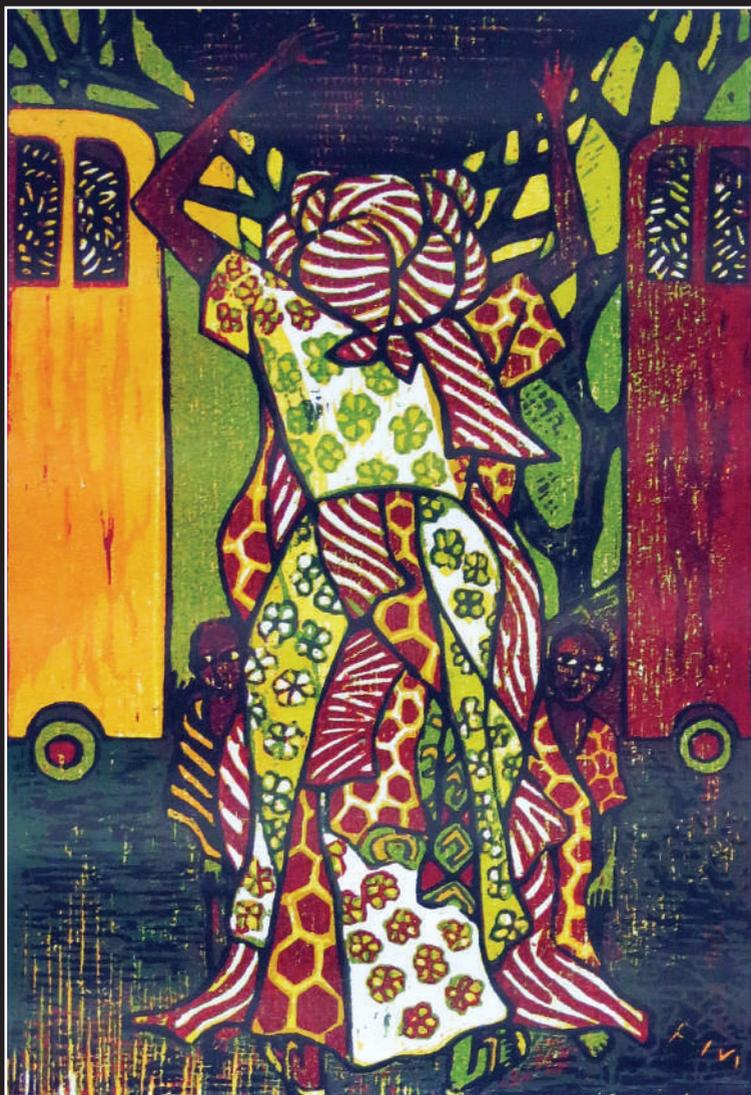


# THE INVISIBLE

## Labourers of Kampala

A research paper on women street vendors in Kampala



The Strategic Initiative for women in the Horn of Africa (SIHA Network)





# THE INVISIBLE Labourers of Kampala

A research paper on women street vendors in Kampala



August 2018





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# Acronyms

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- CEDAW:** Convention on the Elimination of All Forms of Discrimination against Women
- FGD:** Focus Group Discussion
- ILO:** International Labour Organisation
- KCCA:** Kampala Capital City Authority
- KACITA:** Kampala City Traders Association
- PLAVU:** Platform for Vendors Uganda
- SDG:** Sustainable Development Goal
- SIHA:** Strategic Initiative for Women in the Horn of Africa
- UWEP:** Uganda Women's Entrepreneurship Programme
- UWONET:** Uganda Women's Network
- WEDGE:** Women's Entrepreneurship Development and Gender Equality



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# Foreword

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This paper is the outcome of sequential efforts that were carried out by the SIHA Network across the Horn of Africa region, in a bid to address the situation of the mass population of women street vendors occupying the pavements of capital cities and smaller informal markets across the region. Our research is part of our on-going endeavour to reach out to poor women working in the informal sector in urban areas of the Horn of Africa through concrete work on the ground, advocacy and partnership, to bring them and their challenges to the heart of the women's rights movements in their countries and territories whilst enabling them to become instrumental actors in changing their circumstances.

From a historical perspective, vending is one of the oldest occupations by both women and men on the African continent in general and the Eastern and Horn of Africa region in particular. It has always been respected socially, and considered as a decent and honourable way for women to earn a living with the breakdown of traditional and institutional structures heretofore meant to protect and cater for them.

Vending on the streets of cosmopolitan Kampala, however, is subject to dynamics different from those experienced in smaller towns and villages. Women street vendors in Kampala are confronted with layers of aggression and resentment from local authorities, shop-owners and other traders, which exposes them to constant challenges and vulnerable to gross human rights violations and other serious risks.

The rapid increase in women street vendors reflects the changing socio-economic situation prevailing in Uganda and across the region. It further speaks to the lack of empathy and understanding from Government institutions regarding the impact of economic shifts on the masses.



The growing number of women and men vending on the streets reflects the rural economic crisis leading to rapid rural-urban migration and the increased migration of communities of urban poor; all confronted with the challenges of globalization and the resultant globalized free market economy that has stymied any economic safety net. This situation exerts enormous pressure on women as they are caught in a bind between patterns of extreme poverty and a faltering social welfare system worsened by harsh local government authorities that perceive them as a nuisance and a hindrance in the move towards urban planning and “development”.

It is not a secret that this situation arises from gender constructs and limitations that place women at the bottom of the social and economic ladder; it hinders women from making significant economic progress, and at the same time makes them susceptible to violations. And although Uganda’s poor urban women vendors constitute the bulk of breadwinners for their families or make significant contributions thereto, they are mostly invisible to the local and national system, which does not acknowledge nor recognize the significant role they play.

On the other hand, it is important to acknowledge that although the free market system consumes and exploits the efforts of women in the informal sector, it also provides a space for women to interact in the public sphere. The structure of the free market contributes to the changing dynamics of gender relations, but has to contend with the hostile resistance from the patriarchal social structure and the controllers of the capital systems, which are intertwined and interconnected forces. Therefore, the free market allows women space to exist and utilize their labour but also strongly holds on to conservative ideas about women while setting boundaries. This is particularly so in urban centres all over the world.

This paper looks at the different factors influencing women’s presence in the public sphere as street vendors and their attempts to occupy a growing space while struggling with extremely limited means within a larger market, facing the backlash at different levels in the streets ranging from the swoops by local authorities to the abuse and harassment meted out by customers and other authority figures. For





women who are only trying to earn a living along public thoroughfares, these factors expose them to endless risks. Furthermore, women have no meaningful support from a patriarchal governance system which constantly endeavours to delegitimize them.

In this paper, SIHA tries to explore the world of women street vendors as an invisible workforce which is exposed to violations and dehumanization based on their gender identity and economic situation, while attempting to address the root causes of tension between the women, the local authorities and other actors. Through this paper and its related activities, SIHA intends to avail the women a space to speak about the violations to which they are exposed, the heavy burden they endure while trying to cater for themselves and their families and their take on how to resolve their situation.

As SIHA, we hope that this modest effort will contribute to improving the conditions of women vendors and empower them to achieve a better working environment whilst helping them to enhance their skills and awareness of their human rights. We are also hoping that our research and intervention will contribute to stabilizing the relationship, and improving improved communication between women vendors and local authorities in Kampala, and in the rest of Uganda.

**Hala Alkarib**

Regional Director - SIHA Network





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## Acknowledgments

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'SIHA Network would like to recognise financial support from the African Women's Development Fund and the Open Society Foundation's International Women's Program that made the publication of this research paper possible. SIHA Network would like to appreciate Rowena Kagaba and Dorah Mafabi who undertook the original research study and drafting. SIHA would also like to appreciate Joseph Rujumba and Spera Atuhairwe who undertook the data collection and analysis for the baseline study. Last, but not least, we would like to thank Mabel Kirabo, Kafia Omar and Martha Tukahirwa who offered oversight and editorial support leading up to a robust publication.

We are confident that this publication will go a long way in shaping interventions to provide stronger protection for the most vulnerable women in the informal sector in Uganda.'



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# Introduction

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Women conducting petty trading and vending in the streets can be seen throughout Kampala. In recent years, this trading has become the subject of considerable political wrangling, with the street vendors accused of impeding development in the city, causing congestion and unfairly competing with formal shops which are required to pay registration fees and taxes from which the street vendors are generally exempt. These accusations have helped to bolster public support for the measures against street vending deemed illegal in the absence of permits which are difficult to obtain, leading to large scale efforts to crackdown on the unlicensed and evict them from the streets.

At the same time, sympathetic voices have pointed out that these women are merely trying to fend for their families. They are generally poor and rely on the modest income generated by these small scale and precarious businesses to provide for their basic needs and those of their families. Some have encouraged the government to take a more sympathetic view and to avoid evicting the women unless alternative means of livelihoods can be provided.

