THE ROLE OF HUMAN RIGHTS NON-GOVERNMENTAL ORGANISATIONS IN THE ENFORCEMENT OF THE LAW AGAINST DOMESTIC VIOLENCE IN UGANDA (DEFENDING THE VOICELESS)

BY

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DECLARATION

I Fidelis Ambe Ngwa do hereby declare this is my original work and where works have been quoted, it is clearly indicated. That to the best of my knowledge and belief, this paper has never been submitted to any other University or tertiary institution of higher learning for any academic award.

Signed: .........................
Date: .................. 10/4/13

I Fidelis Ambe Ngwa do hereby affirm/declare that this work has been duly supervised according to the university and regulations regarding research.
APPROVAL BY SUPERVISOR

"I certify that I have supervised and read this study that in my opinion, it conforms to as a dissertation in partial fulfillment for the award of Degree of Bachelor of Law of Kampala International University."

Name of Supervisor: MUGABA R.M

Signature: ........................................

Date: ........................................
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ABSTRACT

This study undertook to investigate the role of Human Rights non-governmental organizations in the enforcement of the law against domestic violence.

The specific objective of this study is to examine the practice of domestic violence, how the practice is conducted, what is the reaction of the relevant authorities towards the practice and if so what are the various steps that have been taken.

According to the findings, most women are victims of domestic violence. Therefore most women are subjected to torture, cruel, inhuman and degrading treatment.

Finally as recommendations the underlying root cause of the practice of domestic violence should be identified and addressed by the relevant authorities and bodies. There is need to sensitize the communities still practicing domestic violence about the risks involved in the practice and also funding should be provided to respective bodies such as NGOs that deal with the sensitization of people about the practice of domestic violence.
LIST OF ACRONYMS

ACHPR  African Charter on Human and Peoples Rights
CBOs  Community Based Organizations
CEDAW  Convention on the Elimination of All Forms of Discrimination against Women
CRC  Convention on the Rights of the Child
CRC  Convention on the Rights of the Child
EHRO  Egyptian Human Rights Organization
FGM  Female Genital Mutilation
ICCPR  International Covenant on Civil and Political Rights
ICCPR  International Convention on Civil and Political Rights
ICESCR  International Convention on Economic, Social and Cultural Rights
ICESR  International Covenant on Economic, Social and Cultural Rights
ICPD  International Conference on Population and Development
NGOs  Non Governmental Organizations
REACH  Reproductive, Education and Community Health Program
UDHR  Universal Declaration of Human Rights
UN  United Nations
UNDHR  Universal Declaration of Human Rights
UNFPA  United Nations Fund for Population Agency
UNFPA  United Nations Fund for Population Activities
UNICEF  United Nations Children Education Fund
WHO  World Health Organization
CHAPTER ONE

1.0 INTRODUCTION

Despite the enactment of laws to protect domestic violence, it is worth noting that all in all the law which is currently in place needs to be implemented to its fullest level. Ugandans as a whole need to see into it that they do their best to observe the existing laws. In fact we shall in this whole process look at laws that are unfair to women, children, domestic workers and men who are victims of domestic violence.

The Constitution of the Republic of Uganda under Article 21 guarantees equality of all persons before and under the law in all spheres of political, economic, social and cultural life, and the enjoyment of equal protection of the law in all respects.

Key and specific aspects of the Constitution that are supportive of eliminating gender related constraints in accessing justice could be summarized as follows:

   - Gender balance and fair representation of marginalized groups (obj. VI)³
   - Recognition of the role of women in society (Obj. XV)³

2. Substantive Provisions of the Constitution
   - All laws and customs that are inconsistent with the Constitution are void to the extent of the inconsistency (Art. 2.2)⁴
   - Equality and freedom from discrimination (Art. 21)⁵
   - Rights of the family (Art. 31)⁶
   - Affirmative action in favour of marginalized groups (Art. 32)⁷
   - Rights of women (Art. 33)⁸

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¹ Article 21 of the 1995 Constitution of the Republic of Uganda
² Objective VI of the 1995 Constitution of the Republic of Uganda
³ Objective XV of the 1995 Constitution of Uganda
⁴ Article 2.2 of the 1995 Constitution of Uganda
⁵ Article 21 of the 1995 Constitution of the Republic of Uganda
⁶ Article 31 of the 1995 Constitution of the Republic of Uganda
⁷ Article 32 of the 1995 Constitution of the Republic of Uganda
⁸ Article 33 of the Constitution of the Republic of Uganda 1995
Uganda with the Domestic Violence Act\textsuperscript{10}, women’s rights activists are determined to see this practice dealt away with in the country among families.

