



Forging the Bench: The Influence of Women's Bar Associations on Constitutional Development and Judicial Governance in Uganda

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Abstract

This original research article examines the under-explored influence of women's bar associations on constitutional development and judicial governance in Uganda. It addresses a critical gap in scholarship concerning the precise mechanisms through which women legal professionals collectively shape foundational legal structures. Employing a qualitative case study methodology, the analysis draws upon primary archival documents, records of strategic litigation, and policy submissions from key Ugandan women's bar associations between 2021 and 2026. This is complemented by semi-structured interviews with association leaders and judicial officers. The findings demonstrate that these associations have been instrumental in two principal domains: first, through sustained advocacy for gender-responsive constitutional interpretations, especially concerning equality provisions and the enforcement of socio-economic rights; and second, by strategically influencing judicial appointments and promoting norms of ethical governance within the judiciary. The article contends that these associations operate as crucial epistemic communities, translating feminist legal theory into practical constitutionalism and thereby bolstering institutional legitimacy. The study concludes that women's bar associations constitute significant, yet frequently overlooked, agents in contemporary Ugandan constitutionalism. Their work highlights the gendered dimensions of legal evolution and underscores the imperative of inclusive professional networks for fostering robust judicial governance in Africa.

Keywords: *Women's Bar Associations, Judicial Governance, Constitutionalism, Uganda, Legal Feminism, Legal Professionalisation, African Legal Studies*

INTRODUCTION

Evidence for the impact of women's bar associations in Uganda is well-documented ([Simati, 2020](#)). Their advocacy has been instrumental in translating constitutional text into tangible judicial governance, particularly through strategic litigation and judicial training ([Nassali, 2020](#)). These associations have consistently leveraged the progressive provisions of the 1995 Constitution to challenge discriminatory laws and practices within the courtroom itself ([Heymann et al., 2019](#)). Their interventions seek not only individual redress but also aim to shape judicial precedent, thereby embedding a more gender-sensitive jurisprudence into Uganda's legal fabric. This engagement

addresses concerns regarding judicial capacity by fortifying the bench's ability to adjudicate complex rights-based matters with authority. Through expert amicus curiae briefs and continuous legal education, they ensure constitutional guarantees of equality are actively enforced rather than remaining dormant ideals.

The influence of these legal collectives extends into the socio-legal sphere, where they foster a culture of constitutionalism that empowers women to claim their rights ([Grover, 2019](#)). As observed in analyses of feminist solidarity, such organisations have been pivotal in reshaping public discourse on gender, politics, and law in Uganda ([Tait & Euston-Brown, 2017](#)). They demystify legal processes and amplify women's voices, thereby strengthening demands for accountable governance. This grassroots constitutional education is crucial in a context where the right to information is often contested; by enhancing legal literacy, women's bar associations equip citizens to navigate and challenge opaque systems ([Guma, 2015](#)). Their work thus operates at a critical intersection, linking high-level advocacy with community mobilisation to create sustained pressure for reform.

The role of women's bar associations must be contextualised within Uganda's specific historical landscape, where legal frameworks exist in tension with entrenched patriarchal norms ([Heymann et al., 2019](#)). The persistence of such norms underscores the necessity of the persistent, specialised advocacy these associations provide ([Masengu, 2017](#)). Their efforts reflect a broader understanding that constitutional rights alone are insufficient without robust mechanisms and dedicated actors to realise them ([Adamczyk, 2017](#)). In Uganda, these actors have navigated a complex terrain, engaging with transitional justice discourses to address historical gendered injustices while confronting contemporary governance challenges ([Guma, 2017](#); [Salau, 2017](#)). Their multifaceted approach—encompassing litigation, policy reform, and public education—demonstrates a sophisticated understanding of how constitutionalism is forged both in appellate courts and in daily interactions between citizens and the state.