Despite the political wrangling over their occupation, the situation and perspectives of these women have received relatively little attention. This study seeks to identify and profile some of the most vulnerable women working in the informal sector in Uganda's capital city, Kampala, and analyse the issues with the aim of crafting pragmatic recommendations on how to mitigate their vulnerabilities. Under a project titled *'Solidarity and inclusion of women's movements in the Horn of Africa'* involving Somaliland, South Sudan and Uganda, the Strategic Initiative for Women in the Horn of Arica (SIHA) has investigated the contributions of poor, urban Ugandan women to the local economy, their households and communities, while at the same time drawing attention to the risks and challenges they face in trying to



establish viable sources of livelihood. The study identifies gaps in the legal and policy framework that may militate against the economic and social well-being of these women. This study also examines the existing support systems available to, and coping mechanisms employed by, these women as well as efforts that have been undertaken to date to promote their economic and social rights. Through an analysis of the mechanisms of engagement that have been deployed so far, the report formulates recommendations for action that can offer these vulnerable women a better work environment and enhanced socio-economic protection.





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## Methodology

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This report draws primarily on focus group discussions and individual interviews with female street vendors gathering qualitative data on their situation. This research was generally guided and informed by five key principles; participation, negotiation, flexibility, diversity/cultural sensitivity and confidentiality.

SIHA facilitated focus group discussions with women trading in clothes and apparel within Central and Kawempe Divisions of Kampala City, and with those dealing in food related items in the Nakawa and Central Divisions of Kampala City. A total of 100 women, mainly working in the Kampala Central, Kawempe, and Nakawa Divisions, participated in the study. This research was supplemented by interviews with nine key informants from Civil Society Organizations, Government and International agencies as well as a desk review of existing literature.





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# Contextual Background

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## *The Informal Economy in Uganda*

The International Labour Organisation defines informal enterprises as “non-agricultural enterprises that are unincorporated and unregistered or small in terms of the number of employed persons.”<sup>1</sup> Although it is widely understood that workers in the informal economy are more vulnerable than their counterparts in the formal economy due to poor pay, unsafe working conditions, and the lack of social benefits owing to the poor penetration of labour laws and standards, the absence of regulation and social prejudice towards the fields in which they work undermine sustained attention.

In Uganda, the informal sector is an important part of the economy at large. In 2010, it was estimated that 2.7 million Ugandans were employed in the informal sector.<sup>2</sup> In 2014, it was estimated to contribute to over 50% of Uganda’s GDP and employ 80% of its labour force.<sup>3</sup>

Although Uganda’s economy has been growing consistently over the last few decades, it is struggling to incorporate a rapidly expanding population and development is uneven. The economy has grown steadily at about 4-5% a year for the last five years, and 5.5% in the last year,<sup>4</sup> but concurrently, the population is expanding rapidly, at a rate of about 3% per year.<sup>5</sup> The youthful population (over 55% of the

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- 1 International Labour Organization and Women’s Entrepreneurship Development, “Engaging Informal Women Entrepreneurs in East Africa: Approaches to Greater Formality: And ILO-WED Issue Brief,” undated, available at [http://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---emp\\_ent/---ifp\\_seed/documents/briefingnote/wcms\\_430946.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---ifp_seed/documents/briefingnote/wcms_430946.pdf).
  - 2 International Labour Organisation, “Statistical update on employment in the informal economy,” June 2012, available at [http://laborsta.ilo.org/applv8/data/INFORMAL\\_ECONOMY/2012-06-Statistical%20update%20-%20v2.pdf](http://laborsta.ilo.org/applv8/data/INFORMAL_ECONOMY/2012-06-Statistical%20update%20-%20v2.pdf).
  - 3 Uganda Bureau of Statistics 2014.
  - 4 The World Bank, “Increasing Tax Flow Key to Financing Uganda’s Growth, Development,” May 2018.
  - 5 Republic of Uganda, “National Population and Housing Census 2014: Main report,” March 2016, available at <http://www.ubos.org/onlinefiles/uploads/ubos/NPHC/NPHC%202014%20FINAL%20RESULTS%20REPORT.pdf>.



population is younger than 18)<sup>6</sup> releases approximately 400,000 youth into the job market each year. Yet only about 9,000 salaried jobs are on offer.<sup>7</sup> The unemployment rate stands at 9.4%.<sup>8</sup> These rates are higher among youth, and women face higher levels of unemployment than men (11% compared to 8%).<sup>9</sup>

Uganda's labour force participation is among the highest in the world, with 84% of the population being economically active.<sup>10</sup> The scarcity of job opportunities in Uganda has led the emergence of a bulging un-employed or under-employed and underproductive work force of young men and women. Many of them are forced to take up work in the informal sector, in jobs that are precarious and poorly remunerated, with little access to social protection. Employees in the sector are generally not covered by social security in accordance with Ugandan employment law. The majority of participants in the sector are poor and engage in the sector because they lack other options.<sup>11</sup> Most of them remain poor despite their economic activity because of the low rates of return it offers.<sup>12</sup> Yet the sector offers some possibility of income for some of the most vulnerable social strata.

### ***Women in the Informal Sector in Uganda***

Women are disproportionately affected by the realities that drive individuals into the informal sector. Women more likely to be poor; experience gaps in education; lower access to finance, land and assets; lack child care; and face both legal and social discrimination that leave no option other than informal employment.

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6 Joe Myers, "The world's ten youngest populations are all in Africa," World Economic Forum, 2016.

7 Andrew Rugasira, "Informal sector can be a major driver of economic opportunities," Daily Monitor, 16 May 2018, available at <http://www.monitor.co.ug/OpEd/Commentary/Informal-sector-major-driver-economic-opportunities/689364-3207466-y5dlymz/index.html>.

8 Youth unemployment in Uganda, Maureen Kayinza FEB 2015 <http://ofcourse.oru.se/~waf-e/maukah141/?p=71>

9 Uganda's Employment Challenge, An Evaluation of Governments Strategy, Economic Development Policy and Research Department, Ministry of Finance, Planning and Economic Development (2014) 26.

10 Ibid.

11 World Bank Group, "From Regulators to Enablers: The Role of City Governments in Economic Development of Kampala," September 2017, available at <http://documents.worldbank.org/curated/en/860311505816462189/pdf/119806-REVISED-PUBLIC-The-wb-Book-2017-Report-web-Individual-Page-Layout.pdf>

12 Uganda's Employment Challenge, An Evaluation of Governments Strategy, Economic Development Policy and Research Department, Ministry of Finance, Planning and Economic Development (2014) 26.



Around the world, women form a large part of the informal economy. In Sub-Saharan Africa, UN Women estimates that 89% per cent of women in the work force are engaged in the informal sector<sup>13</sup> and in Uganda an estimated 62.2% of women who work outside the home are employed informally.<sup>14</sup> Women's work in the informal sector is varied. Some women take on domestic work as cleaners or cooks. Others may support their own or family businesses, either paid or unpaid. These are often very small, subsistence level businesses. Even within the informal sector, however, women are often invisible. In many cases, there is no gender disaggregated data which makes gender sensitive analysis and policy making next to impossible.

In Uganda, it is estimated that women own 66% of all informal businesses in Kampala and make up a majority of informal workers as well.<sup>15</sup> An increase in women-headed households coupled with rampant poverty has made it unsustainable for women to remain in their traditional domestic roles and as a corollary more women have been compelled to seek work outside the home. Despite the vitality of their roles, their experiences are often overlooked. This is especially true of street vendors, whose mobile nature impedes engagement.<sup>16</sup>

While some women have managed to create a more stable work environment in their own market stalls or other businesses, these tend to be smaller and less profitable than those of their male counterparts.<sup>17</sup> Many do not even have that option, a large number are engaged in the unpredictable and mobile businesses of street vending and hawking, mostly trading in food, beverages, textiles, and other cheap/perishable commodities. The absence of social security entitlements exacerbates these vulnerabilities and leaves women at risk of ill health and impoverishment.<sup>18</sup>

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13 UN Women, "Informal Work: Infographic," available at <http://interactive.unwomen.org/multimedia/infographic/changingworldofwork/en/index.html>.

14 International Labour Organization and Women's Entrepreneurship Development, "Engaging Informal Women Entrepreneurs in East Africa: Approaches to Greater Formality: And ILO-WED Issue Brief," undated, available at [http://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---emp\\_ent/---ifp\\_seed/documents/briefingnote/wcms\\_430946.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---ifp_seed/documents/briefingnote/wcms_430946.pdf).

15 World Bank Group, "From Regulators to Enablers: The Role of City Governments in Economic Development of Kampala," September 2017, available at <http://documents.worldbank.org/curated/en/860311505816462189/pdf/119806-REVISED-PUBLIC-The-wb-Book-2017-Report-web-Individual-Page-Layout.pdf>

16 Interview with civil society representative 23 August 2017.

17 Ibid.

18 Ibid.





Women, like others in the informal sector, tend to secure meagre returns for their work and are forced to cope with precarious business conditions and variable incomes. They lack the security that typically comes with formal employment such as protection from arbitrary dismissal, support for time off and family leave, contributions to social insurance and health and safety protections on the job. The Ugandan government, recognizing both the vulnerability of workers in the informal sector and the loss of tax revenue, has embarked on efforts to formalise these activities.