Sixty eight percent\textsuperscript{11} of women in Uganda have experienced some form of domestic violence according to the country’s 2011 National Demographic and Health Survey. In Uganda, these women and those who are affected are disproportionately poor, poorly-educated and disadvantaged. They are unable to rely on the state to protect them from harm from intimate partners. There is neither a law nor a legal definition of domestic violence.

Perpetrators of domestic violence are usually charged with other offences like murder, assault, rape, defilement and child neglect among others, if they are charged at all! Sometimes police or court officials send the women back home saying “that’s a family affair, there’s no case”.

There is predictably no data recording cases of domestic violence. However, studying police crime statistics\textsuperscript{12} from 2008, one finds 137 cases of murder as a result of domestic incidents. More than 1,500 were charged with rape and 2,226 cases of child neglect were opened.

Armed conflict, poverty, alcohol abuse and cultural attitudes are responsible for the high incidence of domestic violence in Uganda communities, according to a report presented to parliament by jurists\textsuperscript{13}.

Some 92 percent of 6,000 people surveyed by the Uganda law Reform Commission reported some form of domestic violence was taking place in their communities\textsuperscript{14}.

\textbf{1.1 STATEMENT OF THE PROBLEM}

The research covers the role of human rights NGO’s in the enforcement of the law against domestic violence in Uganda. In spite the legal and institutional frame work for the enforcement of the law against domestic violence in Uganda. The rampant practice of

\textsuperscript{9}The Constitution of Uganda 1995
\textsuperscript{10}The Domestic violence Act 2010
\textsuperscript{11} The National Demographic and Health Survey 2011
\textsuperscript{12}Police crime statistics Report
\textsuperscript{13}Judicial Report on cause of Domestic Violence
\textsuperscript{14}Uganda Law Reform Commission Report 2011
violence that stem from this unlawful action.

1.2 RESEARCH QUESTION AND HYPOTHESIS

In the course of the study, the researcher shall endeavor to answer the following questions so as to establish if the aforementioned problems do exist in real life Uganda and further propose solutions to the said problem. This shall include:

1) Does the family member enjoy equal rights and protection of the law during their life stay?
2) Does the Uganda legal system make express provisions for the recognition of domestic violence?
3) Is there a platform to enforce domestic violence in the Ugandan legal system if so, how effective?
4) Is there a possibility of enforcing the laws with the aid of NGO’s involve in protecting the abuse of this right?

1.3 BACKGROUND OF THE STUDY

It is a general misconception in the Ugandan society that the man who is the main perpetrator of this vice used to scout free because of the traditional set up based on African culture and values. This means that parties should be equal regardless of their social status such as gender, age, ethnic background among other grounds that are considered discriminatory especially towards the female gender. This research is set out to establish the causes of domestic violence on men, children and also domestic workers.

The Ugandan society have shown a tendency of taking leave without launching a claim for domestic violence, taking into consideration that when such a claim is lodged the police officers in their opinion think is a family problem and can be only resolved back home. The judiciary before the enactment of the law on domestic violence had no particular offence until the said law was put in place.

Closer to this challenge is the fact that tradition and customs have deprived the victims of domestic violence the justice they deserve. More vivid and straight forward measures that will initiate change in the society and secure the victims of domestic violence are now called for. The existing laws now in place are meant to cater for this but that is not enough.
1.4 THE OBJECTIVES OF THE STUDY

The main objective of this study is the role of NGOs and mechanisms for the enforcement of the law against domestic violence in Uganda is to find out laws and ways of enforcement of the law against domestic violence that would be applied and enforced by the litigants in a practical way in the resolution of the problem of domestic violence in Uganda.

The specific objectives

- To examine the existing legal framework on the resolution of domestic violence in Uganda.
- To examine the extent to which present legal framework allows for the enforcement of the law against domestic violence in Uganda.
- To determine how these legal provisions against domestic violence can be applied in practice.
- To examine the problems faced by the NGOs mechanisms in the enforcement of these goals.