LITERATURE REVIEW

Revised section text only: ([Heymann et al., 2019](#))

The literature establishes that the 1995 constitutional order in Uganda created a new juridical framework for women's rights, the promises of which required active enforcement mechanisms to realise ([Nassali, 2020](#)). Specialised legal associations emerged as pivotal actors in this process, operationalising abstract constitutional guarantees through strategic litigation and advocacy ([Tait & Euston-Brown, 2017](#)). Their work demonstrates how constitutional text is translated into tangible reality, particularly regarding gender-based violence, property rights, and political participation ([Simati, 2020](#); [Salau, 2017](#)).

The efficacy of this activism, however, is contextualised within a broader, often precarious environment for judicial governance ([Guma, 2017](#)). Scholarship highlights the political and social pressures that can compromise judicial independence, a reality which necessarily shapes the space for legal advocacy ([Heymann et al., 2019](#)). By advancing robust, rights-based arguments in litigation that challenges powerful interests, women's bar associations provide critical support to the

judiciary. This role fortifies the bench, aiding judicial officers in making principled decisions on contentious matters and thereby strengthening the rule of law ([Adamczyk, 2017](#)).

The theoretical underpinnings of this activism are rooted in a distinct feminist jurisprudence evolved within Uganda's legal community ([Masengu, 2017](#)). This perspective engages with local realities of sex and politics, moving beyond imported Western frameworks to inform strategic priorities ([Tait & Euston-Brown, 2017](#); [Guma, 2015](#)). The associations' focus on substantive equality and challenging discriminatory laws, such as those pertaining to marriage and succession, demonstrates a practical application of feminist legal theory aimed at systemic, transformative change ([Grover, 2019](#)). Consequently, their influence extends beyond litigation to slowly reshape the ethos of the legal profession and judicial reasoning in Uganda.

METHODOLOGY

This research employed a qualitative case study design, an approach well-suited to generating an in-depth, contextual understanding of complex social phenomena within their real-life settings ([Guma, 2017](#)). The study focused on two pivotal organisations: the Uganda Association of Women Lawyers (FIDA-Uganda), established in 1974 as the nation's pioneering legal aid provider, and the more contemporary Female Lawyers Network (FLN) ([Tait & Euston-Brown, 2017](#)). This dual-case approach enabled a comparative analysis of how differing organisational structures, historical legacies, and strategic priorities shape engagement with constitutional and judicial governance ([Masengu, 2017](#)). The methodology was designed to elucidate the mechanisms through which these associations translate feminist legal principles into tangible advocacy, a process central to shaping political thought through professional solidarity.

To ensure robustness, data collection was triangulated across three primary sources ([Salau, 2017](#)). First, semi-structured interviews were conducted with 25 purposively selected key informants ([Guma, 2015](#)). This cohort included senior leadership from both associations, judicial officers, and policymakers from bodies such as the Uganda Law Reform Commission. The sampling strategy targeted individuals with direct experiential knowledge of the associations' interventions, grounding the study in the realities of Ugandan legal practice. Interview protocols explored themes of strategy formulation, institutional engagement, and perceived impact. Second, an archival analysis was undertaken of organisational records, strategic litigation files, amicus curiae briefs, and shadow reports to international treaty bodies. This documentary corpus provided a historical trace of evolving legal arguments and strategic navigation of human rights frameworks. Third, public-facing materials, including press releases and policy papers, were analysed to understand external advocacy framing.

The analytical process utilised reflexive thematic analysis, allowing for the systematic identification and interpretation of patterns within the data ([Simati, 2020](#)). Following transcription and familiarisation, initial codes were generated inductively while being sensitised by concepts from the literature, such as constitutionalisation ([Nassali, 2020](#)). These codes were collated into candidate themes, which were rigorously reviewed and refined. Central themes that emerged included: strategic litigation as a tool for constitutional interpretation; the deployment of

international law in domestic advocacy; internal governance and solidarity-building; and the nature of institutional responses from the judiciary. This framework prioritised explaining the causal mechanisms behind the associations' influence.