For women engaged in street vending, general vulnerabilities related to work in the informal sector are further aggravated by negative public perceptions of their work. Street vending is seen as an irritant and as an obstacle to development. It is often blamed for overcrowding and congestion, vehicle and pedestrian traffic obstruction.<sup>19</sup> Street vendors are blamed for widespread litter and for thwarting measures put in place by the City authorities to keep the roads clean. Shop owners view informal sellers as unfair competition because they may sell similar products arguably at lower prices as they do not have to shoulder the costs for rent, business registration and taxes to which formal shops are subjected.<sup>20</sup> Through their umbrella body, the Kampala City Traders Association (KACITA), shop owners have consistently lobbied against street vendors. At times, this conflict has escalated into violence<sup>21</sup>

Women interviewed for this research expressed scepticism about the shop owner perspective.

*“I don’t understand why the shop owners see us as competitors, yet we are the very people who sell their merchandise for them, especially those whose shops and stalls are not easily accessible to customers;”* said B.S., a street vendor in Wandegeya. Indeed, she went on to accuse the formal shop owners of encroaching on the street vendor’s area.

*“The Sunday market was gazetted for street vendors, but all shop owners come and work which makes it very hard for us*

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19 Interview with the Kampala Capital City Authority (KCCA), August 23, 2017.

20 World Bank Group, “From Regulators to Enablers: The Role of City Governments in Economic Development of Kampala,” September 2017, available at <http://documents.worldbank.org/curated/en/860311505816462189/pdf/119806-REVISED-PUBLIC-The-wb-Book-2017-Report-web-Individual-Page-Layout.pdf>

21 Kampala City Council Authority (KCCA), “Statement on Trade Order and Law Enforcement in Kampala Capital City,” 19th October 2016, available at <https://www.facebook.com/kccaug/posts/1218911444832323:0>





*to compete as well.”* Other vendors, however, downplayed the tension denying hostility from market stall and shop owners who extend them merchandise on credit, and suggested that it is about building trust with individuals.

This has led to conflict with the Kampala Capital City Authority (KCCA), which is empowered to issue licenses and oversee enforcement of the law on trading but regards their work as illegal. Women who are involved in these activities have accused the KCCA of capriciousness, violence and abuse of power.

Despite its precarious nature, informal work represents an important lifeline for many of those who participate. According to a study commissioned by the Institute for Social Transformation, many market women noted that they had been able to build a house, educate their child(ren) and expand their businesses as a result of working in the market.<sup>22</sup> Women interviewed for this research made similar observations, reporting that the income gained from their informal street vending businesses was more than they were able to make in the other job opportunities such as working as waitresses or domestic help. In the words of A.J., a street vendor in Naguru,

*“I used to work as a waitress earning a wage per day of 7000 (Ugandan shillings about US \$1.83). As the family started to grow, that was not enough to sustain us and I got into street vending which has worked so far to provide our basic needs.”* Many said that they were able to educate their children.

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<sup>22</sup> Institute for Social Transformation, “Market women in Uganda – a case study of women in Kalerwe, Gulu and Arua markets in Uganda,” 2015, p.44.



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# The legal and regulatory framework

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## *International instruments*

The Government of Uganda has made commitments relevant to the situation of women street vendors in two major areas: ensuring gender equality and protections for workers.

The Government of Uganda has made a number of strong commitments to gender equality and the empowerment of women. For example, Uganda has signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),<sup>23</sup> endorsed the Beijing Platform of Action and fully subscribes to the 5th Sustainable Development Goal (SDG) on achieving gender equality.

With regard to protections for workers, Uganda is a signatory to numerous international and regional human rights instruments, including a number of binding International Labour Organisation (ILO) treaties. These treaties ban forced labour, regulate child labour and promote equal remuneration for equal work.<sup>24</sup>

In 2002, the ILO passed a resolution on decent work in the informal sector. Although this resolution is non-binding, it urges governments to work to reduce the vulnerability of workers in the informal sector by improving regulatory frameworks and extending social protections.<sup>25</sup> The resolution recognises the need to promote decent work for all and eliminate the negative aspects of informality while at the same time

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23 UN Treaty Database, Convention on the Elimination of all Forms of Discrimination Against Women, available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en)

24 Some of ILO instruments Uganda has ratified include The Forced Labour Convention, 1930 (No. 29), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Abolition of Forced Labour Convention, 1957 (No. 105), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182) and the Homework Convention of 2000, C177.

25 ILO Resolution Concerning Decent Work and the Informal Sector (2002) 2.



ensuring that opportunities for livelihood and entrepreneurship are not destroyed.<sup>26</sup>

## ***National Framework***

### **Women's Rights**

Article 33 of Uganda's Constitution specifically addresses the rights of women, guaranteeing not only equal treatment, but "affirmative action for the purpose of redressing the imbalances created by history, tradition or custom."<sup>27</sup> Moreover, the Uganda Gender Policy<sup>28</sup> provides a framework for gender responsive development. The Second National Development Plan (NDP II, 2015/15-2019/20) acknowledges that the attainment of gender equality is a prerequisite for accelerated socio-economic transformation and defines negative attitudes and cultural practices as a key constraint to socio-economic development in Uganda.<sup>29</sup>

Despite these commitments, women in Uganda, as elsewhere in the world, suffer discrimination and unequal treatment. Evidence from the Uganda Participatory Poverty Assessment Process/Participatory Poverty Assessment II illustrates some of the impacts: women are excluded from decision-making, both in the public sphere and within the household; women are often denied control over income, even where they have contributed to producing it; and despite efforts to ensure universal primary and secondary education in Uganda, girls may have fewer educational opportunities as compared to boys.<sup>30</sup>

### **Workers' Rights**

The 1995 Constitution (as amended) contains provisions that are aimed at protecting workers' rights. Article 40 of the Constitution mandates Parliament to enact laws providing for the rights of persons to work under satisfactory, safe and healthy conditions, to ensure equal payment for equal work without discrimination; Article 40 further

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26 ILO Resolution (2002) 4.

27 Constitution of the Republic of Uganda, 1995, available at [http://www.statehouse.go.ug/sites/default/files/attachments/Constitution\\_1995.pdf](http://www.statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf)

28 The Uganda Gender Policy (2007), available at <http://extwprlegs1.fao.org/docs/pdf/uga163564.pdf>

29 Republic of Uganda, "Second National Development Plan 2015/16-2019/20 (NDPII)" Draft March 2015, available at <http://ngoforum.or.ug/wp-content/uploads/downloads/2015/03/NDPII-Draft-3rd-March-2015-1pm.pdf>

30 Amanda Ellis, Claire Manuel, and C. Mark Blackden, "Gender and Economic Growth in Uganda: Unleashing the Power of Women," The World Bank, Directions in Development, 2006, p. 20 available at [http://siteresources.worldbank.org/INTAFRREGTOPGENDER/Resources/gender\\_econ\\_growth\\_ug.pdf](http://siteresources.worldbank.org/INTAFRREGTOPGENDER/Resources/gender_econ_growth_ug.pdf).



guarantees the right of every Ugandan to practise his or her profession and to carry on any lawful occupation, trade or business.<sup>31</sup>

## Law and policy regulating street vending and the informal economy

From a State perspective, the informal sector presents a challenge. On the one hand, the informal sector provides a vital source of income to much of the country's poor population. On the other, the employment offered in the sector is precarious and exempt from protections offered to formal employees. At the same time, most businesses of this nature are not subject to regulation and as such, do not pay taxes.

Despite the fact that the Uganda government has prioritized tax collection in recent years, it is struggling to generate sufficient revenue. The World Bank reports that Uganda collects only 14% of GDP as taxes, which is lower than other countries in the region, and short of its own target of 16%.<sup>32</sup> It has been argued that this shortfall is driven in part by the difficulty of both tracking and collecting from the informal economy. This has created pressure to formalize the sector and include it in the tax base. Another recent study, however, has questioned the efficacy of this approach, pointing out that the income of 69% of informal businesses have incomes which fall below the minimum income at which tax is applied under Ugandan law.<sup>33</sup>

From the perspective of the workers engaged in it, formalization may offer benefits, such as protection of assets and increased social security for workers. However, for individuals, these benefits are weighed against significant costs, both in time and money, for registration, taxes and/or places in formal markets. In many cases, small enterprises which are already barely surviving see any additional cost as potentially fatal. And a good number may not see any benefits from formalization. These realities are often gendered, as women for example, tend to experience greater constraints on their time and as such will be bound to be disproportionately disadvantaged by time consuming processes.<sup>34</sup>

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31 Constitution of the Republic of Uganda, 1995, available at [http://www.statehouse.go.ug/sites/default/files/attachments/Constitution\\_1995.pdf](http://www.statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf)

32 World Bank, "Increasing Tax Flow Key to Financing Uganda's Growth, Development," May 2018, available at <http://www.worldbank.org/en/country/uganda/publication/increasing-tax-flow-key-to-financing-ugandas-growth-development>.

