersectional approach to data collection (both in research design and content) should be adopted.</p>	<p>Ministry of Gender, Labour and Social Development</p> <p>Ministry of Gender, Labour and Social Development</p> <p>Civil Society, Academia</p> <p>Civil Society, Academia</p>

8.3 Recommendations on protection

Overall objective	Actions to be taken	Stakeholders
<p>To facilitate reporting of GBV cases</p> <p>The findings indicate that the market women vendors did not report GBV cases, apart from to the women CLVs in the markets where they are active. This was attributed to many issues among others; perceived inefficiency of the reporting mechanism, and lack of trust in the reporting process.</p>	a) Develop complaint and dispute resolution mechanisms.	Policy makers, KCCA, Market authorities, Civil society
	b) Ensure that all cases reported are handled by the respective committees.	Market authorities
	c) Guarantee the protection of victims, witnesses, and whistle-blowers.	KCCA, Law enforcement agencies, market authorities
	d) Recognise the role, legitimacy and importance of community-based paralegals, including CLVs trained by FIDA-U, who work within the markets.	Market authorities, KCCA, Policy makers, Civil Society
<p>To strengthen effective access to remedy</p> <p>Findings revealed that there is no proper enforcement mechanism for the remedies provided by the law. As a consequence, many survivors choose not to report violence and risk experiencing further violence. Those who find the courage to report nearly systematically experience secondary traumatization and/or rarely achieve justice and compensation.</p>	a) Ensure access to effective reporting and dispute resolution mechanisms and procedures, including the establishment of GBV desks in each of the markets.	KCCA, Law enforcement agencies
	b) Establish specialized disciplinary committees for handling GBV cases.	KCCA, Market authorities
	c) Prohibit any financial burden either for the committees or the victim.	KCCA, Law enforcement agencies
	d) Fund and establish emergency hotlines.	Ministry of Gender, Labour and Social development; Civil society
	e) Promote a no tolerance policy for the victimization of survivors, witnesses, and whistle-blowers by the response institutions.	KCCA, Law enforcement agencies
	f) Ensure that survivors benefit from full confidentiality.	Law enforcement agencies, market authorities

To improve provision of support to survivors	a) Ensure that counselling and psycho-social support is made available to survivors to enable them to resettle back in their businesses.	Policy-makers, KCCA, Civil society
GBV against women vendors has numerous implications for survivors. Their businesses, mental health and capacity to provide for their family can be deeply impacted. Such implications are not solved upon achievement of justice and they deserve to be addressed	b) Promote access to economic empowerment initiatives such as cooperatives and SACCOs.	KCCA, market authorities, civil society
To strengthen the international and domestic legal framework on GBV in the informal work sector	a) Ensure the ratification and domestication of the ILO Convention 190.	Parliament of Uganda
Although the international, regional and domestic framework on GBV is relatively robust, provisions do not always target GBV in the informal work sector. It is crucial that key legal instruments are ratified, adopted domestically and/or enacted to ensure that women vendors in markets are not excluded from the scope of protection of the law.	b) Enact the Market Bill, 2021 with the inclusion of all recommendations formulated above.	Parliament of Uganda
	c) The revision of market bye-laws with the inclusion of all recommendations formulated above.	KCCA

ANNEX: Informed consent forms and interview guides

Focus Group Interview Guide

Introduction:

My name is and this is my colleague
..... We are here on behalf of FIDA-U to conduct a study to investigate the normalization of GBV within the Market Set-up as well as existing mechanisms and avenues for addressing this violence.

We would like to ask you some questions about the issues affecting women regarding GBV, the nature and extent of GBV experienced in the market and how this impacts your economic participation. In this way we can better understand the needs and concerns about gender based violations that happen in this market and add a voice to seek for possible solutions to mitigate them including review of the existing legal and policy framework.

We will not write your names or any other potentially identifying information in anything that we produce based on this conversation. We will treat everything that you say today with respect and confidentiality. We shall also ask that you keep everything confidential, too. Please do not tell others what was said today. However, at any time of the study, you are free to withdraw your informed consent in case you feel uncomfortable. We will share the final study report with you.

We will be recoding the discussion to make sure that we do not miss what you have to say. I hope that this is OK with you? We really want to hear what you have to say, and I want you to answer my questions, however there is no wrong answer to any question.

FIDA (U) can provide follow up legal aid and counselling services to any of the participants who may need help. Our toll-free line is +256-800-111-511

I expect our discussion to last for a maximum time of one hour.