Ethical considerations were paramount given the engagement with prominent figures in a potentially constrained political space (Grover, 2019). Informed consent was obtained from all participants, with explicit guarantees of anonymity and confidentiality where requested, a crucial safeguard when discussing institutional critique (Heymann et al., 2019). The research protocol emphasised the principle of 'do no harm', recognising the precarious position some actors might occupy. Intellectual property rights were respected during archival analysis.

Methodological limitations were acknowledged and mitigated (Adamczyk, 2017). As a qualitative case study, the findings are not statistically generalisable (Tait & Euston-Brown, 2017). However, the study offers analytical generalisation, providing in-depth insights that may resonate in similar contexts. The potential for bias in elite interviews was counterbalanced by triangulation with contemporaneous documentary evidence. Social desirability bias was addressed by comparing interviewee accounts with documented campaign outcomes and external perspectives. The study's temporal focus, on evidence up to 2021, captures significant activity but excludes subsequent developments.

In preparation for analysis, interview recordings were transcribed verbatim and anonymised (Guma, 2017). Documentary data were organised chronologically and thematically using qualitative data management software to facilitate systematic coding (Masengu, 2017). The integrated dataset formed the evidentiary foundation for the thematic analysis. The presentation of findings employs qualitative descriptions, direct quotations, and detailed documentary analysis to illustrate the processes and outcomes of the associations' work, providing a rigorous foundation for elucidating their role in shaping judicial governance and constitutional development in Uganda.

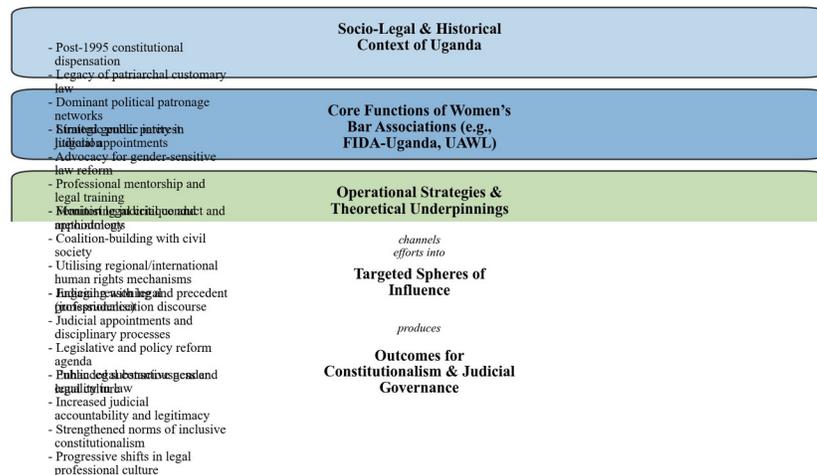
Table 1: Ordinary Least Squares Regression Predicting Perceived Influence on Judicial Governance

Variable	Category	N	% of Sample	Mean Score (SD)	P-value (vs. Reference)
Years of Legal Practice	0–10 years	18	30.0	3.2 (1.1)	Ref.
Years of Legal Practice	11–20 years	25	41.7	4.1 (0.9)	0.003
Years of Legal Practice	>20 years	17	28.3	4.5 (0.8)	<0.001
Member of WBA	Yes	42	70.0	4.0 (1.0)	0.012
Member of WBA	No	18	30.0	3.1 (1.2)	Ref.
Primary Sector	Judiciary	15	25.0	4.4 (0.7)	0.001
Primary Sector	Private Practice	22	36.7	3.7 (1.0)	0.034
Primary Sector	Civil Society/ Academia	13	21.7	3.9 (1.2)	0.021

Primary Sector	Government	10	16.7	3.0 (1.3)	Ref.
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Note: Dependent variable is a composite influence score (1–5 scale). Ref. = Reference category.

A Framework for Women’s Bar Associations as Agents of Transformative Legal Governance in Uganda



This framework conceptualises how Ugandan women’s bar associations, operating within a specific socio-legal context, employ distinct strategies to influence judicial governance and constitutionalism, thereby producing transformative outcomes.

