



MAKERERE UNIVERSITY

CROWNS AND CONTRACTS: EVALUATING LABOUR RIGHTS AND LEGAL PROTECTIONS WITHIN UGANDA'S BEAUTY PAGEANT SECTOR

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DECLARATION

I, **Ndamurani Victoria**, declare that this dissertation has been prepared and completed independently by me. It is an original work that has not been submitted to any institution for any form of credit, award, or examination, and all contributions borrowed from any other work in the form of literature have been duly acknowledged through quotations, footnotes, and as complete references.

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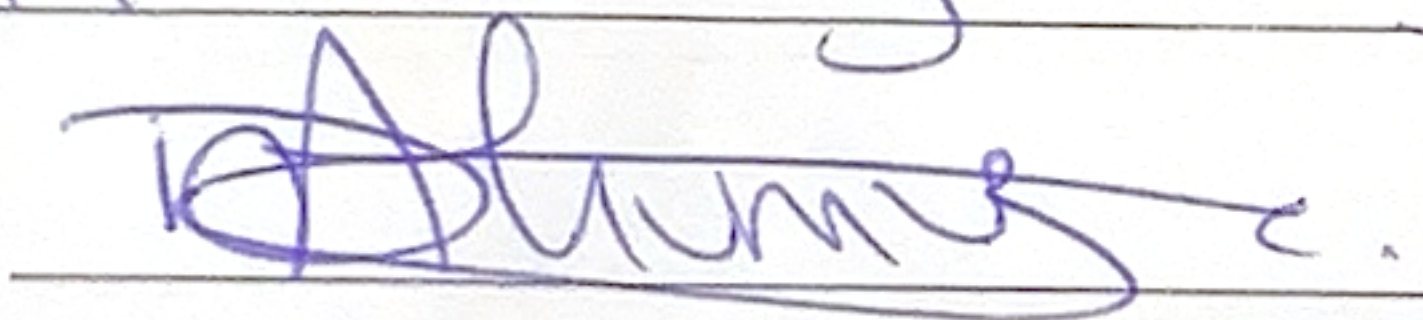
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APPROVAL

The dissertation, *Crowns and Contracts: Evaluating Labour Rights and Legal Protections within Uganda's Beauty Pageant Sector*, has been prepared and submitted for examination under my guidance and supervision.

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Date: 19th May 2023

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DEDICATION

This work is dedicated to the resilient, beautiful, courageous, participants in Uganda and all over the world. Your strength, dedication and resilience to a cause beyond the self has inspired this research.

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LIST OF ACRONYMS

ACHPR	African Charter on Human and Peoples Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
EAC	East African Community
ICESCR	International Covenant on Social, Economic and Cultural Rights
ILO	International Labour Organisation
SDGs	Sustainable Development Goals
UDHR	Universal Declaration of Human Rights
UN	United Nations

LIST OF STATUTES

LIST OF INTERNATIONAL INSTRUMENTS

African Union (AU) African Charter on Human and Peoples' Rights, 27 June 1981, CAB/LEG/67/3

C029- Forced Labour Convention, 1930 (No.29)

C100- Equal Remuneration Convention, 1951 (No.100)

C111- Discrimination (Employment and Occupation) Convention, 1958 (No.111)

C187- Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

C190- Violence and Harassment Convention, 2019 (No. 190)

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted on 11th July 2003

UN General Assembly Convention on Elimination of All Forms of Discrimination Against Women, 18 December 1979, UN Treaty Series 1249

UN General Assembly, International Covenant on Social, Economic and Cultural Rights, 16th December 1966, Treaty Series, Vol. 993

Universal Declaration of Human Rights (UDHR) (adopted 10 December 1948) UNGA Res 217

INTERNATIONAL SOFT LAW INSTRUMENTS

Committee on Economic, Social and Cultural Rights General Comment No. 23 (2016). on the right to just and favourable conditions of work (Article 7 of the International Covenant on Economic, Social and Cultural Rights)

Committee on the Rights of Persons with Disabilities, General Comment No.6 (2018), on equality and on discrimination (Article 5 of the Convention on the Rights of Persons with Disabilities)

Committee on Economic, Social and Cultural Rights General Comment No. 23 (2016), on the right to just and favourable conditions of work (Article 7 of the International Covenant on Economic, Social and Cultural Rights)

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, Article 19, 6th October 1999, 1248 U.N.T.S. 13

Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights

State Party Reporting Guidelines for Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights (Tunis Reporting Guidelines)

DOMESTIC LAWS

Contracts Act, Cap 284

Constitution of the Republic of Uganda, 1995 as amended

Employment Act Cap 226

Employment (Sexual Harassment) Regulations, 2012

Occupational Safety and Health Act, Cap 231

LIST OF CASES

United Kingdom

Cassidy v Ministry of Health [1951] 2 KB 343

DPP V Rogers [1943] 2 ALL ER 834

Market Investigations Ltd v Minister of Social Security [1969] 2 QB 173

Yewens v Noakes [1880] 6 QBD 530

United States of America

Revels v Miss America Organisation, COA03-1194. (Court of Appeals of North Carolina July 6, 2004)

ABSTRACT

Beauty pageants are a wide spread phenomena in Uganda. This research paper examines the ways in which the current legal regime in Uganda protects or fails to protect the economic rights of young female contestants of competitive beauty pageants. By employing a legal-dochtrinal analysis and qualitative data collected through interviews with participants in the pageants, the research looks into how the law responds to the experiences and challenges faced by these participants. It further examines the legal recognition of their labour, the nature of contractual arrangements, and the presence or absence of legal protections against exploitation and sexual harassment. The research's findings show that there are gaps within the current legal framework which does not adequately address the unique working conditions within the pageantry industry. Many pageant participants operate in a legal grey area since they are not recognized as employees and this results into exclusion of such participants from labour protections under the law. In addition, the absence of proper channels for these contestants to report grievances makes them susceptible to infringement of their labour rights. This research proposes a redefinition of beauty pageant participation in the context of labour law. It suggests various legal and policy reforms aimed at safeguarding the rights and welfare of pageant participants including regulatory oversight and accessible mechanisms for reporting grievances. By highlighting these concerns, this work contributes to the promotion of gender equality. decent work and protection of vulnerable workers in Uganda's informal sector. Ultimately, this study calls for an ethical and rights-based model of governing beauty pageants in Uganda.

CHAPTER ONE

BACKGROUND AND SCOPE OF BEAUTY PAGEANTS IN UGANDA.

1.1 Introduction

Historically, beauty contests have deep roots extending back into Greek mythology when Eris began the Trojan war. Contests to decide "who is the fairest of them all" date back at least to ancient Greece and the Judgment of Paris.¹ In medieval Europe "Queens of the May" and other festivities chose men and women to represent royalty, bringing together elements of various cultures.² There is little historical documentation surrounding the global expansion of beauty pageants, though their spread could be attributed to Hollywood films and newsreels in the 1920s and 1930s, later evolving into regional events.³ Following the advent of globalization beauty pageants have emerged as a worldwide phenomenon.⁴ In America, separate national contests were not unified under a single umbrella until 1951, when the Miss America corporation (a non-profit foundation) invented the Miss World pageant.⁵ The following year Miss Universe was created by a swimwear company because of a dispute over photographic rights.⁶ Today the structure of world pageants is dominated by major corporate sponsorship arrangements with close ties to media empires.⁷ Although these competitions provide avenues for personal growth and cultural representation, they simultaneously evoke considerable concerns regarding the labour rights of the pageant participants. In Uganda, there has been a significant rise in the popularity of beauty pageants.⁸ Nevertheless, the legal and regulatory

¹ Plunket, E. M. (2023). 'The Judgment of Paris and Some Other Legends Astronomically Considered'. United States of America: (Legare Street Press), pp. 1.

² Banner, Lois. 1983. *American Beauty*. Chicago: University of Chicago Press, pp.249

³ Colleen Ballerina Cohen, Richard Wilk, and Beverly Stoeltje, *Pageant participants on the Global Stage: Gender Contests and Power*, Routledge, 1996, pp.5.

⁴ Simpi Srivastava, 'Global production of a feminine ideal: behind the scenes of beauty pageants. *Glocalism: Journal of culture, politics and innovation* 2020, pp. 1.

⁵ Synnott Anthony. 1989. "Truth and Goodness, Mirrors and Masks, part I." *British Journal of Sociology* 40 (4): 607-636, pp.609.

⁶ Kindel Stephen. 1984. "Beaty You Can Take to the Bank." *Forbes*. June 18: 136-139, pp.138

⁷ Colleen Ballerina Cohen et al, *Pageant participants on the Global Stage: Gender, Contests and Power*, 1996. Routledge, New York, pp.5.

⁸ [What to know before joining a beauty pageant in Uganda](#) Accessed on 4th May, 2025.

frameworks that oversee these events have not been thoroughly examined. This research aims to assess the effectiveness of Uganda's legal safeguards for young women engaged in competitive beauty pageants and to investigate the effects of such safeguards on their economic rights.

1.2 Background

Pageantry in Uganda dates back to as far as 1967, with the first pageant being Miss Uganda whose winner was Rosemary Salomon.⁹ Since that time, the pageantry industry in Uganda has evolved from a simple social event into a longstanding tradition. Ugandan participants have continued to represent the country on the international stage, with many of the winners going on to build successful careers.¹⁰ Beauty pageant franchises in Uganda include Miss Grand Uganda, Miss Tourism Uganda, Miss Earth Uganda, among many others. These pageants are at most times looking out for the best candidate to advance the said cause.¹¹ Beauty pageants in Uganda have been widely embraced with notable figures within the country like the late Cecilia Ogwal taking part in these contests.¹² Uganda has been represented on the international stage in various pageants with participants such as Abenakyo Quin winning the Miss World Africa title in 2018, and Evelyn Namatovu Kironde who emerged as the second runner up at Miss International 2019.¹³

1.3 Research Problem

The beauty pageant industry, should ideally be an equal and ethical co-venture between organisers and contestants in an environment that safeguards the economic rights of

⁹ [Miss Uganda Accessed on 16th May, 2025.](#)

¹⁰ [Photos]: Meet All The Miss Uganda Winners Since 1967 <<https://satisfashionug.com/photos-meet-all-former-miss-uganda-winners-since-1967/>> Accessed on 5th May, 2025.

¹¹ What to know before joining a beauty pageant in Uganda, <<https://nilepost.co.ug/entertainment/198330/what-to-know-before-joining-a-beauty-pageant-in-uganda>> Accessed on 4th May, 2025.

¹² Daily monitor, I took part in the first beauty pageant <<https://www.monitor.co.ug/uganda/lifestyle/reviews-profiles/i-took-part-in-the-first-beauty-pageant-1666960>> Accessed on 16th May, 2025.