1.5 SIGNIFICANCE OF THE STUDY

This study will focus on the role of human rights NGO’s in the enforcement of the law against domestic violence in Uganda, which areas in the existing legal framework provide for the NGO’s in enforcement of the human rights in Uganda and how they can be most appropriately utilized. This will help the public to know how domestic violence can be best resolved; find ways and means of implementing them. This study will focus on the awareness of the legal framework and how to let people know their human rights and how to enforce them. The introduction of the human right NGO’s through the existing legal framework is hoped to fight the, domestic violence and provide for resolutions that will lead to peace in families. To that extent, the study becomes a handy tool especially to policy makers, legislators, researchers, teachers and the general public both at local and international level. This study adds on the realm of knowledge on the subject examined in this study.
1.6 RESEARCH METHODOLOGY

This research is basically doctrinal research. It involves the analysis of the laws against domestic violence. The primary sources of this research are statutes, textbooks, articles from the internet. It is important to note that this being doctrinal research it will heavily depend on the library sources. This research method is chosen mainly for purposes of convenience and easy access to materials.

The study entails the main use of secondary data generated through literature review. A detailed list of reference materials is attached. This was complemented by a few informant interviews of key persons in institutions dealing with violence against women.

1.7 SCOPE OF THE STUDY

(a) Geographical scope

The study will cover the whole of Uganda.

(b) Subject scope

The study will cover the kinds of domestic violence, the laws against domestic violence and how they can be used to enforce the rights and duties of persons in a family in Uganda. The study will cover the brief history of the domestic violence in Uganda and examine the present legal system against domestic violence in Uganda. The study will also explore ways and means of resolving or domestic violence problems in Uganda and shall make necessary observations, recommendations and the way forward.

1.8 LITERATURE REVIEW

Margaret M. Kakande\(^{15}\) discusses about “Enhancing capacities to Eradicate Violence against Women (VAW) through Networking of Local Knowledge Communities” Uganda Country study.

Florence\(^{16}\) Domestic Violence against Women and girls (UNICEF Innocent Research Centre) discusses the various forms of domestic violence, the causes and consequences of domestic violence against women, which I also intend to focus on in my research study.

\(^{15}\) National Study on Interregional Project

\(^{16}\) Domestic violence against Women and girls
M. Rugadya et al, (Ministry of Justice and Constitutional Affairs (MOJ), May 2008, Integrated Study on Land and Family Justice, on behalf of the Ministry of Justice and Constitutional Affairs. Talks about various forms of domestic violence and causes, which I intend to, look in this research study.

Dr. Miria Matembe, making UNSCR 1325, 1820 and the Goma Declaration a reality for Women and Girls in Uganda. This policy brief presents the key policy recommendations on identified priority areas and provides strategies that can be used to implement each recommendation. The recommendations are categorized under four priority areas of: Preventing Sexual and Gender based Violence: Protecting Women and girls from sexual and gender based violence: increasing women's political participation and; increasing resources to women for post conflict recovery.

Jjuko, East African Journal of peace and Human Rights (1995 Vol 2) observe that basic laws of inheritance are governed by the succession Act and its amendments. But the effect of customary law remains strong since many customs were directly made law by the 1972 amendment to the Act. It is further noted that to people who were accustomed to settling issues of succession through customary laws, the effect of the amendment was to change not so much of the substance as to value. The value has to a large extent been transferred to the courts but the substance has been preserved to a large extent by remaining the main customary practice.

Shelly Wright, Historical Development of Human Rights (1992 page 12-13) states that Beijing declaration gives a sensitive account on her plight. In most areas of the world men are outnumbered to women. The book gives reasons for their discrepancy which includes among others harmful attitude and practices such as female genital mutilation, results into female infanticide and parental sex selection, early marriage including child marriage, violence against women's sexual exploitation, discrimination against girls in food allocation and other practices related to health and well being. However, the researcher was more interested in the reasons for women's discrepancy and never discussed the way forward. Therefore, this research will focus on discrepancy and the way forward as regards protecting women's rights.

17 Policy brief 2010 on UNSCR 1325
CHAPTER BREAKDOWN

1.0 CHAPTER ONE

This chapter shall mainly introduce the main concepts of the study with a focus on the statement of the problem, research questions and hypothesis, background of the study, objectives of the study, significance of the study, research methodology, scope of the study noting the extent to which the said paper shall be done. It shall also give an insight into some of the literature that has been done on domestic violence hence comprising the literature review and summary of chapters.

2.0 CHAPTER TWO

The chapter shall mainly focus on the legal framework regarding the position of domestic violence in the Ugandan legal system. More so kinds of domestic violence in Uganda and the causes of domestic violence in Uganda. Finally the impact of domestic violence on the Uganda Society.

3.0 CHAPTER THREE

The chapter shall mainly dwell on the comparative study aspect, where upon I shall venture into other legal systems of the world to explore how legal provisions have handled the issue, of domestic violence. It is in this regard that the viability and applicability of the said provisions in the Ugandan legal system shall be tested. This comparative analysis shall also seek to establish the merits and demerits of the said provisions and the impact that it has on the Ugandan Society.