33 World Bank Group, "From Regulators to Enablers: The Role of City Governments in Economic Development of Kampala," September 2017, available at <http://documents.worldbank.org/curated/en/860311505816462189/pdf/119806-REVISED-PUBLIC-The-wb-Book-2017-Report-web-Individual-Page-Layout.pdf>

34 International Labour Organization and Women's Entrepreneurship Development, "Engaging Informal Women



On the other hand, proponents for the Government stance argue that the requisite investment in infrastructure and education to ensure development will be jeopardized in the absence of tax collection. In this context, a deeper understanding of the informal economy is critical to ensure that the policies adopted strike the appropriate balance between the need for formalization and the need to protect individuals while maintaining growth.

For street vendors in particular, it is the Kampala Capital City Authority (KCCA) which is responsible for city planning and the issuance of licenses for trading. Thus, the KCCA is the most important authority with whom they interact. The Kampala Capital City Act No. 1 of 2011 empowers the KCCA to establish and administer markets, giving it broad authority over locations where vending can be conducted. Local authority by-laws prohibit selling on “any pavement, arcade, foot-way, street, un-alienated public land, unoccupied land or land in the possession of the Council” unless the seller has a permit to do so issued under the city’s by-laws. The by-law further states that the grant of such permits will be at the discretion of the council, and no conditions for grant or refusal are stipulated in the law.<sup>35</sup> This gives the KCCA extremely broad authority to allow or disallow business. Sections 16 to 18 of the Trade (Licensing) Act 1969 provides additional guidance as to the process of issuing permits, but similarly provides that a license can be denied by the authorities without giving a reason, preserving broad authority.<sup>36</sup>

The by-laws governing trade stipulate that traders should “provide proper structures, kiosks or premises where necessary which shall be approved by the council for the purpose.”<sup>37</sup> Although what would be considered “necessary” in terms of premises is unclear, these provisions would seem to discourage the issuance of licenses to mobile street vendors. Further, the online application for a trading permit requires a lease agreement or rent receipt for the premises, again indicating that a

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Entrepreneurs in East Africa: Approaches to Greater Formality: And ILO-WED Issue Brief,” undated, available at [http://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---emp\\_ent/---ifp\\_seed/documents/briefingnote/wcms\\_430946.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---ifp_seed/documents/briefingnote/wcms_430946.pdf).

35 Kampala City Council Ordinance 6, Maintenance of Law and Order 2006, art. 13, available at <https://www.kcca.go.ug/uploads/acts/Kcc%20of%20Law%20and%20Order%20Ordinance.2006.pdf>

36 Trade (Licensing) Act 1969, available at <https://ulii.org/ug/legislation/consolidated-act/101>

37 Local governments act, The Local Governments (Kampala City) (Street Traders) Byelaws, available at <https://www.kcca.go.ug/uploads/acts/Kampala%20Street%20Traders%20By-laws.pdf>





physical location is a requirement for the issuance of a permit.<sup>38</sup> Overall, it appears that the KCCA has chosen to take a restrictive approach. In this context, it is unclear how such a permit is to be obtained. In an interview for this research, a representative said

*“We do not give out vending permits because it is also impossible to determine who to give permits and who not to, just from the sheer volumes of the street vendors.”*

In this context, it is not surprising that women do not know how to obtain the permits. It follows that most of them are operating without the said permits hence, illegally. This exposes them to swoops, arrests and harassment. Further, most are unaware of what precisely the legally mandated consequences of violating the prohibition on unlicensed vending are.

The media has in the past five years been awash with stories of clashes between KCCA law enforcement, traders and street vendors.<sup>39</sup> This has attracted considerable political debate, rendering their situation even more precarious. President Museveni has publicly attacked the street vendors and has supported the measures adopted by the KCCA to remove them from the streets. On the other hand, Kampala Mayor Erias Lukwago is a strong backer of the street vendors and has encouraged them to defy the authorities. The Mayor has urged the central Government to explore alternatives prior to evicting and removing them from the streets. The vendors have often seen his support as a window of opportunity to stay put. The Minister for Kampala, the Executive Director of the KCCA and the Lord Mayor all have divergent views on the situation pertaining to street vendors with policies shifting over time. The situation has been subject to change at election time when some candidates canvassing for votes from street vendors have supported the authorization, albeit temporary, of street vending.

On 19 October 2016, the KCCA issued a statement directing all

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38 The application form is available online at <http://www.kcca.go.ug/uploads/Trading%20Licence.pdf>

39 See, for example, Muniini K. Mulera, “Give evicted Kampala street vendors a soft landing,” The Daily Monitor, 22 November 2016, available at <http://www.monitor.co.ug/OpEd/columnists/MuniiniMulera/Give-evicted-Kampala-street-vendors-a-soft-landing/878676-3459830-7h4fq5/index.html>; “Vendors must leave Kampala streets- Museveni,” The Daily Monitor, 4 November 2016, available at <http://www.monitor.co.ug/News/National/Vendors-leave-Kampala-streets-Museveni/688334-3440644-bjeo47z/index.html>; “KCCA orders vendors off Kampala streets,” The Daily Monitor, 2 March 2016 <http://www.monitor.co.ug/News/National/KCCA-orders-vendors-Kampala-streets/688334-3099054-9u7mic/index.html>.



street vendors to vacate the streets or face removal. They justified the operation as necessary to restore order in trade and to address the various complaints about street vending. Street vendors were encouraged to move into designated markets.<sup>40</sup> According to the KCCA, while the objective of the exercise was to serve the interests of all Kampala residents, the steps taken to identify appropriate market spaces had ran into opposition from street vendors who countered that they could not afford to pay for the said spaces.<sup>41</sup> Aggrieved women stated that the KCCA had adopted extremely aggressive tactics to effect tax collection and regulation.<sup>42</sup> Women decried the harassment and abuse visited upon them by KCCA agents. On 4 August 2017, the media in Kampala reported the death of a 38-year-old street vendor, Olivia Basemera, who had drowned in a city water channel as she fled from four KCCA officials who were reportedly pursuing her for road-side vending.<sup>43</sup> For its part, the KCCA considers street vendors as dangerous persons acting illegally; indeed a KCCA officer interviewed for this research retorted that it was not easy to regulate “illicit trade”, noting that a number of officers had sustained serious injuries inflicted by street vendors. This has created a situation of mutual mistrust.

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40 Kampala City Council Authority (KCCA), “Statement on Trade Order and Law Enforcement in Kampala Capital City,” 19 October 2016, available at <https://www.facebook.com/kccaug/posts/1218911444832323:0>

41 Interview with the Kampala Capital City Authority (KCCA), 23 August 2017.

42 World Bank Group, “From Regulators to Enablers: The Role of City Governments in Economic Development of Kampala,” September 2017, available at <http://documents.worldbank.org/curated/en/860311505816462189/pdf/119806-REVISED-PUBLIC-The-wb-Book-2017-Report-web-Individual-Page-Layout.pdf>

43 Amos Ngwomoya and Juliet Kigongo, KCCA sued over street vendor death,” The Daily Monitor, 3 October 2017, available at <http://www.monitor.co.ug/News/National/KCCA-street-vendor-death-Basemera-Nakivubo-channel/688334-4122032-oc7cg7z/index.html>





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## Field research findings

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### ***Who are women street vendors and why are they in the trade?***

An activist from the Platform for Labour Action argued that women in the informal sector

*“...are often involved in some type of vending or trade, have little or no education, mainly youth, involved in cohabitation relationships, married to poor men, school drop-outs, orphans and often from broken homes or families...”*

This research identified a number of dominant characteristics in the population of women in the informal sector in Kampala, which tally with the comments of the activist above. These characteristics are in consonance with the underlying factors that compel women to work in this sector. Quite often, these women lack other opportunities, due to lack of development in their regions of origin, their own lack of education as well as the general difficulty of finding a job. Although some women perceive participation in the informal economy as an opportunity to enhance their economic independence, others consider it as one of the few sources of income available to support their households.<sup>44</sup> Women in the informal sector often find themselves compelled to get involved as they had to fend for their families. Many are the primary, or sometimes sole, breadwinner and in most cases, the role of breadwinner was not accompanied by any additional assistance with caregiving duties, forcing women into a balancing act between domestic and business responsibilities. In some cases, the informal sector offers advantages in terms of flexibility of hours, etc. which helps women to cope with these responsibilities. Finally, although street vendors are often perceived to be young, and many were indeed young, there are a significant number of older individuals participating as well.

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<sup>44</sup> Stephanie Vogelius, “Women Entrepreneurship and the Changing Institutional Environment: A Case Study in Bugolobi Markey, Kampala,” Master Thesis, Copenhagen Business School, 2013, available at [http://studenttheses.cbs.dk/bitstream/handle/10417/3698/stephanie\\_vogelius.pdf?sequence=1](http://studenttheses.cbs.dk/bitstream/handle/10417/3698/stephanie_vogelius.pdf?sequence=1)



## **Lack of alternatives**

For many women engaged in the informal sector, there were few other options. Some had sought other work unsuccessfully. In the words of A.J., a 27-year-old street vendor:

*I have tried to find work as a school matron, a school cook and a secretary, I applied to City High as a school cook, and the only answer I ever get is that they will call me back. These are jobs I think I can do, since I have only finished s.4 I have no work experience, and if I am unable to find work, I will never get the work experience I need. I have now accepted that I can only work as a street vendor I have given up looking for work.*

For others, lack of opportunity in their home regions forced them to Kampala. The majority of women vendors engaged in the research study were originally from regions outside Kampala. All 90 women interviewed in Naguru were from northern Uganda, including Gulu, Kitgum, Nebbi, and Pader whereas those working in Wandegeya are primarily from western Uganda. Naguru area, in the over the years was taken up by the army who were predominantly from Northern Uganda, because of proximity to the barracks. This saw the growth of Naguru Go-Down, where these families now reside. The women, not able to work resorted to street vending as their primary occupation. On other side of town, in Wandegeya, women from the other parts of Uganda settled there to, forcing the ones hailing from Western Uganda to take up the informal sector.