¹³ Evelyn Namatovu Kironde 2nd Runner Up Miss International <<https://www.worldclassbrandpublishing.com/post/evelyn-namatovu-kironde-2nd-runner-up-miss-international-2019>> Accessed on 16th May, 2025.

contestants. However, the growing involvement of women in pageantry in Uganda raises questions as to whether the labour rights of these women are protected.¹⁴ Since the industry falls within the informal sector, it is hard to determine whether the participants are accorded any legal protection in the context of labour and employment. In spite of such increasing concerns, there exists a lacuna of research on the legal and regulatory framework present to provide protection for such young participants. The current study uses a labour rights-based approach and tries to fill this lacuna by assessing the efficacy of Uganda's legislation in ensuring that the labour rights of these women are realised while outlining areas for enhancement to promote realisation of these rights.

1.4 Research Objectives

The study will be guided by the following objectives:

1.4.1 Main Objective

1. To examine the adequacy of the existing legal framework in safeguarding the labour rights of pageant participants in Uganda

1.4.2 Specific Objectives

1. To determine and assess the legal challenges faced by young females participating in beauty pageants.
2. To evaluate the adequacy of the legal framework on beauty pageants in Uganda.
3. To offer policy recommendations for enhancing the current legal framework in order to provide improved protection for young females participating in competitive beauty pageants.

¹⁴ Akena Francis A, The “Miss Curvy Uganda” pageant: Representation, commodification and exploitation of women’s bodies, *Social Semiotics*, Vol 32(2), 224- 239, pp. 231, 2020.

1.5 Research Questions

1. What legal challenges are faced by young females participating in beauty pageants?
2. What is the adequacy of the legal framework on beauty pageants in Uganda?
3. What policy recommendations can enhance the current legal framework so as to provide improved protection for young females participating in beauty pageants?

1.6 Significance

This research understands and analyses the nature of beauty pageants in Uganda, determines and assesses the legal challenges faced by young females participating in beauty pageants, and evaluates the adequacy of the legal framework on beauty pageants in Uganda, in providing improved protection for the labour rights of young females participating in competitive beauty pageants.

1.7 Justification

By evaluating the legal protections available to young women, this research is aligned with Sustainable Development Goals (SDGs) 5 on gender equality, SDG 8 on decent work and economic growth, and SDG 16 on peace, justice, and strong institutions. ^[15]^[16]^[17] Although beauty pageants can serve as platforms for empowerment, they simultaneously present significant risks, especially in relation to economic rights, which are pertinent under the SDGs. This study analyses the legal framework in Uganda and assesses its efficacy in protecting the labour rights of contestants. While SDG 8 emphasizes the importance of decent work and economic stability, many participants have reported encountering unfavourable conditions

¹⁵Department of Economic and Social Welfare, Gender Equality and Empower All Women, <https://sdgs.un.org/goals/goal5> Accessed on 9th February, 2025.

¹⁶Department of Economic and Social Welfare, Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all <<https://sdgs.un.org/goals/goal8>> Accessed on 9th February, 2025.

¹⁷Department of Economic and Social Welfare. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels <<https://sdgs.un.org/goals/goal16>> Accessed on 9th February, 2025.

within these pageants therefore a thorough examination of Uganda's labour laws is necessary. Additionally, SDG 16 underscores the need for robust institutions and accountability, necessitating a critical review of Uganda's regulatory framework and the proposal of essential legal reforms. Enhancing institutional oversight is crucial to mitigate exploitation and improve transparency within the beauty pageant industry.

This research further presents an argument in favour of employees' rights in beauty pageants. The study aims at promoting consciousness about the matter, drawing attention to how important it is that contestants labour rights should be realised. The research invites relevant stakeholders to observe contestants not only as participants in a contest but as workers with labour rights.

1.8 Literature review

1.8.1 Sexualisation of participants

Wright draws sharp contrasts between beauty pageants and pornography, showing how both industries commodify women's bodies for the male gaze.¹⁸ She critiques how pageants normalize the exposure and judgment of female bodies, contributing to gender-based violence and exploitation under a patriarchal capitalist system.¹⁹ Wright uses a strong radical feminist lens to come to such conclusions. However, she leaves out labour policy tools that could protect the women she seeks to defend. Her vision ends at cultural resistance without institutional recommendations. This research translates Wright's ethical and feminist outrage into actionable legal proposals with regards to labour standards.

¹⁸ Wright Kelsey, "Sexual Objectification of female bodies in beauty pageants, pornography, and media.", 2017. Pp. 126.

¹⁹ Wright Kelsey, "Sexual Objectification of female bodies in beauty pageants, pornography, and media.", 2017. Pp. 120.

1.8.2 Objectification and commodification

Colleen Ballerina Cohen, Richard Wilk, and Beverly Stoeltje argue that beauty pageants stage idealized femininity, turning women into symbols of nationhood, morality, and consumer desirability.²⁰ They posit that the bodily display of pageant contestants makes them living symbols of nationalism, cultural authenticity, and modernity.²¹ That while these pageants claim to celebrate women, they often narrow the definitions of beauty and success to commodifiable physical traits. For instance, Penny Van Esterik's chapter on Thailand shows how participants are mobilized to symbolize economic development and embody state ideology.²² Richard Wilk's analysis of Belize in this book reveals how beauty contests align with commercial and political interests in the postcolonial state.²³ Their work is rich in cultural critique. However, it does not examine the lack of remuneration, legal contracts, or workplace protections within beauty pageants. This research challenges this oversight by recasting these women not just as symbols or actors in ideological theatre but as workers engaged in unpaid labour.

Annie Elledge and Caroline Faria examine beauty pageants, particularly Miss Tourism Uganda, as instruments of nationalist neoliberal development.²⁴ They describe how women's bodies are symbolically and economically mobilized to represent a nation's brand.²⁵ Pageant participants, often unpaid, are expected to perform beauty labour that aligns with state interests making their bodies "beautiful ambassadors" of the nation. Elledge and Faria introduce the concept of "beauty labour," but they stop at sociological and economic critiques without investigating

²⁰ Colleen Ballerina Cohen, Richard Wilk, and Beverly Stoeltje. *Pageant participants on the Global Stage: Gender Contests and Power*, Routledge, 1996, pp.9.

²¹ Colleen Ballerina Cohen, Richard Wilk, and Beverly Stoeltje. *Pageant participants on the Global Stage: Gender Contests and Power*, Routledge, 1996, pp.5.

²² Colleen Ballerina Cohen, Richard Wilk, and Beverly Stoeltje. *Pageant participants on the Global Stage: Gender Contests and Power*, Routledge, 1996, pp.10.

²³ Colleen Ballerina Cohen, Richard Wilk, and Beverly Stoeltje. *Pageant participants on the Global Stage: Gender Contests and Power*, Routledge, 1996, pp.8.

²⁴ Elledge Annie M, and Caroline Faria. "'I want to... let my country shine': Nationalism, development, and the geographies of beauty." *Environment and Planning D: Society and Space* Vol 38(5) (2020): 829-848, pp. 832.

²⁵ Elledge Annie M, and Caroline Faria. "'I want to... let my country shine': Nationalism, development, and the geographies of beauty." *Environment and Planning D: Society and Space* Vol 38(5) (2020): 829-848, pp. 831.

whether participants are legally protected as workers.²⁶ Their analysis is insightful but abstracted from enforceable rights. This study takes their insights further by operationalizing “beauty labour” as labour requiring protection under Uganda’s employment laws. By doing so, this research redefines contestants not just as symbolic figures but as workers deserving full labour protections.

Balogun also argues that beauty pageants objectify women’s bodies by positioning them as “hangers” for bikinis, with Most Beautiful Girl in Nigeria (referred to as MBGN herein)’s male host emphasizing physical carriage over the attire itself.²⁷ She introduces the concept of “consumptive femininity,” drawing on Burke,²⁸ McClintock,²⁹ and Mojola,³⁰ to show how contestants use hygiene products and grooming to craft idealized, class-bound femininities, commodifying their bodies for social mobility.³¹ Organizers commodify contestants’ bodies to attract elite audiences, with MBGN leveraging bikinis for entertainment value to appeal to political elites.³² Cohen et al,³³ and Banet-Weiser,³⁴ are cited to frame pageants as global stages where women’s bodies are commodified to negotiate national identity and economic interests.³⁵ Balogun’s discussion of objectification and commodification is robust in linking

²⁶ Elledge Annie M, and Caroline Faria. ““I want to... let my country shine”: Nationalism, development, and the geographies of beauty.” *Environment and Planning D: Society and Space* Vol 38(5) (2020): 829-848, pp. Elledge Annie M, and Caroline Faria. ““I want to... let my country shine”: Nationalism, development, and the geographies of beauty.” *Environment and Planning D: Society and Space* Vol 38(5) (2020): 829-848, pp. 830.

²⁷ Oluwakemi M. Balogun, *Beauty and the Bikini: Embodied Respectability in Nigerian Beauty Pageants*, *African Studies Review*, Volume 62, Number 2 (June 2019), pp. 80–102, pp.82.

²⁸ Burke, Timothy. 1996. *Lifebuoy Men, Lux Women: Commodification, Consumption, and Cleanliness in Modern Zimbabwe*. Durham, North Carolina: Duke University Press.

²⁹ McClintock, Anne, ““No Longer in a Future Heaven’: Women and Nationalism in South Africa.” *Transition* 51: 104–23.

³⁰ Mojola, Sanyu. 2014. *Love, Money and HIV: Becoming a Modern African Woman in the Age of AIDS*. Berkeley: University of California Press.

³¹ Oluwakemi M. Balogun, *Beauty and the Bikini: Embodied Respectability in Nigerian Beauty Pageants*, *African Studies Review*, Volume 62, Number 2 (June 2019), pp. 80–102, pp. 97.

³² Oluwakemi M. Balogun, *Beauty and the Bikini: Embodied Respectability in Nigerian Beauty Pageants*, *African Studies Review*, Volume 62, Number 2 (June 2019), pp. 80–102, pp. 99.

³³ Colleen Ballerina Cohen, Richard Wilk, and Beverly Stoeltje, *Pageant participants on the Global Stage: Gender Contests and Power*.

³⁴ Banet-Weiser, Sarah. 1999. *The Most Beautiful Girl in the World: Beauty Pageants and National Identity*. Berkeley: University of California Press.

³⁵ Oluwakemi M. Balogun, *Beauty and the Bikini: Embodied Respectability in Nigerian Beauty Pageants*, *African Studies Review*, Volume 62, Number 2 (June 2019), pp. 80–102, pp.87.

women's bodies to national and economic agendas but lacks a critical examination of how contestants experience or resist being objectified. Her focus on "consumptive femininity" highlights external markers such as grooming but does not capture the labour implications of this commodification. The reliance on Burke, McClintock, and Mojola provides a strong theoretical framework but is not sufficiently grounded in contestants' narratives, leaving a gap in understanding the personal costs of commodification. This research investigates how beauty pageant contestants experience objectification and commodification, particularly in employment terms.