At this time do you agree to participate in this discussion? Yes/No

1. How much time do you spend in the market? Probe for control over time, lives, bodies
2. How do you use the income earned from your work? Probe for control over income and assets
3. Do you get involved in making decisions in the market governance? If yes, describe how?
4. What abuses/violations are you aware of that happen to women in this market? [Probe for levels, status, race of women)
5. Who is most affected by these abuses and what are the reasons you are aware of [probe for girls, boys, women, men, people living with disabilities, the elderly etc, they can back up with numbers/data]
6. What are the main causes of these abuses in this market? [probe for GBV]
Power relations, power imbalances, culture, tradition, self-preservation, education, family code
7. Who are the main perpetrators of these abuses in this market? [probe market leaders, enforcement officers, etc]
8. Does the violation affect your work in the market because you are a woman? If yes, how?
9. Describe the processes that you go through to report abuses in your market?
Probe for knowledge of rights, awareness of existing legal framework, role of leaders
10. Where do you report these abuses in this market? [probe for the different forms of GBV,)
11. Are you aware of any laws, regulations or bye-laws towards prevention of GBV?
12. What happens to the cases reported in this market? [probe for knowledge of the justice system)
13. What challenges do you face/experience in handling/following up of reported abuse cases? (Probe for challenges in the legal, policy and institutional framework)
14. What should be done to ensure reported cases are managed to conclusion? Probe for the gaps in the legal and policy framework?

15. Does the leadership in the market in any way affect or undermine women from working in the market? If yes how?
16. What interventions are being done in this market to address GBV? Explain please
17. What personal and psychological coping tools and mechanisms have you used to overcome GBV and its impact on your business?
18. What lessons have you learnt from this experience?
19. Compared to one year ago, do you think the situation is now better than it was or it has instead worsened? If yes, please explain
20. What suggestions do you have for addressing GBV/VAC in this market? (probe for resilience mechanisms adopted and its effectiveness, policy reforms, leadership)
21. Is there anything else that you would like to discuss or report about?

Thank you so much for sharing and spending your valuable time with us.

Key Informant Interview guide

Introduction:

My name is and this is my colleague
. We are here on behalf of FIDA(U) to conduct a study to investigate the normalization of GBV within the Market Set-up as well as existing mechanisms and avenues for addressing this violence.

We would like to ask you some questions about the issues affecting women regarding GBV, the nature and extent of GBV experienced in the market and how this impacts their economic participation. In this way we can better understand the needs and concerns about Gender Based Violations that happen in this market and add a voice to seek for possible solutions to mitigate them including review of the existing legal and policy framework.

We will not write your names or any other potentially identifying information in anything that we produce based on this conversation. We will treat everything that you say today with respect and confidentiality. We shall also ask that you keep everything confidential, too. Please do not tell others what was said today. However, at any time of the study, you are free to withdraw your informed consent in case you feel uncomfortable. We will share the final study report with you.

We will be recoding the discussion to make sure that we do not miss what you have to say. I hope that this is OK with you? We really want to hear what you have to say, and I want you to answer my questions, however there is no wrong answer to any question.

FIDA (U) can provide follow up legal aid and counselling services to any of the participants who may need help. Our toll-free line is +256-800-111-511

I expect our discussion to last for a maximum time of forty-five minutes.

At this time do you agree to participate in this discussion? Yes/No

Sex of respondent

Interviewer:

Title of respondent

-
1. What abuses/violations are you aware of that happen to women in this market?
 2. Who is most affected by these abuses and what are the reasons you are aware of [probe for girls, boys, women, men, people living with disabilities, the elderly etc, they can back up with numbers/data]
 3. What are the main causes of these abuses in this market? [probe] Power relations, power imbalances, culture, tradition, self-preservation, education, family code
 4. Who are the main perpetrators of these abuses in this market? [probe market leaders, enforcement officers, land lords, causal labors etc]
 5. Compared to one year ago, do you think the situation is now better than it was or it has instead worsened?
 6. What is your organization/office/institution doing to address GBV in the markets?
 7. Who else do you work with to address these violations [probe NGOs, CSOs, market leaders, KCCA enforcement office etc]
 8. What suggestion do you give for addressing the violations that happen in these markets? Probe for the legal framework, resilience
 9. Is there anything else that you want us to discuss or report about?

Thank you so much for your time

Valley Drive, Ministers Village - Ntinda, Kampala
Head Office Tel: +256414530848
Kampala Toll Free Line: 0800111511
E-mail: fida@fidauganda.org