Both groups would appear to be driven by the lack of rural development to come to Kampala. However, the situation is particularly difficult for those from the Northern Uganda. The history of underdevelopment in the region, along with conflict and the struggle to provide effective post conflict reconstruction, have left the region with lower economic development, a higher level of poverty, extremely limited access to social services such as education and health, and fewer opportunities for gainful employment as compared to the rest of the country.<sup>45</sup> These realities have pushed internal migrants to Kampala in search of the opportunities. In the words of G.M.:

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<sup>45</sup> Government of Uganda, Sida, Norad and the International Organization for Migration, "Migration in Uganda: A Rapid Country Profile," 2013, available at [http://publications.iom.int/system/files/pdf/mp\\_uganda\\_25feb2015\\_web.pdf](http://publications.iom.int/system/files/pdf/mp_uganda_25feb2015_web.pdf)





*I had to move from Nebbi after my senior 4, in 2003, my mother couldn't pay school fees for me any longer, she wasn't brewing beer anymore, as there was not much market for it at that time. Life was not easy for my family as we could barely afford a meal.*

Another woman, A.M., had similarly originally come to study:

*I moved to Kampala from Nebbi during Obote's regime, I was about 10 years old. There were no good schools in which to complete my studies. I came to study primary 6 from a relative's home, but when I got here they were unable to continue paying school fees.*

The KCCA recognizes this and argues addressing the underlying causes of internal migration is a prerequisite to dealing with the “problem” of street vending.<sup>46</sup>

Furthermore, many of the women appeared to have been compelled into street vending as one of few options available to those lacking formal education. Overall, individuals in the informal sector tend to have attained lower levels of education than the rest of the population. A World Bank Study published in 2017 found that while 70% of Kampala's labour force had completed at least a secondary education, only 56% of those in the informal sector had done so.<sup>47</sup>

The findings of this study revealed a similar pattern. 96% of the women engaged in the study had not completed their advanced level education, indeed only one interviewee had done so. Only 32% had completed their ordinary level certificates.<sup>48</sup> Most had some secondary education.

The lack of education in the informal economy is linked to the prominence of women within it. Ugandan women are disadvantaged in education in comparison with their male counterparts. 24.1% of women in Uganda have no formal education as compared to only 9.8% of their male counterparts.<sup>49</sup> Indeed, in some families which cannot afford to send all their children to school, boys are given priority. In the words of a street vendor, H.A.:

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46 Interview with the Kampala Capital City Authority (KCCA), August 23, 2017.

47 World Bank Group, “From Regulators to Enablers: The Role of City Governments in Economic Development of Kampala,” September 2017, available at <http://documents.worldbank.org/curated/en/860311505816462189/pdf/119806-REVISED-PUBLIC-The-wb-Book-2017-Report-web-Individual-Page-Layout.pdf>

48 An A-level qualification is the higher secondary certificate, whereas O-levels are at a lower level.

49 Uganda Bureau of Statistics, 2014.



*"I have never acquired an education, not even nursery school, my parents couldn't afford to send the girls in my family to school."*

This may be because women's education is not socially or culturally prioritised due to assumptions that women will focus primarily on domestic work, where that education is not needed. However, increasing numbers of women are now seeking employment.

Women interviewed for this research pointed to their inability to access formal employment as a main reason for engaging in the informal sector and saw their lack of education and skills as a key obstacle to accessing formal employment. It is worth noting, however, that there are other barriers (including the generally high unemployment rate and gender discrimination). In the words of one woman, N.P.,

*"Even with an advanced level certificate, the only work I could find was as a house help, I could never make ends meet, because I was paid very little."*

Outside limited their limited formal education, it was also clear that poor urban women lack vocational skills that could increase their chances of getting formal employment. As a result, women are left to carry out poorly remunerated unskilled work such as street vending. Offering vocational training to these women was suggested by a representative of the Ministry of Trade: "

*The only solution to dealing with street vending challenges is to equip women street vendors with skills such as baking, tailoring, shoe making among others that can be constructed into a more formal means of earning a living."*

### **Poverty and low capital investment**

Many women are attracted to work in the informal sector because of the minimal start-up capital that it requires. In a context of poverty, this is absolutely critical for women. In the words of C.R.:

*"I sell roasted g. nuts, hard corn and soya beans in the old taxi park. I started this work because it needed cheap capital to start it."*





According to the Executive Director, Platform for Labour Action, women in the informal sector

*“are not able to access credit from banks and micro finance institutions because of the stringent requirements such as need for collateral or evidence of membership in an association.”*

This informs the types of work they are able to take on.

In group discussions, women indicated that they were able to begin with start-up capital amounts as anywhere from UGX 10,000 (US\$ 2.70) to UGX 200,000 (US\$ \$55.54). Those selling food required less capital than those selling clothes. In the words of one food vendor, A.J.,

*“I sell whatever fruit is in season, I am currently selling ‘kitaferi.’<sup>50</sup> My initial investment initial investment was 10,000 shillings (US \$2.70), and I earn anywhere from UGX 3,000 (US\$ 0.83 cents) to UGX 8,000 (US\$ 2.22) in profit daily.”* Another woman, A.M., a food vendor from Naguru, was able to start with even less: *“With my capital of 1,500 UGX (about US \$0.39) I started to sell big bananas in order to look after my family.”*

Those who sold clothes tended to require greater investment. In the words of S.B., a clothes vendor:

*“My biggest clients are in offices around Wandegeya and the downtown area of Kampala, to whom I sell women’s tights and children’s clothing. I usually invest 200,000UGX (US \$55.54), and sell the clothes over two weeks, I make anywhere between 70,000 to 100,000UGX (US \$19.44 to \$27.77) in profit.”* In some cases, however, women were able to mitigate the need even for this minimal capital by getting clothing on credit. In the words of R.N., *“Second hand clothes are a big seller, wholesalers downtown can give them to you on credit, provided you pay them, which is very helpful especially since anything can happen to your money for capital. Sometimes your relationship with your creditor can be tested especially if KCCA officials confiscate your merchandise.”*

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50 Soursop, a fruit.



Some women attempted to move from one product to another, for example from food to clothes or gadgets, but were hindered by the higher start-up capital needed.

*N.F. is a 34-year-old divorcee. She was left as both primary breadwinner and primary caregiver when her husband abandoned her with four children, one of whom is suffering from a brain tumour. She is a clothes vendor who covers most areas in the Central Business District of Kampala, including downtown Kampala. Not only does N.F. have to provide for her household, she suffers an extra challenge of caring for a child in constant need of medical care. N.F. says she needs about 7 million UGX (about US \$1,917) for his treatment at Mulago. An MRI scan alone cost her 600,000 UGX (about US \$165). To cope, she has had to fundraise for from her fellow vendors in Owino market. To make matters worse, she has on several occasions been a victim KCCA swoops, during which her merchandise was confiscated, and fines of 100,000-200,000 UGX (about US \$27-55) incurred. She has to pay the fine in order to avoid being arrested, as that would leave her children with no care. The fines and confiscations are particularly burdensome in light of the fact that she only earns about 10,000-15,000 UGX (about US \$2.75 - \$4.12). In addition, it can jeopardize her ability to get merchandise on credit. At times, she says, KCCA officials have offered to accept sexual favours in lieu of fines, which she has routinely declined.*

### **Family obligations**

Most of the women who were interviewed for this research played the dual roles of primary (or, often, sole) breadwinner and primary caregiver in their families. A majority were single mothers, while others were married to men either unwilling or unable to fend for their families. Some lost family members, including to the war in northern Uganda from 1986-2009 and to the HIV/AIDS epidemic which had increased domestic responsibilities from an early age. With an average of three children, these women are under immense pressure to provide both for the most immediate needs have their families for food and shelter, but also for other essentials such as education, health care and to fulfil their roles as caregivers, which is especially strenuous for those with young children. Although their earnings are meagre and irregular, for most, it





is the most viable way of generating income to, at least partially, meet the needs of their families.