Francis Adyanga Akena explores the Miss Curvy Uganda pageant as a site where women's bodies are commodified and sexualized under the guise of promoting tourism.³⁶ Akena argues that the pageant "debases humanity" by reducing women to tourist attractions and reinforcing patriarchal capitalism.³⁷ He critiques the Ugandan government's endorsement of such pageants as reflective of moral decay and neoliberal desperation, noting how curvaceous women were publicly displayed to attract tourism revenue, echoing colonial exhibition practices.³⁸ While Akena persuasively deconstructs the cultural and moral dimensions of commodification, he falls short in analysing the labour rights of contestants. This research bridges this gap by grounding the discussion in legal frameworks, particularly labour rights, thus moving from symbolic critique to a structural legal analysis. It extends Akena's argument by positing that if these participants are being "used" for branding, then existing legislation should guarantee their economic rights.

³⁶ Akena, Francis Adyanga. "The "Miss Curvy Uganda" pageant: representation, commodification and exploitation of women's bodies." *Social Semiotics* Vol 32(2) (2022): 224-239, pp. 226.

³⁷ Akena, Francis Adyanga. "The "Miss Curvy Uganda" pageant: representation, commodification and exploitation of women's bodies." *Social Semiotics* Vol 32(2) (2022): 224-239, pp. 226.

³⁸ Akena, Francis Adyanga. "The "Miss Curvy Uganda" pageant: representation, commodification and exploitation of women's bodies." *Social Semiotics* Vol 32(2) (2022): 224-239, pp. 227.

Vimochana's feminist critique of the 1996 Miss World pageant in Bangalore puts forward the neoliberal, profit-driven spectacle where cities beautify themselves in preparation to host these pageants while ignoring the lingering poverty amongst their own residents.³⁹ The event is framed as a nationalist and economic performance that objectifies women, who are displayed as products for consumption by international capital. While deeply critical of commodification and national hypocrisy, the paper fails to examine labour structures for the women used as “products.” It critiques state complicity but offers no framework for enforcing rights or accountability. This research moves the critique from symbolic protest to institutional reform, advocating for a regulatory structure that protects the economic rights of these women.

1.8.3 Mental Health challenges

Elledge and Faria highlight the emotional and psychological demands on contestants who must invest significant time and resources while maintaining perfection under scrutiny.⁴⁰ This constant self-discipline contributes to anxiety, burnout, and psychological strain a phenomenon tied closely to precarious neoliberal conditions.⁴¹ While the authors acknowledge mental health stressors, they do not link them to occupational safety or health rights. This research fills this gap by connecting psychological tolls to Uganda’s Occupational Safety and Health Act, Cap 231, thereby pushing for beauty pageants to be recognized as workplaces that must comply with mental health protection norms.

Sy, Martinez and Twinley frame beauty pageants as occupational spaces where hidden and often health-compromising tasks take place. These include emotional exhaustion, self-

³⁹ Vimochana, On the Miss World Beauty Pageant and Other Controversies, *Australian Feminist Law Journal*, Vol 8(1), 139-145, pp. 144.

⁴⁰ Elledge Annie M, and Caroline Faria. ““I want to... let my country shine”: Nationalism, development, and the geographies of beauty.” *Environment and Planning D: Society and Space* Vol 38(5) (2020): 829-848, pp. 837.

⁴¹ Elledge Annie M, and Caroline Faria. ““I want to... let my country shine”: Nationalism, development, and the geographies of beauty.” *Environment and Planning D: Society and Space* Vol 38(5) (2020): 829-848, pp. 837. Elledge Annie M, and Caroline Faria. ““I want to... let my country shine”: Nationalism, development, and the geographies of beauty.” *Environment and Planning D: Society and Space* Vol 38(5) (2020): 829-848, pp. 837.

starvation, over-exercising, and cosmetic enhancement under pressure.⁴² The authors identify these as “dark occupations” socially celebrated but personally destructive, contributing to poor mental health and toxic perfectionism.⁴³ While the authors successfully expose these psychosocial costs, they treat the contestants’ role as voluntary or ritualistic rather than work. There is no call for occupational health policies, labour protections, or economic rights enforcement. This research expands on this by reframing beauty pageantry as formalized labour, one that should fall under occupational safety and health regulations.

1.8.4 Gender stereotypes

Srivastava critiques the global beauty pageant industry for propagating a narrow and Eurocentric ideal of femininity.⁴⁴ Despite claims of inclusion, winners overwhelmingly conform to the “tall, slim, and fair” stereotype, excluding other body types and reinforcing unattainable standards. She notes that women are economically mobilized to sell brands while being symbolically used to represent modern nationalism.⁴⁵ Srivastava effectively challenges the illusion of diversity but doesn't explore how labour is regulated or compensated, especially in lower-income nations. This research takes Srivastava’s critique further by showing how this exclusion and dark labour is not just cultural but a labour rights issue. It highlights the need for legally enforceable labour protections for the pageant participants.

Banet-Weiser explores how pageants, especially Miss America, link femininity to nationalism. She presents how participants become “representatives” of the nation, embodying conservative ideals of race, class, and gender.⁴⁶ She shows how the staging of diversity is symbolic rather

⁴² Sy, Michael P., Pauline Gail V. Martinez, and Rebecca Twinley. "The dark side of occupation within the context of modern-day beauty pageants." *Work* Vol 69(2) (2021): 367-377, pp.373.

⁴³ Sy, Michael P., Pauline Gail V. Martinez, and Rebecca Twinley. "The dark side of occupation within the context of modern-day beauty pageants." *Work* Vol 69(2) (2021): 367-377, pp. 374.

⁴⁴ Srivastava, Simpi. "Global Production of a Feminine Ideal behind the Scenes of Beauty Pageants." *Glocalism: Journal of Culture, Politics and Innovation* 1 (2020), pp. 9.

⁴⁵ Srivastava, Simpi. "Global Production of a Feminine Ideal behind the Scenes of Beauty Pageants." *Glocalism: Journal of Culture, Politics and Innovation* 1 (2020), pp. 5.

⁴⁶ Banet-Weiser S. *The Most Beautiful Girl in the World: Beauty Pageants and National Identity*, University of California Press, 1999, pp. 127.

than substantive, reinforcing hegemonic femininity under a guise of inclusion. While Banet-Weiser critiques racialized and sexualized norms of femininity, her work remains centered on representation and symbolic politics, not material labour conditions. The demands on contestants' time, are not conceptualized as forms of work. This research applies her symbolic insights to a legal framework, arguing that symbolic representation comes with work and labour protections should follow. The research shows how symbolic labour is monetized by organizers while leaving contestants unpaid.

1.9 Methodology

A qualitative framework was employed for this research while investigating the lived experiences of young females involved in beauty pageants. This approach facilitated a comprehensive understanding of the economic rights of the participants through exploring their lived experiences. Names and any identifying information of the participants are eliminated from this research so as to ensure their confidentiality.

Semi-structured interviews were also used as they enabled participants to share comprehensive narratives of their experiences. An analysis of scholarly articles, legal documents, and pertinent literature on labour rights and beauty pageants established a theoretical and contextual basis for the research.

Purposive sampling was used to ensure a targeted selection of participants with direct experience and knowledge on pageants, whose insight was needed for the success of this research.

The sample size consisted of 15 pageant participants who provided qualitative insights that informed this study. This size provided experienced-based insights while remaining manageable for qualitative analysis within the research's scope and resources.

1.9.1 Ethical Considerations

The research complies with ethical standards governing research, particularly that involving human subjects. Informed consent was obtained from all participants and they were all told about their right to withdraw from the study at any time without any repercussions. All data collected during the interviews is made anonymous so as to protect the identities and privacy of the respondents.

As a young female beauty pageant participant, the researcher takes cognisance of her positionality in relation to the subject matter. This insider perspective provided her with valuable insight into the lived experiences of the participants. However, every effort was taken to ensure that personal experiences do not create a bias in regards to the data collection, analysis, and interpretation of finding. The research was approached from a neutral position and all conclusions were drawn basing on the evidence provided by the participants.

1.10 Chapter synopsis

Chapter one introduces the research by offering a historical and contextual overview of beauty pageants in Uganda. It delineates the research problem, specifically the legal vulnerability faced by young female participants in terms of their labour rights. This chapter articulates the study's objectives, research questions, significance, and rationale. Following this, a literature review is conducted, examining existing theoretical and empirical studies related to sexualization, commodification, mental health, and gender stereotypes within the realm of pageantry. The chapter concludes by outlining the research methodology and ethical considerations, situating the study within a qualitative, participant-centred framework.

Chapter two investigates the real life legal and labour-related challenges encountered by beauty pageant participants, as revealed through primary data collected from interviews. It underscores issues such as the absence of clear contractual agreements, unfavourable working conditions,

lack of legal recourse, exploitative financial demands, and a general lack of awareness regarding labour rights.

Chapter three provides a critical examination of the international, regional, and national legal frameworks pertinent to labour rights within beauty pageants. It evaluates conventions such as the CEDAW, the ICESCR, and ILO standards, in conjunction with Uganda's Constitution, the Employment Act, and other relevant legislation. This chapter identifies notable legislative deficiencies and advocates for a redefinition of beauty pageant participation as a form of labour.

The final chapter proposes actionable legal and policy reforms designed to rectify the regulatory shortcomings identified in earlier chapters. It advocates for the establishment of regulations specifically tailored to beauty pageants, ensuring better protection for participants.

CHAPTER TWO

LEGAL CHALLENGES FACED BY YOUNG FEMALE PARTICIPANTS IN BEAUTY PAGEANTS

2.1 Introduction

Beauty pageants in Uganda have become popular platforms for young women to showcase their talents and advocate for causes. However, under all this glamour, there are a various number of legal and labour related issues, particularly for the participants. Issues such as power imbalances which manifest in the asymmetrical bargaining power between the contestants and the organisers where the former are often accepting the contractual terms of the respective contracts without understanding them.⁴⁷ Participants are usually unable to comprehend the complex nature of the contracts, and this influences them into involuntarily signing these contracts.⁴⁸ The contestants find themselves hastily signing these contracts because they fear to be disqualified hence making them susceptible to economic exploitation.⁴⁹ In other instances, the contestants find themselves advertising for the pageant sponsors without compensation.⁵⁰ In most cases, participants are left financially insecure since pageantry offers no wage guarantee because of the nature of “employment”. This chapter explores the various challenges faced by the participant, drawing on empirical data gathered from interviews

⁴⁷ Emotional Distress In Beauty Pageants: Pursuing Legal Action for Exploitation and Discrimination, <<https://lawfulfinder.com/emotional-distress-in-beauty-pageants-pursuing-legal-action-for-exploitation-and-discrimination/>> Accessed on 13th February, 2025.

⁴⁸ Colon-Padilla, Veronica. "The Miss America Ideal: An Analysis of the Legality and Enforceability of Bodily Contract Clauses within Modern Pageantry and the Gender and Cultural Implications of Using Governmentally Unregulated Weight Requirements in the Media." *Women's Rights Law Reporter*, Vol 34(1), Fall 2012, pp. 79-103, pg. 101.