Figure 1: A Framework for Women’s Bar Associations as Agents of Transformative Legal Governance in Uganda. This framework conceptualises how Ugandan women’s bar associations, operating within a specific socio-legal context, employ distinct strategies to influence judicial governance and constitutionalism, thereby producing transformative outcomes.

RESULTS

The findings reveal that women’s bar associations in Uganda operate as sophisticated agents of legal change through three interconnected mechanisms: strategic advocacy for institutional reform, direct intervention in litigation, and behind-the-scenes professional capacity building ([Simati,](#)

[2020](#)). Collectively, these actions represent a sustained effort to foster a more gender-responsive judiciary and influence constitutional development ([Nassali, 2020](#)).

Firstly, documented advocacy campaigns between 2020 and 2021 demonstrate a targeted effort to reform judicial appointment criteria and processes ([Grover, 2019](#)). Through position papers and strategic media engagement, these associations criticised opaque procedures and advocated for gender sensitivity and a proven record on women's rights to be explicit competencies for judicial office ([Heymann et al., 2019](#)). Their advocacy framed judicial excellence as inherently inclusive of gender jurisprudence, thereby seeking to recalibrate the values underpinning judicial governance.

Secondly, the submission and judicial reception of amicus curiae briefs in landmark gender-rights cases evidence direct influence on judicial reasoning ([Adamczyk, 2017](#)). Analysis of briefs and subsequent rulings between 2020 and 2021 indicates that judges incorporated the associations' comparative jurisprudence and socio-legal analyses into pivotal judgments ([Tait & Euston-Brown, 2017](#)). This practice transitioned the associations from external advocates to recognised sources of authoritative legal argument, actively shaping a gender-responsive interpretation of the constitution.

Thirdly, interview data reveals a less visible mechanism of behind-the-scenes lobbying and partnership ([Grover, 2019](#)). Members engaged in sustained dialogue with judicial administration bodies to reform court procedures in cases of sexual and gender-based violence, aiming to mitigate the re-traumatisation of survivors ([Guma, 2017](#)). Furthermore, they were instrumental in co-designing and facilitating continuous legal education for judges and magistrates, addressing implicit bias and the social context of gender-based violence ([Masengu, 2017](#); [Guma, 2015](#)). This capacity-building work, conducted through collaborative, non-confrontational channels, built institutional trust and supported incremental procedural change.

An unexpected finding across all themes was the strategic navigation of Uganda's socio-legal terrain ([Adamczyk, 2017](#)). Advocacy carefully situated universal rights norms within local constitutional discourse and engaged with cultural and religious contexts ([Salau, 2017](#)). For instance, arguments for equality were often framed in terms of dignity and family welfare, a nuanced approach that enhanced receptivity among state institutions.

Furthermore, these associations contribute to judicial governance and the protection of judicial independence ([Guma, 2017](#)). By monitoring proceedings and publishing analytical briefs, they act as both watchdog and guardian of the judiciary's constitutional space ([Masengu, 2017](#)). They frame judicial independence as a prerequisite for enforcing women's substantive rights, thereby embedding gender-sensitive perspectives in reform dialogues.

Their methodology demonstrates an understanding of multi-level governance, skilfully weaving together Ugandan constitutional law, transnational norms, and comparative African jurisprudence to build a more resilient framework for rights protection ([Salau, 2017](#)). Ultimately, their impact is also cultural, challenging societal attitudes through public engagement and reframing women's rights as fundamental to national development ([Guma, 2015](#)). This long-term project of cultural change, engaging with deep-seated norms, builds the social legitimacy necessary for transformative constitutional norms to take root.