A. M. a 49-year-old street vendor and migrant from Nebbi described her responsibilities:

*I was married at 17 until I realised that my husband was stupid, he was not providing for the home and would disappear on many occasions only to return days later. I had had six children with him when I left him, and was looking after seven orphans.*

The pressures of caregiving can come into conflict with those of running their businesses. K.E. described having to send her children to stay with relatives in order to be able to manage the business:

*“At 30 I am a widow with three children, whom I often have to send to the village to live with their Auntie, so I can focus on the business. That provides their school fees and upkeep.”* This left her with insufficient resources, however, to meet her own needs: *“I find myself asking my landlord not to throw me out of the house for not paying my rent on time. This happens many times.”*

In other cases, women may be more vulnerable to paying bribes than men since they fear the consequences of leaving their families in the lurch. A.N., a street vendor in Wandegeya Market, said:

*“One of my biggest worries is being arrested, I often have to look for money to pay a fine when arrested so that my kids can have someone to look after them, and I can’t imagine them alone.”*

In other cases, health problems in the family can cause additional stress, both in terms of straining financial resources for treatment and creating additional caregiving responsibilities. One civil society worker with Gals Forum International described women having to bring their sick children with them to work:

*I came across two vendors in the early morning hours purchasing goods in the market, both of them with children who were extremely ill, and who they had to tend to as well: the one suffering from hydrocephalus and the other one an epileptic who was convulsing at the time. I asked them how they coped, under such*

*pressure, and I discovered that they were part of an association focussing on mothers with hydrocephalic children from which they got emotional and occasionally, financial help.*

### **Age of street vendors**

It is generally understood that the population in informal employment is a youthful one. According to the World Bank, 43% of business owners and more than half of employees in the informal sector are under 30.<sup>51</sup> This is perhaps reflective of the overall youth of the Ugandan population and the fact that more than 60% of the population at large is under 30 years of age.<sup>52</sup>

Those that participated in this research represented a slightly older population, only 40% of the participants were under 30 with the largest number of respondents aged between 30 and 40. However, 13% were over 40 and the study also discovered older women vendors aged 49-62, who have dedicated their lives and the survival of their households to the informal sector. These women spoke of feeling particularly vulnerable due to the gruelling nature of the work. In the words of A.J.,

*"We cannot calculate the distance we walk. We walk around in circles, but it can easily be equal to the distance from Kampala to Jinja."*

For some, years of physical labour have taken their toll, but, lacking other livelihood opportunities, they are forced to continue. In the words of A.M., a 49-year-old street vendor,

*"I have been vending on the street for 20 years to the point that my entire body aches all the time... I am physically ill, and have constant pain in my knees, head and body, and yet I have to survive."*

Other older women complained that they were increasingly unable to flee the swoops by the KCCA on account of their age and felt that this made them more vulnerable to fines and arrest.

51 World Bank Group, "From Regulators to Enablers: The Role of City Governments in Economic Development of Kampala," September 2017, available at <http://documents.worldbank.org/curated/en/860311505816462189/pdf/119806-REVISED-PUBLIC-The-wb-Book-2017-Report-web-Individual-Page-Layout.pdf>

52 Beatrice Daumerie and Elizabeth Leahy Madsen, "The Effects of a Very Young Age Structure in Uganda: Country Case Study," Population Action International, 2010, available at [https://pai.org/wp-content/uploads/2011/12/SOTC\\_Uganda\\_CCS.pdf](https://pai.org/wp-content/uploads/2011/12/SOTC_Uganda_CCS.pdf)



## ***Challenges faced by women street vendors in Kampala***

Those interviewed for this research outlined a number of challenges facing them. The fact that the workplace environment for informal sector workers was not protected by health and safety legislation was considered a major impediment. They have little or no formal means of managing risk<sup>53</sup> and have little access to credit to assist them where their income is insufficient. In addition, they battle competition from other vendors, earn low incomes, face abuse from customers and passers-by and have to contend with KCCA raids as a result of their “illegal” work.

*E. A. is a 62-year-old woman who has been vending food items on the streets of Kampala for the last 16 years. At the age of 49, she left her home town of Gulu as a widow and with only five of her ten children alive. Her husband, a soldier, had been killed in 2001 fighting the LRA insurgency. Left solely responsible for the well-being of her children, life in Gulu became unbearable. After moving to Kampala, E.A., with an initial investment of about 20,000 UGX (about US \$5), began a business selling boiled maize on the streets of Kampala. Since then, she has sold local brew, vegetables, and ground nuts. She says it has not been easy, given the seasonality of her goods of trade and the fact that there is never any guarantee that she will sell her goods. Some days she makes no money at all.*

*Now, she says, her age has made her more vulnerable and less able to cope with the swoops by KCCA officials, citing an incident in which she broke her arm running away from a KCCA official and was taken to the hospital by a boda boda (motorbike) rider. She also says that her health has suffered due to the amount of walking that she does. With her minimal earnings that range anywhere between 3000 UGX (\$0.8) to 15,000UGX (\$4), she has managed to afford the basics for her children, three of whom managed to complete secondary education. She has five grandchildren, who she occasionally supports and rents a one bedroom house in Naguru. She would like the Government to help street vendors, especially by putting an end to the evictions and confiscation of their merchandise by KCCA officials:*

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53 Ibid.

*our lives at risk given how violently we are handled during the swoops and even so when your merchandise is confiscated, or your earnings for the day taken, you are unable to afford even the basic needs such as food and you remain indebted to creditors who might have given you merchandise on credit... we are all Ugandans trying to survive.*

### **Lack of social protection**

Women street vendors are denied essential security and social protections accorded to other workers by virtue of the informal nature of this sector. Informal sector workers usually do not receive payment for working overtime and have no minimum wage or benefits such as health insurance, unemployment insurance and parental leave.<sup>54</sup> This state of affairs is worsened by the fact that the safety net provided by the Government to citizens is generally limited. This reinforces their vulnerability. Additionally, financial services such as loans, grants, and savings services are not easily accessible to these women for several reasons such as the level of formality and standards required to access the same.<sup>55</sup> They were only able to sell clothing and/or shoes or food items such as simsim,<sup>56</sup> groundnuts, fruits and vegetables.

### **Challenges with products of trade**

The limited number of items they could trade in was cited as another challenge facing the women in this study. Clothes sellers tended to concentrate in Wandegeya and the food vendors in Naguru.

The seasonal nature of food items creates uncertainty for those that sell them, as they need to change their products accordingly. For example, A.S. mentioned that she was selling oranges, groundnuts and “kitaferi,” because mangoes were no longer in season. The seasonality especially affects these women’s earning capacity in that should there be no market for their products, said earnings are in jeopardy. In the words of A.F.:

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54 Lota Bertulfo, “Women and the informal economy,” Australian Aid, 2011, available at <https://dfat.gov.au/aid/how-we-measure-performance/ode/Documents/women-informal-economy-lota-bertulfo.pdf>.

55 Sylvia Chant and Carolyn Pedwell, London School of Economics, “Women, gender and the informal economy: An assessment of ILO research and suggested ways forward,” ILO discussion paper, 2008, available at [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms\\_091605.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_091605.pdf).

56 Sesame



*“Sales depend on how fresh my goods are. If I sell rotten fruits to a customer, chances are that they will return it and request a refund. I usually have to throw the rotten fruits away, as well as unsold fruits at the end of the day.”*

### **Eviction, arrest and confiscation of property**

Women street vendors are also vulnerable to actions by the KCCA, which is empowered to enforce the by-laws banning unlicensed street vending, and, indeed, most women cited this as their biggest challenge. KCCA agents can confiscate women’s goods, fine or arrest them. However, it appeared that the absence of standards caused confusion and opened the door for abuse. Women reported that KCCA agents overstepped their powers, demanded bribes and asserted their authority to collect money even in gazetted markets while meting out gratuitous violence. A majority of the vendors expressed their dread of KCCA officials whose mere presence was enough to scare them off the streets. According to J.N., the KCCA is

*“battling us all the time. I also have no permanent place, I keep moving from one place to another.”*

Women said that often KCCA officials would raid an area, confiscate their products and/or fine them. In the words of A.N., a street vendor in Wandegya:

*The raids are constant and unexpected and sometimes they happen more than once a day, by officials on foot and others in KCCA vehicles. Moreover, the exorbitant fines paid are not receipted, meaning that you can pay several times a day regardless of how much you protest. Once merchandise is confiscated, it can never be returned. They often claim that it is used as an exhibit in court, however I watched these officials distribute clothes and shoes amongst themselves during the process of arrest.*

In the words of N.S., a street vendor in Wandegya:

*“It is so unfair the way they treat us. Are we not Ugandans? I am poor, and I am trying to look after my family, and yet they are happy to take the little I have, and yet still not allow me to trade.”*

Women expressed willingness to pay for the right to trade, if



there were an established procedure and a reasonable fee. *“It is better if they make us pay a tax, that is receipted, but allow us to trade, rather than chasing after us and stealing our merchandise, and yet still taking large amounts of money from us,”* said K.E. a street vendor in Wandegeya. Another, A.J. from Naguru, said: *“We are open to paying a tax, of any amount as long as it is receipted, and can guarantee us freedom to operate.”*

G.M., a street vendor in Naguru, claims that where they are unable to confiscate goods, they look for money:

*“If an official notices that I have no merchandise, he will reach straight into my envelope to remove what I have earned, and this in many cases is my capital for the next day, and bread for me and my children.”* A.S., another vendor, described KCCA authorities as preferring to arrest women, rather than simply getting them off the streets. *“These officials are so unfair, even when they notice you have seen them and are trying to get off the street, they will chase you until they get you. It’s probably because they want to take your money.”*

Confiscation is very problematic for these women as it deprives them and their business of resources on which they rely for their survival. Women said this was especially burdensome when the merchandise had been purchased on loan, as jeopardizes the trust on which they rely for their business.