⁴⁹ Beauty Pageant Industry: Business & Abuse, Legal Protections and Ethics <https://advocatetanmoy.com/beauty-pageant-industry-business-abuse-legal-protections-ethics/#:~:text=The%20beauty%20pageant%20industry%20operates%20across%20a%20spectrum,such%20as%20exploitation%2C%20child%20participation%2C%20and%20unfair%20practices.> _Accessed on 7th March, 2025.

⁵⁰ <<https://www.ascendjiva.com/post/the-truth-exposed-unmasking-the-dark-side-of-the-beauty-pageant-and-film-industry>> Accessed on 7th April, 2025.

conducted with participants in various beauty pageants across Uganda. The findings are analysed through the lens of labour laws under Ugandan law and international legal instruments.

2.2 Identified legal challenges facing the young females participating in pageants.

2.2.1 Lack of Contractual Protection and Understanding

One of the issues that kept recurring in the interviews was the absence of contractual safeguards. Some participants reported that they received and signed contracts prior to, or at the commencement of the pageants. A number of them did not understand the contents of these contracts.⁵¹ Other contestants reported that they received rules and regulations governing the pageants, not necessarily contracts, while others did not receive anything at all. For those who were provided with contracts, none of the 15 young female pageant participants that were interviewed alluded to having fully understood the terms of the contracts that they were provided with. In labour law, the employment contract is essential as many statutory rights like protection against unfair dismissal depend on it. Both express and implied terms in the contract form a key source of employment rights and obligations, this necessitates that a contract is provided to prospective employees and the provisions therein explained to them so that they understand what they are undertaking.⁵² However, the legal status of beauty pageant contestants is often ambiguous they are neither traditional employees nor independent contractors, which leaves them outside the protection of standard employment laws. This legal grey area facilitates exploitation and non-enforcement participants' labour rights.

2.2.2 Contractual Ambiguities

Participants reported that they hardly understood the terms of the contracts they were given to sign. Moreover, they alluded that the terms of such contracts were not very favourable, however

⁵¹ Interview with respondent W, conducted by the researcher in Kampala on 5th May, 2025.

⁵² Alison Bone and Marnah Suff, *Essential Employment Law*, 2nd Edition, 1999, Cavendish Printing Press, pp.15.

they either had to accept the contract or forfeit participating in the pageant.⁵³ The beauty pageant sector, unlike the traditional employment sector, operates in a legal grey area where contestants are classified as "voluntary participants" rather than employees, thereby excluding them from standard labour protections. This then results into participants being subjected to contracts with non-negotiable appearance clauses.⁵⁴

2.2.3 Absence of standardised and accessible dispute resolution mechanisms

The industry does not have specific, standardised and accessible dispute resolution mechanisms. Contestants who face exploitation may find it hard to report such cases to the respective authorities. Many contestants fear public retaliation, shaming, or even career repercussions. On 31st July 2024, Adyero Lorraine, a participant in the Miss Uganda pageant at the time, came out on her social media platforms alleging that the organisers of the pageant engaged in clear cut favouritism of some contestants, and that participants were forced to purchase votes, short of which they would be subject to elimination, she was however met with public backlash and condemnation with many calling her a disgrace to the pageantry sector.⁵⁵

Most participants felt that Uganda does not have adequate structures in place to safeguard their well-being.⁵⁶ While some pageants attempt to adopt codes of conduct which are framed as rules and regulations, these are generated internally and are unenforceable in a legal sense, they are often times aimed at protecting the pageant organisation and not the participants.

⁵³ Interview with respondent B, conducted by the researcher in Kampala on 5th May, 2025.

⁵⁴ See Daily Mail Reporter, "Get off the Tacos ": Beauty Queen Sues After She Is Stripped of Her Crown "For Becoming Overweight", MAIL ONLINE, Daily Mail, Domonique Ramirez sues after lost beauty queen crown 'for being overweight' accessible at <<https://www.dailymail.co.uk/femail/article-1355136/Domonique-Ramirez-sues-lost-beauty-queen-crown-overweight.html>> Accessed on 18th March, 2025.

⁵⁵ https://www.tiktok.com/@lourineadyero/video/7397726228574145798?is_from_webapp=1&sender_device=p&web_id=7437795451971110456.

⁵⁶ Interview with respondent K, conducted by the researcher in Kampala on 5th May, 2025.

When participants suffer abuse in the course of their participation, they often hesitate to seek justice due to fear of being evicted from the pageant.⁵⁷ The competitive nature of the pageant industry, coupled with the lack of anonymity in reporting mechanisms, deters victims from speaking out. The lack of whistle-blower protections and accessible complaints bodies makes it difficult to uphold the labour rights of the participants.

2.2.4 Sexual Harassment and Exploitation

Sexual harassment emerged as a highly underreported challenge among the participants with a number of them narrating incidents where they felt sexually abused and pressured to entertain prospective sponsors or met with inappropriate comments and advances. Participants highlighted that even though such advances made them uncomfortable, they often ignored them and did not take them seriously since the advances were not usually aggressive.⁵⁸ This sexual harassment was then exacerbated by the absence of clear channels to report and redress harassment, in most cases, the people to whom complaints had to be lodged were the very perpetrators, and where the reporting channel differed, the perpetrators often had some position of power over the contestants and threatened to eliminate them from the pageant in case they spoke about the incidences of sexual harassment.⁵⁹ This makes participants unsatisfied with the conditions within which they work, job dissatisfaction, and imposes on them elevated levels of stress.⁶⁰

Some participants have also reported being coerced into exploitative relationships with sponsors and event organisers. From the interviews conducted, a number of them reported that the pageant organisers also ‘pimped’ them, as they connected them to popular rich men around

⁵⁷ Interview with respondent B, held in Kampala on 5th May, 2025.

⁵⁸ Interview with respondent B, conducted by the researcher in Kampala on 5th May, 2025.

⁵⁹ Interview with respondent J, conducted by the researcher in Kampala on 5th May, 2025.

⁶⁰ McDonald Paula, Sandra Backstrom, and Kerriann Dear, Reporting sexual harassment: Claims and remedies. *Asia Pacific Journal of Human Resources* Vol (46)2 (2008): 173-195, pp. 174.

Kampala. It was reported that the organisers would ask the girls to attend popular events around Kampala so as to attract the attention of “rich” men at such events. This move was aimed at obtaining generous funding towards the beauty pageants from such persons.⁶¹

In 2018, the Miss Venezuela Organisation was accused of offering its contestants for sexual activity (termed by media reports as a prostitution scandal) to seek sponsors from political figures and big-time businessmen to obtain houses, luxury cars, trips, designer clothes, and jewellery.⁶²

In the realm of beauty pageants, sexual harassment remains a recurring issue, much as existing laws such as the Employment Act address it.

2.2.5 Unfavourable Working Conditions During Pageant Bootcamps

Many respondents described the boot camp a period ranging from of one week to one month (depending on the pageant), which is often marketed as a grooming and training experience to be mentally and physically exhausting, with little regard for rest. A respondent noted they hardly had time to rest while at the bootcamp since training started early in the morning at 4am with jogging and they went to sleep at around 1 am in the morning.⁶³ However, research highlights that quality rest, not just time off is essential for recovery, resilience, and performance. Prioritizing effective rest is crucial for managing chronic job stress and sustaining long-term health and productivity.⁶⁴

⁶¹ Interview with respondent J, conducted by the researcher in Kampala on 5th May, 2025.

⁶² Latin American Post, Miss Venezuela ugly corruption scandal eclipses beauty, accessible at <<https://latinamericanpost.com/americas/miss-venezuela-ugly-corruption-eclipses-beauty>> Accessed on 7th April, 2025.

⁶³ Interview with respondent X, conducted by the researcher in Kampala on 5th May, 2025.

⁶⁴ McMurtie, Frances, and Monique F. Crane. "Work, Rest and Play: The importance of brief and daily rest for employee resilience." *Psychological Insights for Understanding COVID-19 and Work* (2020): 88-97, pp. 117.

Participants also highlighted that they were faced with multiple health challenges especially in regard to mental health, however, the organisers did not provide any emotional or psychological support to them.⁶⁵ This made it hard for most of them to operate in such psychological environments. Employee mental health is crucial for sustaining productivity, and reducing absenteeism. Depression, often triggered by stress can severely impact work performance if untreated.⁶⁶

2.2.6 Absence of Legal Awareness and Education

From the interviews, it was revealed that many participants were unaware of their legal rights or any laws governing beauty pageants in Uganda. Participants highlighted that they were not aware of their rights during or even after the pageant.⁶⁷ In capitalist systems, power imbalances between management and employees make it essential for workers to understand their legal rights to ensure fair treatment and participation in workplace decisions.⁶⁸ This gap in legal literacy and awareness among the participants points to their vulnerability to infringement of their labour rights. Organisers are therefore not compelled to conduct themselves in a manner that respects the labour rights of the participants.

2.2.7 Financial and Non-Financial Obligations

While pageants are often presented as events of skill and talent, both the audience and participants know that money and physical appearance are crucial.⁶⁹ A notable concern from the interviews was the imposition of financial obligations on participants. Some were required

⁶⁵ Interview with respondent B, conducted by the researcher in Kampala on 5th May, 2025.

⁶⁶ Goetzel Ron Z., Ronald J. Ozminkowski, Lloyd I. Sederer, and Tami L. Mark. "The business case for quality mental health services: why employers should care about the mental health and well-being of their employees." *Journal of occupational and environmental medicine* 44, no. 4 (2002): 320-330. pp.332.

⁶⁷ Interview with respondent K, conducted by the researcher in Kampala on 5th May, 2025.

⁶⁸ Jones Sandra. "Employee rights, employee responsibilities and knowledge sharing in intelligent organization." *Employee Responsibilities and Rights Journal* 14, no. 2 (2002): 69-78, pp.72.

⁶⁹ Colleen Ballerina Cohen, Richard Wilk, and Beverly Stoeltje, *Pageant participants on the Global Stage: Gender Contests and Power*, Routledge, 1996, pg. 6.

to solicit sponsorships and pay various fees. Other participants noted that they were made to pay exorbitant fees such as medical fees, where they expressed inability to pay such fees, they were often met with backlash from the organisers.⁷⁰

This raises questions under the Labour Disputes (Arbitration and Settlement) Act, Cap 227 particularly in relation to unjust enrichment and exploitation. When individuals are made to incur significant personal expenses under the promise of reward or exposure without legal protection or recourse the issue goes beyond ethics and enters the domain of legal exploitation. Contestants engage in advertising and ambassadorial roles for the various sponsors of these pageants and in most cases, the organisers even threaten to have the contestants evicted from the respective pageants if they fail to engage in such roles.⁷¹ Moreover, clarity in regards to financial compensation for such activities is hardly provided. Instead, they often disguise this labour as exposure and opportunities for these participants hence creating room for financial exploitation.