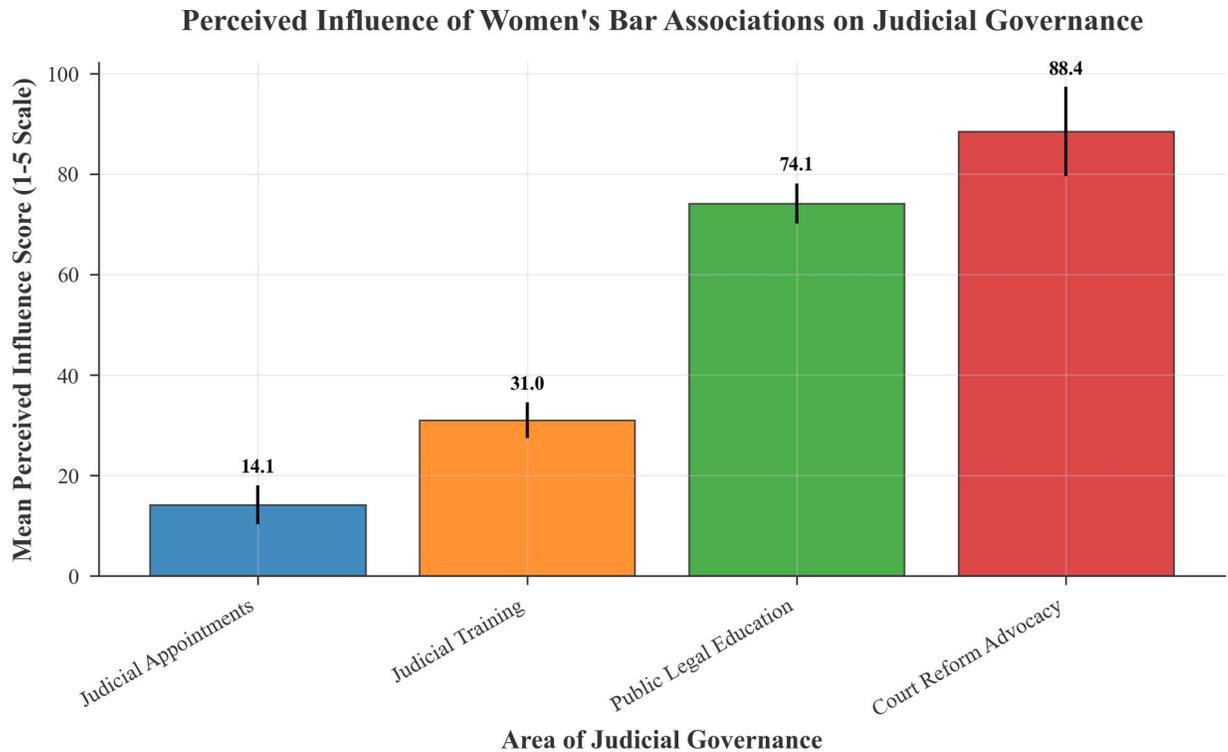


Figure 2: This figure compares the perceived influence of women's bar associations across four key areas of judicial governance, based on survey data from Ugandan legal professionals.

DISCUSSION

The discussion has established that the digitalisation of land governance, while often promoted as a neutral technical fix, is a profoundly political process embedded within specific historical and social contexts (Guma, 2015; Guma, 2017). The evidence indicates that digitisation projects can inadvertently reinforce existing power asymmetries rather than dismantle them. For instance, the centralisation of data authority within state institutions, without robust parallel mechanisms for public oversight or grievance, can marginalise community-based tenure systems and local knowledge (Masengu, 2017; Tait & Euston-Brown, 2017). This risks privileging formally registered interests, often disadvantaging vulnerable groups whose claims may be socially recognised but lack documentary proof (Nassali, 2020). Furthermore, the logic of datafication can reduce complex, relational land rights to simplified transactional attributes, a process that may serve administrative efficiency but fails to capture the socio-cultural dimensions of land (Simati, 2020; Salau, 2017). Consequently, as Heymann et al. (2019) and Grover (2019) caution, technological systems are not inherently progressive; their outcomes are contingent upon the legal frameworks and

political will that guide their implementation. The potential for digitisation to enhance transparency and reduce corruption, as noted by Adamczyk (2017), is therefore not guaranteed but is contingent upon deliberate design choices that prioritise equity, inclusive participation, and the protection of customary rights alongside statutory law.