The discussions revealed that although KCCA officials are required to wear uniforms and badges that identify them as such, many times the only identifying factor is the vehicle in which they are travelling. Ununiformed men are usually seen during the Sunday market, collecting dues and fines and confiscating merchandise despite the legal status of the market. This makes it easy for any one posing as an official to extort money from unsuspecting traders.

Some women, as in the case of Olivia Basemera cited above, have sustained injuries as they fled from the KCCA. E.A. described her experience:





*“In an attempt to run away from officials who were chasing me, I fell and broke my arm, I was badly injured, and a boda boda<sup>57</sup> man was kind enough to take me to the hospital. These officials do not care how old you are, they can even chase an old woman?”*

Another woman, A.J. described her inability to defend herself:

*“I was once accused by an official of slapping him, and the KCCA court does not even allow you to defend yourself, you are automatically arrested for assaulting a law enforcement officer, we are really at their mercy.”*

### **Relocation**

In some cases, these actions have focused on relocation, i.e. on moving street vendors from the street, where their activity is illegal, to markets where they can sell legally. For example, in an effort to establish permanent spaces for street vendors, the KCCA worked with the African Development Bank to construct Wandegeya market to replace makeshift vending stalls. In another endeavour to offer alternatives, the KCCA offered a Sunday market at a daily rate of UGX 10,000 (about US \$ 2.77). However, women struggle to afford the rent on the market stalls and rely on selling along Kampala’s busiest roads in order to reach their customers.

Most attempts to relocate the vendors affect their daily earnings. In the words of A.N., a street vendor,

*“We were relegated to USAFI market by the KCCA, however there is no pedestrian traffic, most people are unable to reach that area. How then shall we sell our merchandise?”* B.S., another street vendor, said:

*I attempted to rent space in the Wandegeya market; it was on the third floor because it’s the only one I could afford. I found myself coming to the ground floor to sell my clothes because there was no one coming up to buy the clothes. Eventually the market authorities allowed the vendors to sell their merchandise on the pavement once a month.*

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57 Motorcycle taxi.



Much as this could be viewed as a compromise and progress on the part of KCCA, the women claim that one week in a month does not provide sufficient earnings for them to meet their household needs. For some, the stall charges of 10,000 UGX (US\$ 2.77) is the equivalent to their daily profit. In addition, many vendors reported that although stalls in the Sunday market were intended to be sold for 10,000 UGX, they were, in fact being charged almost 30,000 UGX (about US \$8.33) by opportunists who had bought up the initial stalls and then resold them for a larger amount. These prices are prohibitive.

*“You have to pay 30,000 UGX, that is how much I make in profit for two days, I also have to eat every day of the week, can selling only on Sunday feed me and my family?”* said K.E., a clothes vendor Wandegeya Market.

KCCA claims that they are aware of this, but can do little because in most cases both the buyers and the sellers participate willingly. Whatever the reason for the hiked fees, it is clear that it only places participation further out of reach for these poor women.

### **Sexual harassment and exploitation**

A number of women indicated that they had been sexually harassed or asked for sexual favours in the course of their work. Some reported that these threats were made by passers-by, while others reported extortion by KCCA officials demanding sex in order to avoid arrest.

Because these women are out in public places on their own for long stretches, they are vulnerable to harassment by passers-by. In the words of H.N., a vegetable vendor,

*“... some of the challenges [I] face are un-cultured men who touch me whenever I pass near them ...”* For R.A., who vends mangoes, *“sexual harassment is a problem to me, I have been sexually harassed by these men who like touching and commenting obscene words.”*

Others say that they have regularly been asked for sexual favours from KCCA officials in order to avoid arrest. In the words of N.F, a street vendor in Wandegeya,





*“We are constantly asked for sexual favours by men just so that we avoid arrests or fines, and yet this is not a permanent solution. If you refuse you become a victim of constant raids.” Another woman, N.P. said, “It is not easy, when you refuse to give in to the officials for sex, they arrest you and confiscate your merchandise.”*

*A.N. is a 32-year-old vendor selling clothes in Wandegeya. She is a mother of two who has only attained a lower ordinary level of education. Although she doesn't admit it right away, her kids were fathered by a KCCA official, whom she had to sleep with in order to avoid being arrested. She is not married to this man and that she required some help getting him to pay for the upkeep of his children. She revealed that she is constantly bombarded with sexual requests of the same nature from other officials, and yet there's also the constant fear of her merchandise being taken. One of her biggest worries is being arrested, because she has no options for childcare. She believes that the female enforcement officials are particularly harsh to women, saying that no matter how much you appeal to them, they will not have any mercy. She appeals to the government of Uganda is to stop the violent swoops and raids, and to provide them access to credit or skills training to improve their businesses. When asked if she was aware of government programmes such as the Uganda Women's Entrepreneurship Programme that provides start-up capital for women's groups, she denied knowledge of the same. One of the women participating in the discussion was quick to inform A.N. about the association she belongs to that has access to that information on support. However, A.N. indicated that she is sceptical about joining any association because it costs a lot of money that she doesn't have.*

It was apparent from an interview with a city council official that the KCCA is aware of the allegations, but, they said:

*“It's hard to have any controls over KCCA personnel when they are dealing with an illegal activity such as vending; it's almost like dealing with prostitution.”*

Although it may be true that the trade is tricky to regulate and that these actions can be hard to weed out, the KCCA could consider offering



special training in human rights, and specifically preventing sexual and gender based violence, and creating mechanisms to confidentially receive complaints and conduct investigations.

## ***Existing strategies to support poor urban women street vendors***

### **Self-help groups**

As there are no protections offered through their work, women street vendors seek out alternative forms of support. For most women, this support came from informal networks, while others have made efforts to formalize associations.

It was clear that personal networks were the primary source of assistance. In some cases, these were personal networks of friends. In the words of A.S., a street vendor in Naguru,

*“When I need a loan either to take my children to hospital, or to pay rent, I can only think of my friends, it sometimes causes problems in the relationship when you cannot pay back your friend.”*

In other cases, however, it was clear that informal networks of street vendors help one another. In the words of N.S. a street vendor in Wandegya:

*“We help each other, otherwise we would suffer terribly. When one of us is arrested, we usually collect money to jointly bail her out.”* Another, N.F., said: *“I managed to raise some money for my son’s MRI scan from other street vendors in the market, it was too much money for me to afford on my own, 600,000UGX (US \$ 167).”*

Although these informal networks provide important support, they provide support that is reactive, rather than looking forward proactively. In the words of an activist with Gal’s Forum International, associations are especially important for lobbying and advocacy:

*“These women have rights they are unable to exercise on an individual platform, giving them a voice by organising them and skilling them to do so should be the future.”*





In addition, formal networks offer savings schemes, from which some women benefit enormously.

Discussions with the Gals Forum International, Platform for Vendors Uganda (PLAVU), and the Uganda Women's Network (UWONET) and Platform for Labour Action have worked with street vendors to formalize these networks into formal associations, cooperatives and self-help groups. Although six or seven formal associations have been established so far, this was described as an uphill task. A coordinator with PLAVU pointed to the heavy workloads of women both in vending and at home and pointed out that this inhibits active participation in such formal networks:

*"It took me almost an entire morning to coordinate just 10 women; each of them had an excuse as to why they could not meet at the given time. They were either preparing food for their children, or washing clothes, or in the market looking for products."*

Male street vendors, by contrast, have fewer domestic commitments and can therefore participate more easily. They tend to take on the leadership roles in these associations. Another obstacle to effective participation for women is the need to regularly submit dues, which some of the women can ill afford. In the words of K.S., a street vendor in Wandegya:

*"I imagine that it requires a lot of money to participate in any group, money that I don't have, and therefore I have not bothered to join any group."*

Thus, the very issues that are marginalizing women in the first place, including heavy domestic burdens and poverty, are preventing them from organizing to advocate on their own behalf. In order to overcome this, women must see real and tangible benefits. Civil society could do more to communicate this by publicizing success stories.

### **Civil society support for women street vendors**

Findings show that there is limited civil society support and donor-support geared towards supporting poor urban street vendors in Kampala. This could be attributed to the marginalisation of this group, the existence of other pressing social concerns which compete for



attention and lack of donor interest. It may also be driven by negative social perceptions of the sector. In the words of one advocate:

*“The perception of the trade based on an ill-applied law has influenced the interaction between street vendors and other stakeholders negatively. It is hard to plan, advocate for, or design programmes for, a group that is outlawed.”*

However, civil society organisations do provide some services. As noted above, some have tried to support the creation and functioning of self-help groups. Others provide legal aid, capacity building services, mobilization support, livelihood enhancement, and advocacy related to law and policy, with a bearing on the work of women street vendors.