2.3 Conclusion

The lived experiences of young female beauty pageant contestants in Uganda, as analysed in this chapter, unveil an environment marked by informal labour practices, power asymmetries, and systemic neglect. These contestants often navigate unfavourable working conditions unpaid labour, unclear expectations, and sexual harassment under the guise of glamour and opportunity. Moreover, the lack of formal contracts, social protection mechanisms, and accountability standards leaves contestants without recourse when their rights are violated.

⁷⁰ Interview with respondent M, held in Kampala on 4th May, 2025.

⁷¹ Interview with respondent B, held in Kampala on 5th May, 2025.

Instead of functioning as platforms for empowerment, many pageants act as unregulated labour markets.

These challenges are compounded by societal attitudes that normalize and romanticize pageant culture, side-lining critical discourse on the dignity and rights of the participants. Stakeholders including organizers, sponsors, and regulators often escape responsibility, creating a vacuum that leaves the participants' labour rights at stake. The chapter's findings make it clear that protecting the rights of young women in beauty pageants is not just a legal imperative but a moral and social necessity.

CHAPTER 3

LEGAL FRAMEWORK GOVERNING BEAUTY PAGEANTS IN UGANDA

3.1 Introduction

Beauty pageantry as an event has been predominantly characterized as controversial and an unwelcome social venture especially by feminists.⁷² Beauty pageants serve various purposes, for example they expose participants to various career opportunities.⁷³ However, despite their perceived glamour, these competitions pose various risks for the participants by exposing them to various labour rights violations.⁷⁴ This chapter critically examines the current legal frameworks governing beauty pageants on the various levels, and the researcher analyses the role these frameworks play in addressing the legal challenges faced by pageant participants.

3.2 International Legal Framework

At the international level various legal instruments have an impact on the industry, especially in areas of law such relating to participants' economic rights.

3.2.1 Universal Declaration of Human Rights, (UDHR) 1948⁷⁵

The Universal Declaration of Human Rights has been the foundation of much of the post-1945 codification of human rights, with global and regional treaties based, on this Declaration.⁷⁶ The UDHR plays a crucial role when it comes to offering protection to young female pageant

⁷² Ofori-Birikorang Andy, et al. "Beauty Pageants, Controverted Decisions and Emotional Outpour: An Analysis of Social Media Posts on GHANA'S MOST BEAUTIFUL." *Journal of New Media and Mass Communication* 97 (2021): 54- 65, pg.54.

⁷³ Sy, Michael P., Pauline Gail V. Martinez, and Rebecca Twinley. "The dark side of occupation within the context of modern-day beauty pageants." *Work* Vol 69(2) (2021): 367-377, pg. 367.

⁷⁴ "The Dark Side of Beauty Pageants: Scandals and Controversies," <<https://ximenanr.com/the-dark-side-of-beauty-pageants-scandals-and-controversies/>> Accessed on 5th March, 2025.

⁷⁵ [Universal Declaration of Human Rights | United Nations.](#)

⁷⁶ Hannum, Hurst. "The UDHR in national and international law." *Health and Human rights* (1998): 144-158, pg. 144

participants in matters concerning their dignity, protection from exploitation and ensuring fair treatment of all participants in such competitions.

The Declaration is to the effect that "all human beings are born free and equal in dignity and rights".⁷⁷ This means that contestants in beauty pageants should not endure humiliating treatment in any way. Additionally, the Declaration not only spells out the need but also the entitlement to fair and favourable working conditions.⁷⁸ This is relevant in the highly commercialized beauty pageant sector.

Whereas the UDHR is considered to be the foundation for human rights within the UN Human rights system, its most basic problem is that, in itself the UDHR includes no clear mechanism of implementation. All UN declarations, including the UDHR, are aspirational. They embody ideals and goals, but in themselves they provide no concrete framework for actually achieving them. The UDHR contains no means by which to monitor progress or provide support for the implementation of the aspirations laid out therein. The declaration may be universally endorsed, but the fact remains that people endowed with the rights enumerated in the UDHR live within sovereign states and this limits its enforceability in regards to the protection of the rights of the pageant participants.⁷⁹

3.2.2 International Covenant on Economic, Social and Cultural Rights, 1966

(ICESCR)⁸⁰

The ICESCR is a key international instrument that supplements the UDHR in matters relating to economic, social and cultural rights, all of which are also key aspects of beauty pageantry.

The Preamble to the Convention recalls that human rights derive from the inherent dignity of

⁷⁷ Article 1, Universal Declaration of Human Rights.

⁷⁸ Article 23, Universal Declaration of Human Rights.

⁷⁹ Özler Ş. İlgü. "The Universal Declaration of Human Rights at Seventy: Progress and Challenges." *Ethics & International Affairs* 32.4 (2018): 395-406, pp. 99.

⁸⁰ [International Covenant on Economic, Social and Cultural Rights | OHCHR.](#)

the human person and the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of human rights and freedoms.⁸¹ This instrument provides a strong legal grounding for the labour rights of the contestants as it speaks to the right to work.⁸² The covenant places a duty on the member states to protect individuals from economic exploitation.⁸³ The covenant further identifies a non-exhaustive list of fundamental elements to guarantee just and favourable conditions of work.⁸⁴ This ensures economic protection by safeguarding the right to fair wages, equal pay for work of equal value and provision of healthy working conditions. It is important to note that the wider concept of "workers" is used, thereby including vulnerable workers in the informal economy that would fall outside the scope of the traditional notion of "employee".⁸⁵

The abovementioned rights are not absolute, since provision is made for state parties to subject the rights to limitations determined by national laws.⁸⁶

3.2.3 Convention on the Elimination of All Forms of Discrimination Against Women, 1979 (CEDAW)⁸⁷

The CEDAW is the primary international human rights treaty concerned with the protection and promotion of women's human rights. The Convention prohibits any form of discrimination

⁸¹ Pinto Mónica. "International covenant on economic, social and cultural rights." United Nations Audio-visual Library of International Law, https://legal.un.org/avl/pdf/ha/icescr/icescr_e.pdf, (2022), pp. 2.

⁸² Article 6, ICESCR.

⁸³ Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights, General Comment on the right to work (Art. 6) of the ICESCR, paper submitted by Mr. Philippe Texier, member of the committee on economic, social and cultural rights, pp .4.

⁸⁴ Committee on Economic, Social and Cultural Rights General Comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights), pg.3.

⁸⁵ Fourie Elmarie. "Social protection instruments and women workers in the informal economy: A Southern African perspective." Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad Vol 24(1) (2021), 1-46, pp. 6.

⁸⁶ See Article 4 of the ICESCR. The limitations are determined by law only in so far as this may be compatible with the nature of these rights for the purpose of promoting the general welfare of a democratic society.

⁸⁷ [Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979 | OHCHR.](#)

at the work place, a crucial element in ensuring fair and equitable pay and protecting contestants from any forms of economic exploitation.⁸⁸

However, critics of the CEDAW see its various shortcomings as undermining progress towards achieving gender equality.⁸⁹ Countries either fail to meet or outrightly ignore reporting requirements.⁹⁰ Others also fail to provide remedies for individual violations.⁹¹ To that extent, the CEDAW has failed to meet its objective, that failure can be attributed to various shortcomings in the agreement which include, notwithstanding attempts to strengthen the enforcement mechanisms through the adoption of the Optional Protocol.⁹² The fact remains that CEDAW's enforcement system is weak especially when compared to the enforcement mechanisms contained in other international agreements.⁹³

3.2.4 Convention on the Rights of Persons with Disabilities (CRPD), 2006⁹⁴

The CRPD is the main international instrument that protects and promotes the rights of persons with disabilities (PWDs).⁹⁵ It realises these rights by ensuring full participation of PWDs in society on an equal basis with others. The Convention provides for the right of PWDs to work.⁹⁶ The practical realities of international beauty pageants do not align with this provision. Many pageants have unspoken or explicit criteria that excludes PWDs, for example, the Miss Earth

⁸⁸ Article 11, CEDAW.

⁸⁹ Michael L. Buenger. "Human Rights Conventions and Reservations: An Examination of a Critical Deficit in the CEDAW" Buffalo Human Rights Law Review 20 (2013-2014): 67-90, pg. 79.

⁹⁰ Jennifer Riddle. Making CEDAW Universal: A Critique of CEDAW's Reservation Regime under Article 28 and the Effectiveness of the Reporting Process, 34 GEO. WASH. INT'L L. REV. 605 (2002).

⁹¹ See, e.g., Comm. on the Elimination of Discrimination Against Women, Comm'n, 36th Session, Aug. 7-25, 2006, Commc'n No. 4/2004 (Aug. 14, 2006).

⁹² See Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, art. 19, Oct. 6, 1999, 1248 U.N.T.S. 13, ("Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations").

⁹³ Nancy Kim. Toward a Feminist Theory of Human Rights: Straddling the Fence between Western Imperialism and Uncritical Absolutism, 25 COLUM. HUM. RTS. L. REV. 49, 79-82 (1993) (noting weak enforcement provisions of CEDAW); Jennifer T. Sudduth, CEDAW's Flaws: A Critical Analysis of Why CEDAW is Failing to Protect a Woman's Right to Education in Pakistan, 38 J.L. & EDUC. 563, 563 (2009) (arguing CEDAW failed to protect a woman's right to education).

⁹⁴ [Convention on the Rights of Persons with Disabilities | OHCHR](#), accessed on 23rd April, 2024.

⁹⁵ Article 1, CRPD.

⁹⁶ Article 27 CRPD.

pageant requires its participants to be in an excellent physical condition, which may not be the case for PWDs hence excluding them from such pageants.⁹⁷ Rather than making the pageantry more inclusive to PWDs, the global pageant industry has often responded by creating separate contests that are exclusive to PWDs such as Miss Wheelchair.⁹⁸ Although this move is well-intentioned, this approach reinforces segregation and the notion that PWDs cannot compete on the same platforms as the non-disabled hence reinforcing discrimination of PWDs on the international pageant scene. Encouragingly, some pageants are moving away from this exclusionary model, a notable example being Miss Uganda, where in 2023 where Patience Nashua, a contestant with both hearing and speech impairments was allowed to participate thereby promoting the inclusive spirit envisioned in the Convention.⁹⁹ Her successful participation points out that with the needed accommodation, PWDs can fully and meaningfully engage in mainstream beauty pageants.

Uganda being a state party to the CRPD has an obligation to raise awareness in all parts of society, including among state officials of all branches of government and within the private sector, about the scope, content and practical consequences of the right to work. This must be done with a view of addressing the different types of discrimination and combating the various attitudinal barriers connected therewith, ensuring that disability is not a ground for the exclusion of PWDs from work.¹⁰⁰

3.2.5 International Labour Organization (ILO) Standards and Conventions

⁹⁷ <<http://www.missearth.tv/pageant.php>>, accessed on 23rd April, 2025.