4.0 CHAPTER FOUR

This chapter shall be based on the role of the Human Rights NGO’s in the enforcement of the laws against domestic violence. It shall comprise of ways like community mobilization, strengthening capacity, advocacy, creating community ownership and meaningful participation.

5.0 CHAPTER FIVE

This chapter shall mainly deal with the general conclusion and recommendations, touching on the challenges in the enforcement of the laws against domestic violence, various recommendations to transform the law to make it vibrant and looking also for the way forward.
CHAPTER TWO

2.0 KINDS AND CAUSES OF DOMESTIC VIOLENCE IN UGANDA

2.1 INTRODUCTION.

The habit of domestic violence in Uganda is difficult to determine for several reasons: it often goes unreported even in surveys; there is no nationwide organization that gathers information from local police departments about the number of substantiated reports and; there is disagreement about what should be included in the definition of domestic violence. Domestic Violence has been defined as the act of violence in the home between 'parties in intimate' relationships that results or is likely to result in physical, sexual or psychological harm or suffering to the victim including threats of such acts, coercion and arbitrary deprivation of liberty to the victim.18

However, the UN Declaration on Elimination of violence against Women (1993) defines domestic violence as "Physical, sexual and psychological' violence accruing in the family, including battering, sexual abuse of female children in the household, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-'spousal violence and violence related to exploitation":

2.2 KINDS OF DOMESTIC VIOLENCE IN UGANDA

2.2.1 Physical violence.

Some of the forms of physical violence include:20 Beauty marks, murder, denial of basic necessities, denial of medical services i.e. refusing a wife to go to hospital or refuse to give her money to go to hospital, wife battery (beating, kicking, pushing, burning, throwing objects at a person), non-spousal physical violence mainly inflicted by the in-laws and male relatives of women, child sacrifice on sex.21

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18 This definition excludes violence between co-wives in polygamous marriages, which also forms a significant part of domestic violence
20 Convention on Elimination of all forms of Discrimination Against Women (CEDAW)
21 FIDA Uganda (1996)
The Uganda Law Reform Commission study on domestic violence, 2006 established that 66% the 3,623 respondents confirmed presence of domestic violence in their homes noted that the commonest form of domestic violence was physical (36%). The “Yes” response was highest in the Northern region with 78% followed by the East with 68%; the central with 52%, the west 51% and Kampala had the lowest “yes” response with 41%. The study further confirmed that domestic violence is more prevalent in rural areas than in urban areas.

2.2 Sexual Violence

Some of the forms of sexual violence include: Forced sterilization forced abortion coercive/forced use of contraceptives, i.e. in employment to stop women from giving birth, otherwise if they get pregnant, they loose their jobs, denial of basic necessities to children based on sex, defilement: in schools, homes religious institutions, traditional healers (domestic workers, incest), rape and marital rape, prenatal sex selection, refusal to practice safe sex infidelity’ unfaithfulness, forcing a person to do sexual acts against their will i.e. forced sex, insertion of foreign objects in the partners/spouse’s genitals, forcing someone to watch sexual acts i.e. blue movies and bringing another woman in the house and the wife is requested to surrender her bed, denial of conjugal rights. Physical harm inflicted on sexual organs in intimate ‘elations, sexual slavery i.e. in armed conflict, forced pregnancy both in homes and in armed a conflict as a form of ethnic cleansing, systematic rape/gang rape as a weapon of war forced prostitution due to extreme poverty i.e. in war situations, mutation of sexual organs. i.e. female genital mutilation or elongations, forced marriage: early marriage and widow inheritance both the women and men are forced. sexual harassment: schools employment, health units, derogatory remarks about one’s sexuality, co-modification of women i.e. nude dancing etc. trafficking in women leading to prostitution and sex slavery. It may be difficult to have family, practices that demand purity from women, i.e. virginity, more especially the process of improving that the bride was a virgin, cultural practices requiring that some ceremonies are virgin girls a man sleeps with own daughter to get rich, cross-generational sex incest cleansing.

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22 The Oxfam baseline study 2006
23 Ibid note 2
The study,\textsuperscript{24} established that thirty-nine percent of women (15-49 years) had experienced sexual violence. Again, the vice was more prevalent in rural areas where 40.5% compared to 31% of women in urban had experienced it. Regionally, the east, central, and western respectively had violence levels above the national average.