The most visible organizations in terms of advocating for the rights of street vendors are PLAVU and Gals Forum International. For the organizations engaged in advocacy, the most pressing issue was the legal regime and getting women out of situations in which their work is deemed illegal. However, advocates described the political environment as difficult. Some described the KCCA as inflexible and unwilling to consider the situation of street vendors, while another bemoaned red tape and a lack of commitment from the Government to address these issues. Gals Forum International led a successful advocacy event on 10 May 2017 for Mother’s Day, under the theme “a day in her shoes.”<sup>58</sup> The Minister of Trade took to the streets of Kampala with the vendors selling food stuffs, in an attempt to better understand the experiences of these women while drawing public attention to their situation in a positive manner.

This led to the establishment of a skills building programme conducted by Gals International in partnership with the Ministry of Trade in baking, tailoring, crafts making, among other vocational skills. The programme lasted for three months engaging the women for three hours a day. However, given their lack of time, ensuring full participation proved problematic. As a result, civil society leaders called for incentives to be provided during the courses. Other institutions have offered different types of training. The Bank of Uganda offers financial literacy sessions to women’s groups and the Uganda Registration Services Bureau builds capacity in business registration. The ILO supports Women’s

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<sup>58</sup> Campaign organised by Gals forum international on 13 May 2017.





Entrepreneurship Development and Gender Equality (WEDGE), and the Uganda Women's Entrepreneurship Association Limited, inter alia, provides some training in financial literacy, access to markets and the use of technology to promote trade. These trainings are open to street vendors, but do not necessarily target them specifically. The Platform for Labour Action provides basic rights training including sensitisation in rights and responsibilities. They have previously worked with market vendors on how to draft simple contracts, and how to interpret simple commercial law. In addition, UWONET and their partners have offered building entrepreneurship skills, and financial literacy. It was apparent though that most of their interventions were aimed at the more established vendors as opposed to the mobile ones. More skills training is clearly needed and more efforts specifically geared towards street vendors.

### **Government support for women street vendors**

Although, as noted above, some Government policies and actions are critical of street vendors, there are voices within government that oppose the KCCA policy. For example, the Uganda Women's Parliamentary Association opposes KCCA policy and thinks that better alternatives should be offered to ensure that the wherewithal for these women to support their families. Despite this policy support, however, the organisation has taken little concrete action as it is preoccupied with other legislative efforts such the Marriage Bill.

Officials at the Ministry of Gender, Labour and Social Development and civil society actors reflected that the existing support for women street vendors is either in the form of provision of financial support or in the rendering of services such as infrastructure (market buildings) or skills building. A civil servant at the Uganda Women's Entrepreneurship Programme (UWEP) operating under the aegis of the Ministry of Gender noted that the Programme provides loans to vulnerable women to support start-up small enterprises. These loans do not specifically target street vendors, but could be accessed by them. The application process, however, requires groups of 15 to 50 members, detailed business plans and registration of the new enterprise. Because of their level of education and demands on their time, it is tricky for women street vendors to meet these requirements. Sedentary businesses such



as shops and market stalls reportedly find it easier to access these funds.

### **Access to justice**

Many of the respondents felt that they had no recourse to justice. They are often unable to respond following the confiscation of their money or property, as it is often unclear whether the items are legitimately impounded for purposes of evidence and/or fines, or if these are cases of abuse by the KCCA. Once under arrest, they similarly lack the grounds to challenge law enforcement.

*A.J. is a 27-year-old food vendor from Pader district. She has learnt that she must always run when she sees KCCA law enforcement officials, because they have no mercy. She is not always lucky, and sometimes her money and her merchandise are confiscated. She has also been accused of assaulting a KCCA officer, resulting in her being locked up in jail for a few hours. She says: "We have no one to report to, because no one is in a position to help us."*

In most cases, the women are not conversant with the laws governing their work. Some are aware that they should have permits to sell on the streets, but they lack the knowledge of how to obtain the same as well as the consequences of violations of the law. In this context, they are poorly positioned to challenge any overreach by the KCCA. Even where they are aware of having been victimized, for example, in the aftermath of a traffic accident or of extortion by private individuals impersonating KCCA officers, many of the women do not trust the police and may, therefore, not report.



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## Conclusion and Recommendations

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Women street vendors face multiple challenges. They are driven to this insecure and poorly remunerated work owing to the lack of other options and are thus faced with poverty, insecurity, lack of social protections, harassment by members of the public, evictions, fines, confiscations and arrest by KCCA officers. At times, officers proposition these women for sexual favours in exchange for their leniency.

Despite their precarious situation, most of the measures adopted with regard to these women aim at their leaving the streets, as opposed to ensuring their ability to meet their basic needs and provide for their families. Addressing the issue of street vending in a more humane manner will require a concerted approach bringing together the central Government, local government authorities, civil society and the vendors themselves. Below are a series of recommendations aimed at addressing their plight.

### **To the Central Government**

1. There is need to develop progressive welfare programmes aimed at supporting the burgeoning urban poor population through subsidies for basic services, adult literacy and skills development schemes primarily geared towards this social stratum.
2. Although the regulation of street vendors is primarily within the purview of the Local Government authorities, the Central Government can make a positive policy contribution by positively recognizing the precarious nature of the situation of women street vendors and the need for any policy measures to likely to allow them to work in order to fulfil their own needs.
3. Encourage the local authorities to simplify registration with a view to encouraging formalized vendors to remit taxes. This could be accompanied by schemes to sensitize informal workers in terms of



their rights and responsibilities and to make it easier for workers to remit taxes, bearing in mind that some vendors may have little tax liability in view of their low incomes.

4. Support efforts to assist street vendors to either expand their businesses (for example through providing access to finance) or assist them to gain alternative employment (for example by offering training in new skills that would stand them in better stead in the formal job market).

### **Local government**

1. Local authorities should reform the current policy environment to make it easier for women to obtain the necessary permits and registration enabling them to trade legally. In furtherance of the foregoing, appropriate local authorities should:
  - a. Publicly affirm the possibility of the issuance of permits to street vendors in a bid to lessen confusion among both vendors and the KCCA.
  - b. Set the criteria for the granting of licenses, as well as the conditions for their use (including any geographical restrictions) and conduct public outreach in order to ensure that all requirements are met.
  - c. Remove submission of proof of rental or other premises from the application for trading licenses in Kampala in order to clarify that street vendors lacking any permanent premises are eligible for the said trading licenses and encourage the latter to apply accordingly.
  - d. Bearing in mind the greater time constraints faced by women as compared to their male counterparts and that on average they have lower levels of education, ensure that the licensing policy is gender sensitive and straightforward to avoid wasting time.
  - e. Given the poverty and meagre returns facing most street vendors, ensure that the permits are reasonably priced and that the said prices are clearly posted and receipted for the users to gain confidence in the process.

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2. In the longer term, local authorities could consider revision of legislation so as to obviate the requirement for licensing. This has been done, for example, in South Africa through the 1991 Business Act.<sup>59</sup>
  3. Designate appropriate trading areas. While efforts by the local government to designate particular areas for trading are a laudable attempt to balance the needs of both urban development and those of poor street traders keen to provide for their families, the latter have so far been faced with challenges related to the insufficient number of sites and periods of allocation, which has seen some of the said sites being resold at higher prices. Flexible and intensive use of public spaces can contribute to decongestion, if effected in a participatory and transparent manner. However, such efforts need to take into account the need for vendors to have easy access to their customers.
  4. Improve management of existing sites, by ensuring that prices are clearly posted and by penalizing those that violate existing rules by reselling space in established markets at a higher rate than initially intended.
  5. Standardize operations by the KCCA. All officers should be easily identified as KCCA staff, thereby reducing the chances of unscrupulous individuals, posing as KCCA officers, exploiting the women. This should equally apply to any penalties levied while ensuring that all fines imposed or products confiscated are duly receipted. Sound understanding of the penalties can help vendors plan accordingly while minimizing the risk of KCCA officers exceeding the limits of their authority.
  6. Offer training in human rights and best practices in policing to the KCCA officer to assist them in maintaining law and order in a manner conducive to the protection of the rights of street vendors.
  7. Ensure that any complaints received against KCCA agents for abuse of power, including, but not limited to, requests for sexual favours, are promptly referred for investigation, thoroughly investigated and that, where sufficient evidence of their misdeeds exists, the perpetrators are subjected to the full force of the law.

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<sup>59</sup> Businesses Act, No 71 of 1991.



## **To civil society**

1. Consider supporting women street vendors to either expand their businesses or assist them to gain alternative employment. Such support could include facilitating access to credit and finance or training. This training could include skills that would enable them to grow their existing businesses, such as small business management, bookkeeping and understanding markets or which would help them to access more formal employment, such as baking, tailoring or other skills.
2. Advocate to raise the visibility of the situation of, and challenges facing, women street vendors, and to build public concern. Advocate with local and central Government authorities to convince them of the need to support the recommendations listed above in order to improve the lives of street vendors. This could also include facilitation of dialogue between the street vendors and local and central Government authorities.
3. Support women street vendors to organize themselves into formal or semi-formal organizations that can both provide practical support, such as savings schemes and to engage directly with the authorities and advocate on their own behalf. This support could cover training and capacity building.
4. Support data collection relating to the number and conditions of women involved in street vending, with a view to ensure that programming interventions can rest on a strong knowledge base.
5. Support legal aid for women street vendors who have been arrested or subjected to other violence and/or abuse in the course of their work.



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