⁹⁸ <<https://misswheelchairworld.org/en/>>, accessed on 23rd April, 2025.

⁹⁹ Daily Monitor, Nashua, the deaf Miss Uganda contestant who dreams of walking away with the crown, accessible at <https://www.monitor.co.ug/uganda/lifestyle/entertainment/nashua-the-deaf-miss-uganda-contestant--4135042>, accessed on 23rd April, 2025.

¹⁰⁰ [General comment No.6 on equality and non-discrimination | OHCHR](#), Paragraph 76(j), accessed on 23rd April, 2025.

The labour standards and conventions established by the ILO offer a regulatory framework that is applicable beauty pageants. Contestants often enter into various contracts, making it vital to implement labour protections that ensure fair pay, transparency in contracts, and safety of the contestants. The ILO's Conventions addressing forced labour (C029),¹⁰¹ and discrimination in employment (C111),¹⁰² can be utilized to protect contestants from exploitative situations and discriminatory behaviours related to their appearance, age, or gender. ILO Convention No. 190,¹⁰³ that addresses Violence and Harassment defines violence and harassment, to include gender-based violence, which is applicable within the context of pageants. ILO Conventions No. 100,¹⁰⁴ on Equal Remuneration mandates equal pay for work of equal value, which is significant in ensuring remuneration for participants. ILO Convention No. 111,¹⁰⁵ on Discrimination (Employment and Occupation) prohibits discrimination based on gender, appearance, or other arbitrary factors in the workplace also proves useful in advancing the rights of pageant participants. Much as these conventions are relevant, their effectiveness still remains low because most of them are not ratified. For example Uganda had not ratified Convention 187,¹⁰⁶ on Promotional Framework for Occupational Safety and Health Convention, which Convention is relevant in the regulation of beauty pageants and the absence of adequate enforcement mechanisms further complicates the effectiveness of these conventions.

¹⁰¹ [Convention C029 - Forced Labour Convention, 1930 \(No. 29\) Accessed on 29th February, 2025.](#)

¹⁰² [Convention C111 - Discrimination \(Employment and Occupation\) Convention, 1958 \(No. 111\) Accessed on 29th February, 2025.](#)

¹⁰³ [Convention C190 - Violence and Harassment Convention, 2019 \(No. 190\) Accessed on 29th February, 2025.](#)

¹⁰⁴ [Convention C100 - Equal Remuneration Convention, 1951 \(No. 100\) Accessed on 29th February, 2025.](#)

¹⁰⁵ [Convention C111 - Discrimination \(Employment and Occupation\) Convention, 1958 \(No. 111\) Accessed on 29th February, 2025.](#)

¹⁰⁶ [Convention C187 - Promotional Framework for Occupational Safety and Health Convention, 2006 \(No. 187\) Accessed on 29th February, 2025.](#)

3.3 African Regional Legal Framework

3.3.1 African Charter on Human and Peoples' Rights, 1981 (ACHPR)¹⁰⁷

The Preamble to the African Charter on Human and Peoples' Rights provides critical normative guidance that aligns closely with the objectives of this research. By affirming the connection between civil, political, economic, social, and cultural rights, the Preamble reflects a holistic understanding of human dignity that supports the recognition of economic rights within non-traditional employment contexts such as beauty pageants.¹⁰⁸ The Preamble's reaffirmation of adherence to international human rights instruments extends to ensuring that the labour rights of young female contestants are realised.¹⁰⁹ Therefore, the spirit of the Preamble substantiates this research's call for the legal recognition and protection of economic rights of beauty pageant participants.

The Charter provides that every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.¹¹⁰ The right to work, according to the African Commission on Human and People's Rights (hereafter referred to as "the Commission"), 'forms an inseparable and inherent part of human dignity, and is integral to an individual's role within society.'¹¹¹ On several occasions the Commission has stated that this right encompasses the right to 'gain a living'.¹¹² Consequently, individuals ought not to be compelled to choose their employment.¹¹³ However, from the interviews, many pageant participants reported being told to engage in certain work such as advertising for the various sponsors and organisers. States are required to 'promote and safeguard' as well as ensure that

¹⁰⁷ [AFRICAN \(BANJUL\) CHARTER ON HUMAN AND PEOPLES' RIGHTS, Accessed on 29th February, 2025.](#)

¹⁰⁸ Paragraph 7, Preamble to the African Charter on Human and People's Rights.

¹⁰⁹ Amoah Philip. "The African Charter on Human and Peoples' Rights - An Effective Weapon for Human Rights." African Journal of International and Comparative Law, vol. 4, no. 1, 1992, pp. 226-241. pg. 226.

¹¹⁰ Article 15, ACHPR.

¹¹¹ Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights, para 57.

¹¹² State Party Reporting Guidelines for Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights (Tunis Reporting Guidelines).

¹¹³ Guidelines for National Periodic Reports, 1988.

the right to work is effectively respected.¹¹⁴ Further, there ought to be ‘fair remuneration’.¹¹⁵ However, most of the time, beauty pageants participants are not paid for any work they do for the organisers and sponsors while in the pageant.

There ought to be ‘rest, leisure and reasonable limitation of working hours, periodic holidays with pay, public holidays with pay’.¹¹⁶ Although the Commission has said relatively little about the exact nature of these, it has asked from States information on ‘weekly rest; normal hours of work and overtime’ and ‘remuneration for public holidays’.¹¹⁷ Most of the participants who were interviewed pointed out that they hardly got any rest, with the day starting as early as 4am and practice stretching up to the wee hours of the night.

In as far as the charter is applicable to beauty pageants, neither has the African Court on Human and People’s Rights nor has the Commission ruled on any beauty pageant cases, despite their popularity in Africa, hence limiting jurisprudential guidance on the issue within the region.

3.3.2 Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa, 2003 (Maputo Protocol)¹¹⁸

The Preamble to the Maputo Protocol puts forward a foundation for situating the protection of beauty pageant participants within a broader rights-based framework. It underscores the principle of non-discrimination on the basis of sex, an issue central to this study as it highlights how young women in Uganda’s beauty pageant sector continue to be excluded from formal

¹¹⁴ Guidelines for National Periodic Reports, 1988, para 7. See also Article 6(3)(b) of the M’Baye Draft.

¹¹⁵ Guidelines for National Periodic Reports, 1988, para 6. Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples’ Rights, para 59.

¹¹⁶ State Party Reporting Guidelines for Economic, Social and Cultural Rights in the African Charter on Human and Peoples’ Rights (Tunis Reporting Guidelines); Pretoria Declaration on Economic, Social and Cultural Rights in Africa (2004), para 6. See, similarly, Article 6(3)(d) of the M’Baye Draft: ‘Rest, leisure and reasonable limitation of working hours, and periodic holidays with pay as well as remuneration for public holidays.’

¹¹⁷ State Party Reporting Guidelines for Economic, Social and Cultural Rights in the African Charter on Human and Peoples’ Rights (Tunis Reporting Guidelines), para 9.

¹¹⁸ African Union (AU) Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, adopted on 11th July 2003.

labour protections.¹¹⁹ The Preamble explicitly acknowledges the persistent discrimination and harmful practices still faced by women in Africa, even after ratification of major human rights instruments.¹²⁰ This directly speaks to the legal challenges revealed in this research. Additionally, the Protocol's concern with practices that endanger the physical and psychological development of women is highly relevant, given the mental health challenges, faced by pageant participants as documented in this research.¹²¹

Through its explicit enumeration of state obligations to comprehensively protect African women from discrimination, the Maputo Protocol, as the document is commonly known, affirms and surpasses the scope of women's rights as outlined in previous international treaties.¹²² The Protocol covers employment, social security, unpaid care work, among other things.¹²³ Other Articles of the Maputo Protocol also address related rights; for example, defining 'violence against women' as including economic harm and mandating governments to protect women from such forms of violence through legislative, administrative, social and economic measures. The Protocol addresses economic and social rights with the aim of ensuring fair treatment of women within the employment realm.¹²⁴ The Protocol mandates the member States to "adopt and enforce legislative and other measures to guarantee women equal opportunities in work, career advancement and other economic opportunities. In this regard, State parties have to implement various measures to combat and punish sexual harassment in the workplace."¹²⁵

¹¹⁹ Paragraph 2, Preamble to the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, adopted on 11th July 2003.

¹²⁰ Paragraph 12, Preamble to the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, adopted on 11th July 2003.

¹²¹ Paragraph 13, Preamble to the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, adopted on 11th July 2003.

¹²² Geng Jing. "The Maputo protocol and the reconciliation of gender and culture in Africa." In Research handbook on feminist engagement with international Law, pp. 411-429. Edward Elgar Publishing, 2019, pp. 441.

¹²³ Article 13, Protocol to the African Charter on the Rights of Women in Africa, 2003.

¹²⁴ Article 13, Protocol to the African Charter on the Rights of Women in Africa, 2003.

¹²⁵ Dr Scholastica Omondi Et al. Breathing Life into the Maputo Protocol: Jurisprudence on the rights of Girls and Women in Africa, 2018, Equality Now, pp.74.

However, though the Protocol is described as far-reaching because it treats areas that have not been covered by other human rights instruments such as women's reproductive health issues, protection against HIV and AIDS, domestic abuse and marital rape its scope is somehow limited especially in regards to the realm of beauty pageants which are a popular phenomenon in Africa.¹²⁶

3.4 Uganda's Legal Framework

In Uganda, different legislations may be seen to apply to beauty pageants in one way or the other.

3.4.1 The Constitution of the Republic of Uganda (1995 as amended)

The Constitution is the supreme law of Uganda and has binding force on all authorities and persons throughout Uganda.¹²⁷ It is the custodian of fundamental rights and freedoms which include economic rights. Among the rights enshrined in the Constitution, those pertinent to this research include, the right to dignity,¹²⁸ protection from slavery, servitude and forced labour,¹²⁹ equality and freedom from discrimination,¹³⁰ and the rights of women.¹³¹

The Constitution mandates Parliament to enact laws that provide for the right of persons to work under satisfactory, safe and healthy conditions, ensure equal payment for equal work without discrimination and ensure that every worker is accorded rest and reasonable working hours and periods of holidays with pay, as well as remuneration for public holidays.¹³² However, most beauty pageants do not adhere to this provision of the law as most participants

¹²⁶ L Musyimi-Ogana. "Ownership of the African Women's Rights Protocol and win-win case for reporting." See generally, B Kombo, R Sow and F Jama (Editors), "Journey to Equality: 10 years of the Protocol on the Rights of Women in Africa" (2013), a joint initiative of Solidarity for African Women's Rights and make Everywoman Count, Equality Now, pp. 20.

¹²⁷ Article 2(1), The Constitution of the Republic of Uganda, 1995 as amended.

¹²⁸ Article 24, The Constitution of the Republic of Uganda, 1995 as amended.