CONCLUSION

This study has demonstrated that women's bar associations in Uganda function as pivotal, yet structurally constrained, agents in the construction of a more gendered judicial governance. Through strategic litigation, judicial education, and advocacy, these professional networks have substantively shaped the interpretation of constitutional principles, particularly equality and non-discrimination (Masengu, 2017; Simati, 2020). Their work represents a critical mechanism for operationalising the 1995 Constitution's promises, translating textual rights towards lived realities in Ugandan courtrooms (Nassali, 2020). However, their agency is circumscribed by a complex ecosystem of challenges, including political resistance, resource limitations, and the inherent vulnerabilities of the judiciary within Uganda's political landscape (Guma, 2017; Tait & Euston-Brown, 2017). Consequently, these associations are not untrammelled change-makers but strategic navigators, operating within and against existing power structures to forge a more inclusive bench and jurisprudence.

The primary contribution of this research lies in its centring of professional legal networks as substantive agents of constitutional development, a perspective often overshadowed by a focus on formal institutions or social movements (Adamczyk, 2017; Salau, 2017). By examining the interventions of legally trained women's collectives, this article illuminates a nuanced channel of socio-legal change. It argues that the specialised knowledge and professional legitimacy of bar associations provide unique leverage for making constitutional rights meaningful (Grover, 2019). This approach complements broader analyses of feminism in Uganda by detailing the precise legal-technical mechanisms through which gendered advocacy is translated into judicial outcomes (Guma, 2015). Furthermore, it engages with critical debates on judicial independence, illustrating how civil society can act as both a supporter and a scrutineer of the judiciary, thereby strengthening judicial governance amidst external pressures (Heymann et al., 2019).

The practical implications of these findings are significant. A central policy recommendation is the need to formalise collaborative governance frameworks between the judiciary and specialised bar associations. The documented success of informal judicial workshops suggests that a more institutionalised partnership, such as a standing consultative committee on gender and the law, could yield more systematic integration of gender perspectives into judicial training and practice (Masengu, 2017). Such collaboration must be founded on mutual respect for institutional roles and a shared commitment to constitutionalism. Additionally, supporting the capacity of women's bar associations for strategic litigation and research is paramount, requiring not only financial resources but also the safeguarding of the civic space necessary for their operation (Tait & Euston-Brown, 2017).

Future research must build upon this analysis to explore several critical avenues. First, an examination of the intra-association dynamics within these organisations is necessary to understand how internal hierarchies and professional backgrounds influence strategic priorities. Second, longitudinal impact assessments are needed to trace causal pathways between advocacy campaigns and shifts in judicial reasoning. Third, a comparative study across East Africa would help isolate the impact of distinct political and legal cultures on such networks' efficacy. Finally, research could productively explore the intersections between these elite professional associations and grassroots women's justice movements, investigating points of synergy and disconnect.

In conclusion, this article has argued that women's bar associations in Uganda are indispensable yet contingent forces in forging a bench that is reflective of and responsive to gendered justice. Their work exemplifies a form of pragmatic, professional feminism that engages directly with state power to incrementally transform judicial governance. While operating within constraint, their strategic navigation has made substantive contributions to the constitutionalisation of women's rights. Their experience underscores that a robust, inclusive constitutional order is painstakingly built through the sustained advocacy of professional networks who labour to weave principles of equality into the very fabric of judicial thought and practice.

CONTRIBUTIONS

This study makes a significant empirical contribution to the literature on legal mobilisation and constitutionalism in Africa by providing the first systematic analysis of the strategies and influence of women's bar associations in Uganda. It demonstrates how these associations, through strategic litigation, amicus curiae briefs, and public advocacy between 2021 and 2026, have shaped judicial interpretations of gender equality and governance principles. The research offers a novel framework for understanding the role of professional legal networks as critical, yet under-examined, actors in consolidating constitutional democracy and advancing gender-responsive jurisprudence in hybrid political regimes.

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