¹²⁹ Article 25, The Constitution of the Republic of Uganda, 1995 as amended.

¹³⁰ Article 21, The Constitution of the Republic of Uganda, 1995 as amended.

¹³¹ Article 33, The Constitution of the Republic of Uganda, 1995 as amended.

¹³² Article 40(1), The Constitution of the Republic of Uganda, 1995 as amended.

have reported that they work for long hours, hardly getting any rest and such working conditions are unsatisfactory to the pageant participants. These provisions provide a legal basis to ensure that the labour rights of the pageant participants are protected.

3.4.2 Employment Act, Cap 226

The Uganda Employment Act is the overall legislation that seeks to protect labour rights by ensuring fair treatment and favourable working conditions for employees. In the realm of beauty pageants, the Act is applicable since it prohibits exploitative labour, promotes equal remuneration,¹³³ and addresses the issue working hours.¹³⁴ The Employment Act is the primary Act governing employer- employee relationships in Uganda. The Act defines an employee as ‘any person who has entered into a contract of service or an apprenticeship contract, including, without limitation, any person who is employed by or for the Government of Uganda, including the Uganda Public Service, a local authority or a parastatal organisation but excludes a member of the Uganda Peoples’ Defence Forces’.¹³⁵ Although participants in beauty pageants are often dealt with as contestants and not as conventional employees, they still undertake activities that involve much time and effort, including rehearsals, interviews, and public appearances

Tests of employment

Considering the various employment tests, participants may at a point in time, qualify as employees of the respective pageant organisations. In regards to the control test, the distinguishing element is control. In *Yewens v Noakes*,¹³⁶ it was stated that ‘A servant is a person subject to the command of his master as to the manner in which he shall do his work’. Today, control is still important but it is not decisive. Nonetheless, it is quite clear that the participants are usually wholly under the control of the organisers of the pageants and therefore,

¹³³ Section 40, The Employment Act, Cap 226.

¹³⁴ Section 52, The Employment Act, Cap 226.

¹³⁵ Section 2, The Employment Act, Cap 226.

¹³⁶ [1880] 6 QBD 530.

basing on this test, they can be classified as employees. The control test was however replaced by the organisation test which required an employee to be an integral part of the employer's organisation. In *Cassidy v Ministry of Health*,¹³⁷ it was held that the Ministry was vicariously liable for the negligence of a surgeon in performing an operation because the hospital authority was in a position to make rules concerning the organisation of the medical staff's work, as opposed to the manner in which it was done. The surgeon was an integral part of the organisation. If one were to consider this test, the contestants would automatically qualify as employees as they are an integral part of the pageant organisations, and without them, the organisers' business would cease to be operational. However, the modern approach has been to abandon the search for a single test and to adopt a multiple test, thereby weighing all the factors for and against the existence of a contract of employment. In *Market Investigations Ltd v Minister of Social Security*,¹³⁸ the court emphasised that there was 'no exhaustive test compiled nor strict rules laid down', but suggested that the following would be among the factors to be considered; degree of control by the employer, degree to which the worker risks loss/stands to profit, ownership of tools and equipment, degree to which the worker is an integral part of the business, method of payment, whether deductions are made for tax and national insurance, whether there is a mutuality of obligation, and the terms used by the parties.¹³⁹ From the factors above, it can be deduced that pageant contestants meet the bigger criteria that qualifies them as employees for the respective organisations, yet however, most of them are not classified as employees, especially in the Ugandan context.

The Employment Act,¹⁴⁰ expressly outlaws forced labour and exploitative practices which then captures the ethos of the Constitution.¹⁴¹ Most of the participants interviewed admitted that

¹³⁷ [1951] 2 KB 343.

¹³⁸ [1969] 2 QB 173.

¹³⁹ Suff Marnah and Alison Bone, *Essential Employment Law*, 2nd ed, Cavendish Publishing Limited, London. Pg. 17- 20.

¹⁴⁰ Section 4, Employment Act Cap 226.

¹⁴¹ Article 25, the Constitution of the Republic of Uganda, 1995 as amended.

they were often participated in promotional and advertising activities particularly for the sponsors of these pageants without pay, failure of which was always accompanied by threats to have them evicted from the pageants or even risk having their titles taken away, in the case of those who had won various titles.

The Employment Act places a duty on employers or their representatives to lodge any complaint in regard to sexual exploitation with the labour officer.¹⁴² However, in the context of pageants, according to various participants that were interviewed, most of the organisers are the very employers who perpetuate the sexual harassment of the participants making it hard for the participants to lodge complaints.

The Employment Act address the issue of wages when it comes to employment.¹⁴³ Often times, pageant participants, especially winners are promised monetary rewards in term of salaries and allowances, in many cases such promises are never fulfilled.¹⁴⁴ It becomes hard for them to legally enforce such promises as they are usually not regarded as employees. One of the interviewed participants stated that she had been promised monthly salary, land and living allowances upon winning the pageant. However, even after she won, she did not receive any of the promised prizes and yet she had to dedicate her time fully to activities of the pageant organisation.¹⁴⁵

Employees are entitled to one day of rest for each 6 consecutive days of work.¹⁴⁶ In the course of this research, it was observed that the requirement for weekly rest was not adhered to at all in the beauty pageant sector. Further, employees may not be employed for more than 48 hours

¹⁴² Section 6(2), Employment Act Cap 226.

¹⁴³ Sections 40 and 42, Employment Act Cap 226.

¹⁴⁴ Daily Monitor, Miss Tourism: All We get are sashes, accessible at <<https://www.monitor.co.ug/uganda/magazines/life/miss-tourism-all-we-get-are-sashes-4334612>> Accessed on 25th April, 2025.

¹⁴⁵ Interview with Respondent K, held by the researcher in Kampala on 5th May 2025.

¹⁴⁶ Section 50(1), Employment Act Cap 226.

per week and 10 hours per day without being paid overtime.¹⁴⁷ Although there are several exceptions, such as shift work, even for such employees a limit of 56 hours per week on average is set, however, such legal restrictions are not given observance in the pageant industry.

3.4.3 Contracts Act, Cap 284

Access to the statutory protection given to employees is dependent on the existence of the contract of employment whose requirements are set by this Act.¹⁴⁸ A contract under the Contracts Act is defined to mean an agreement made with the free consent of parties with capacity to contract, for a lawful consideration and with a lawful object, with the intention to be legally bound.¹⁴⁹ The Act goes ahead and states that a contract may be oral or written or partly oral and partly written or it may be implied from the conduct of the parties therein.¹⁵⁰ A contract of employment can be entered into formally or informally. It can emerge as a result of an advertisement, an interview, negotiations, exchange of letters or casual conversations. Its validity can be affected by illegality, lack of capacity,¹⁵¹ misrepresentation, mistake,¹⁵² duress or undue influence.¹⁵³ Most pageant participants are hardly given written contracts however, the contract can be inferred from how the parties, that is the organisers and the participants conduct themselves which in most cases amounts to a contract.

3.4.4 Occupational Safety and Health Act, Cap 231

This Act aims to keep workplaces safe and healthy for everyone.¹⁵⁴ The Act defines health in relation to work, as not merely the absence of disease or infirmity, but includes the physical and mental elements affecting health which are indirectly or directly related to safety and

¹⁴⁷ Section 52(5), Employment Act Cap 226.

¹⁴⁸ Alison Bone and Marnah Suff, *Essential Employment Law*, 2nd Edition, 1999, Cavendish Printing Press, pp.2.

¹⁴⁹ Section 9(1), Contracts Act, Cap 284.

¹⁵⁰ Section 9(2), Contracts Act, Cap 284.

¹⁵¹ Section 10, Contracts Act, Cap 284.

¹⁵² Sections 16 and 17, Contracts Act, Cap 284.

¹⁵³ Section 13, Contracts Act, Cap 284.

¹⁵⁴ Part III, Occupational Safety and Health Act, Cap 231.

hygiene at work.¹⁵⁵ While beauty pageants aren't the usual kind of workplace, contestants still face various health and safety challenges many of which are related to mental health.¹⁵⁶ They experience stress from competing. However, from the findings of this research, no psychological help is rendered to the participants. Under this Act, all workspaces must ensure the physical and mental well-being of workers. Despite this, pageant organisers are not held to these standards.

3.4.5 Sale of Good and Supply of Services Act Cap 292¹⁵⁷

The Sale of Goods and Supply of Services Act plays a significant role in contextualising the legal obligations and protections relevant to Uganda's beauty pageant sector. This is so particularly where pageant participants render services such as promotional appearances, public relations engagements, and endorsements. While beauty pageant participation may not always fall under conventional employment contracts, the Act's broad definition of services as 'any service or facility provided for gain or reward or otherwise than free of charge, including services or facilities for amusement, cultural activities, entertainment, instruction, recreation or refreshment', creates a legal foundation for recognising contestants as service providers entitled to certain protections.¹⁵⁸ The Act allows contracts to be formed through conduct or verbal agreement, mirroring the often informal and ambiguous nature of agreements in the beauty pageant context.¹⁵⁹ The Act also provides remedies under Part VII for breach of service contracts, including actions for non-performance, entitling participants to seek redress where pageant organisers fail to deliver on prizes, career opportunities, or sponsorship arrangements.¹⁶⁰ Therefore, this Act, though not expressly designed for pageantry, offers a

¹⁵⁵ Section 1, Occupational Safety and Health Act, Cap 231.

¹⁵⁶ Vianne Grace C. D (2016), *Beyond the Sash and the Crown, A Cultural Examination of the Possible Impacts of Beauty Pageants in the Filipino Society*, pp.46.

¹⁵⁷ Cap 292.

¹⁵⁸ Section 1, Sale of Goods and Supply of Services Act, Cap 292.

¹⁵⁹ Section 5, Sale of Goods and Supply of Services Act, Cap 292.

¹⁶⁰ Section 63, Sale of Goods and Supply of Services Act, Cap 292.

legal avenue through which pageant participants may report their grievances and demand accountability within an otherwise legally grey industry.

3.4.7 Employment (Sexual Harassment) Regulations, 2012

These regulations impose obligations on employers to prevent and address sexual harassment in the workplace. In the case of beauty pageants, no such protections are operationalised. Many respondents reported instances where they were they received sexual advances from various people such as organisers, and in most cases, there were no channels for them to get redress for such cases. The Employment Act and Regulations on Sexual Harassment address the issue of sexual harassment at workplaces.¹⁶¹ Beauty pageants have proved to be hunting grounds for sexual predators.¹⁶² In many pageants, organisers, sponsors and judges often solicit sexual favours from the participants with a promise of helping them to secure the crown and relevant titles. Most girls find themselves at the mercy of such organisers and end up being sexually harassed and exploited while in these pageants.

3.5 Conclusion

The legal frameworks at international, regional, and domestic levels offer broad protections relevant to labour rights, yet they remain inadequately applied to Uganda's beauty pageant sector. Internationally, instruments such as the UDHR and ICESCR affirm the right to dignity, fair wages, and protection from exploitation. Similarly, while CEDAW and the CRPD prohibit discrimination and promote inclusive employment, they fall short in addressing the structural barriers faced by female and disabled contestants in pageants. ILO Conventions including C029, C100, C111, and C190 are also directly relevant to labour, remuneration, and protection

¹⁶¹ Section 6, Employment Act Cap 226.

¹⁶² Beauty pageants are hunting grounds for predators available at <https://blogs.dw.com/womentalkonline/index.html%3Fp=32013.html> Accessed on 6th March, 2025.

from harassment. However, weak enforcement reduces their effectiveness. Regionally, the ACHPR and Maputo Protocol provide for equitable work and protection from economic harm, but they lack direct jurisprudence in the context of pageantry.

Domestically, Uganda's Constitution, Employment Act, Contracts Act, Occupational Safety and Health Act, Sale of Goods and Supply of Services Act, and Employment (Sexual Harassment) Regulations contain protections that could support pageant participants. Yet, due to ambiguous employment status and informal arrangements, these laws often fail to adequately protect the labour rights of pageant participants.

Therefore, while the legal instruments examined provide a foundation for safeguarding labour rights, their fragmented and inconsistent application leaves pageant participants legally unprotected. Addressing this gap requires both reinterpretation and targeted reform.

CHAPTER FOUR

POLICY RECOMMENDATIONS FOR ENHANCING LEGAL PROTECTION OF YOUNG FEMALES IN BEAUTY PAGEANTS

4.1 Conclusion

This chapter proposes a multifaceted reform strategy covering various economic rights of pageant participants. By adopting a strict licensing regime for the pageant organisations, making justice more accessible and establishment of a committee tailored to the specific needs of pageantry under the ministry of Gender, Labour and Social Development in order to create a safe environment for the participants, pageants can be transformed into avenues that realise the labour rights of the involved contestants. Each recommendation aims to fill the current legal and policy void that leaves participants vulnerable to abuse of their economic rights. Given the global nature of beauty pageants, this chapter suggests that future research should aim at exploring specific legal strategies for beauty pageants on an international scale. By integrating these reforms into national policy and law, Uganda can set a progressive precedent in the region one that honours the cultural significance of pageantry while firmly upholding the economic rights involved participants. These reforms must not remain aspirational—they must be translated into action, monitored for impact, and continuously refined to reflect the lived realities of the young women they aim to protect.

4.1.1 To determine and assess the legal challenges faced by young females participating in beauty pageants

The research found that young female participants in Uganda's beauty pageants face a wide range of legal and labour-related challenges. These challenges include lack of contractual clarity, sexual exploitation, and limited legal awareness. Participants often sign vague contracts, are overworked during boot camps, and experience sexual harassment without clear

reporting channels. These conditions reflect systemic gaps in legal protection, underscoring the need for the realisation of participants' economic rights.

4.1.2 To evaluate the adequacy of the legal framework on beauty pageants in Uganda

Several statutes such as the Constitution, the Employment Act and the Occupational Safety and Health Act offer general protections for the economic rights of participants. However, they are not tailored to the unique structure and vulnerabilities of the pageant industry. Pageant participants are not legally classified as employees, which excludes them from formal labour protections. The absence of clear enforcement mechanisms further exacerbates the risk of infringement of participants' economic rights, revealing a critical legal vacuum.

4.1.3 To offer policy recommendations for enhancing the current legal framework in order to provide improved protection for young females participating in competitive beauty pageants

This research proposes comprehensive policy and legal reforms aimed at addressing the identified legal challenges. These include the enactment of specific regulations under the Employment Act to govern beauty pageants, establishment of a licensing and oversight body, mandatory contracts, welfare desks, and mental health support for contestants. The recommendations also call for expanding the legal definition of employment to include pageant participants. Implementing these reforms would transform beauty pageants from exploitative platforms into protected, empowering spaces for young women.

4.2 Recommendations

4.2.1 To Policy makers and legislators

Uganda should establish an Approval and Licensing committee under the Ministry of Gender, Labour, and Social Development (referred to as “the ministry” hereafter). The duties of this Committee should include carrying out background checks on the relevant organisations to

ensure that they comply labour laws before they can be licensed. The Committee should subject these organisations to a strict financial audit to ensure transparency, prevent fraud and economic exploitation of the contestants. Additionally, the Committee should also ensure that the contestants are provided with mandatory safety training for them to recognise and report abuse without fear of intimidation from the organisers. The Ministry should also come up with a policy that mandates contractual clarity, ensuring contestants sign legally recognized agreements detailing remuneration, obligations, and protections. Such contracts should also be standardized in that there is a certain criterion that they should meet, one that is in line with public policy.

In order to promote accountability and protection of the rights of participants, a legally binding code of ethics should be put in place. This code should be developed through a process where relevant stakeholders such as former contestants, legal advocates, organisers and officials from the Ministry of Gender, Labour and Social Development participate. The code's objective should be to put forward standards that regulate the ethical conduct of organisers within the industry. Among the core ethics that should be captured in this code is the absolute prohibition of any form of harassment, exploitation or abuse of power by organisers. This code should legally mandate organisers to sign declarations of compliance before they are licensed. The code should be enforceable by law with consequences for non-compliance such as sanctions, fines, and suspension of licences. By codifying these ethical standards, Uganda can have a pageantry system that is not only glamorous but also safe and respectful to the economic rights of the participants.

4.2.2 To Pageant Organisers

Pageant Participants' Welfare and Legal Aid Desk

To protect the overall well-being of participants, it is crucial that every pageant organiser holding a license is mandated by the law to establish and maintain a welfare and legal aid desk for the participants, which desk should serve as a mechanism for making sure that participants receive the legal and psychological support that they need to go through the competitive pageantry world. The desk should be managed by a team of trained professionals including social workers, mental health counsellors and legal experts in labour law. This desk would be responsible for providing continuous psychological support to the participants, including pre pageant orientation, access to mental health services throughout the rehearsals, competition and after the pageant to address issues of stress, self-esteem and anxiety. Further, the desk should have the obligation of reviewing, negotiating and explaining the contracts to the participants to make sure that they understand their rights and obligations therein. This would enable participants to sign contracts they fully understand especially with regard to their economic rights.

In addition, the desk should take on the role of monitoring the well-being of the participants throughout the entire pageant cycle, from the recruitment phase through the training phase, the competition, up to until the subsequent engagements. This could be through conducting regular wellness checks, and maintaining confidential channels for reporting grievances. By institutionalising such a support structure, the beauty pageant industry in Uganda would demonstrate a clear commitment to safeguarding the economic rights of participants.

To ensure the safety of participants, all licensed pageant organisers should be legally required to obtain comprehensive insurance policies. In the researcher's opinion, this requirement would serve to mitigate any physical and psychological risks associated with participation in pageants. Given the exhausting nature of pageant activities which often include long hours of practice, travel and public performances, the potential of health complications, and accidents happening

is high. As such, insurance covers should be a non-negotiable precondition for licensing any pageant in Uganda.

By institutionalising insurance and risk coverage as a standard practice, the beauty pageant industry in Uganda would not only promote participant welfare but also signal a shift toward greater accountability and professionalism.

4.2.3 To the judiciary

Labour officers and magistrates should be sensitised and trained on the specific nature of disputes in beauty pageants, including issues of informal contracts, and psychological harm. Implementation must include continued judicial education programs, development of a standardised pageant-dispute bench book, and designation of at least one labour officer per region to specialise in these matters. The judiciary, in partnership with legal aid providers, should also establish pro bono schemes to support contestants who lack resources to pursue justice. Such schemes should be reviewed annually for effectiveness, user accessibility, and impact.

4.3 Recommendations for Further Research

Academic institutions, especially those teaching law, sociology and gender studies should be encouraged to engage in interdisciplinary research that looks into the broader implications of beauty pageants on participants and society at large. One essential area of research that should be paid attention to is the long-term socio-economic outcomes of pageants on participants, both current and former and how participation in pageants results into sustainable career opportunities or social mobility. Such research could shade more light on the disparities between the perceived benefits of involvement in pageantry and the actual lived experiences, providing data-based analysis for evaluating the industry's contribution to the empowerment of women.

Further, research should also examine the intersectionality between labour, gender and media representations within the beauty pageant industry, this includes an analysis of gender norms, media portrayals, commodification and objectification of female bodies and how these influence labour conditions and the public perceptions of contestants. Research in this area could illuminate on how cultural and structural forces shape vulnerability and power dynamics within pageantry. Universities can partner with the pageant approval and licensing committee onto design data-driven evaluation tools and publish annual reports that feed directly into the review and reform of existing laws and policies.

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APPENDICES

APPENDIX A: QUESTIONNAIRE DATA COLLECTION TOOL FOR THE RESEARCH TITLED CROWNS AND CONTRACTS: EVALUATING LABOUR RIGHTS AND LEGAL PROTECTIONS WITHIN UGANDA’S BEAUTY PAGEANT SECTOR

Confidentiality Statement: This interview is for academic purposes. Your responses will remain confidential and used only for research analysis.

SECTION 1: GENERAL BACKGROUND (For All Respondents)

1. Could you share a bit about your background and how you became involved in the beauty pageant industry?
2. From your experience, what do you think are some of the most significant aspects of the beauty pageant sector in Uganda?
3. How would you describe the general environment within which beauty pageants operate?

Section A: Demographic Information

1. Age:
2. How many pageants have you participated in?

Section B: Experiences in Beauty Pageants.

1. What motivated you to participate in the beauty pageant(s)?
2. How did you prepare for the pageant(s)?
3. Were you provided with a contract before participating? (Yes/No)
4. If yes, did you understand the terms and conditions of the contract?

5. Were there any instances where you felt uncomfortable or unsafe during the pageant?
If yes, please describe.
6. If yes, how did you address the issue?
7. Were there mechanisms in place for reporting grievances? (Yes/No)
8. Were there any obligations imposed on you? If yes, please specify.

Section C: Participant Welfare

1. Could you describe your daily routine while in the bootcamp as you prepare for the finale?
2. Were you satisfied with your welfare while at the bootcamp?
3. Did the organizers provide any psychological or emotional support during or after the pageant?
4. What initially attracted you to participate in beauty pageants, and how has your experience compared to your expectations?

Section C: Awareness of Legal Safeguards

1. Were there any moments where you felt uncertain about your rights or the expectations placed on you?
2. Are you aware of any laws in Uganda that regulate beauty pageants?
3. Looking at your journey, would you say that there are adequate structures in place to safeguard the well-being of contestants?
4. What changes would you suggest to improve the protection of young females in beauty pageants?

Section D: General Feedback

1. What has been the most positive aspect of your participation in beauty pageants?

2. What has been the most challenging aspect?
3. Would you recommend other young females to participate in beauty pageants? Why or why not?