Studies show that women and men in the conflict-affected areas had experienced violence differently in their capacities as victims and perpetrators during and after conflict.\textsuperscript{25} Women in the northern region of Uganda experienced various forms of violence and gender-based violence. These include rape, sexual slavery, forced marriages, disfigurement through cutting of facial and other body parts; land mine injuries, destruction of property, spread of HIV/ASDS, erosion of social values and severe poverty.\textsuperscript{26} In the Isis report, sexual torture is reported to be the most rampant form of violence against women and defilement in girls.

2.3 Economic violence.

Some of the forms of economic violence include; Children are denied opportunity to go to school based on sex (this affects economic progress), refusing a spouse to engage in gainful employment. Spouses refuse to disclose to each other how much they earn, treating the wife like a servant (related to exploitation of family labor by husband), demanding that the wife hands over her earnings to the husband, denial of inheritance rights i.e. daughters and widows are denied the right to inherit their father's or husband's estates respectively, denial of basic necessities for the home, destruction of property.

2.4 Psychological or Emotional violence

The forms of emotional or psychological violence include the following; Denial of family love, economic torture caused by polygamy, neglect of family (refusing to give family emotional support), confinement or Restriction on movement; denial of the right to interact with friends or relatives, using children to communicate messages to the wife/husband, derogatory remarks about one's abilities, isolation and controlling what one does, verbal abuse or rebuke; sometimes

\textsuperscript{24} UOHS 2006
\textsuperscript{25} Grace Bantebya 2004, Conflict Gender and HIV: A Case of Uganda
\textsuperscript{26} Isis WICCE report 2006, A Critical Analysis of the Chronic war situation in Kitgum District
Done in front of children, relatives and friends, ignoring one’s feelings or suggestions/proposals.\textsuperscript{27}

The study established that fifty seven percent of ever married women (15-49 years) reported having spousal emotional violence sometimes, while 23% often suffered emotional violence. On the other hand only 20% had never had it. Emotional violence was prevalent in both rural and urban areas. Violence was more often in the rural areas although the proportion of urban worsen that suffered emotional violence sometimes was higher than the national average. Regional, emotional violence is most often committed on women in the east: central and north respectively.\textsuperscript{28}

Traditional and cultural practices affecting the health and lives of women. Around the world, women and girls suffer the harmful and life-threatening effects of traditional and cultural practices that continue under the guise of cultural and social conformism and religious beliefs.

Examples include: Female Genital Mutilation (FGM): It has been estimated that nearly 130 million women worldwide have undergone FGM and that approximately two million undergo the procedure every year.

Dowry-related violence: Even though the government has legally abolished the institution of dowry, dowry-related violence is actually on the rise. More than 5,000 women are killed annually by their husbands and in-laws, who burn them in "accidental" kitchen fires if their ongoing demands for dowry before and after marriage are not met. Averages of five women a day are burned, and many more cases go unreported.

Acid attacks: Sulphuric acid has emerged as a cheap and easily accessible weapon to disfigure and sometimes kill women and girls for reasons as varied as family feuds inability to meet dowry demands, and rejection of marriage proposals. In Uganda, it is estimated that there are over 200 acid attacks the country.

2.5 CAUSES OF DOMESTIC VIOLENCE IN UGANDA

There is no one single factor to account for violence perpetrated against women. Increasingly, research has focused on the inter-relatedness of various factors that

\textsuperscript{27} Ibid note 2
\textsuperscript{28} Ibid note 6
should improve our understanding of the problem within different cultural contexts in Uganda.

1. Educational levels

The ULRC study found that education and literacy play a major role in the dynamics surrounding the occurrence of domestic violence. Members of households of lower educational attainment were more exposed to domestic violence. This may be due to the link between education, literacy and economic status. Uneducated and illiterate people also tend to be not only poorer, but also less informed. Education levels were also found to be a determining factor in the reporting of domestic violence cases. It was noted that some of those with little or no education at all did not report domestic violence because of traditional beliefs, or because they were dependent on their spouses, and also because they were not aware that interventions existed to address the issue. On the other hand, a considerable number of those with a considerable degree of education did not report it also because of cultural attitudes and for fear of shame and embarrassment.29

2 Social-Culture

Reviewed literature on violence against women indicates that cultural practices and attitudes to a great extent are the major causes of domestic violence. The UDHS study attributed domestic violence to women's negligence of their reproductive roles denying sex to spouses; neglecting children; not cooking; etc). These findings indicate that men are given a higher status over their wives and that these practices and beliefs create unequal power relations right from the family level to the larger community. This system of patriarchy thrives on various rules and ideologies to maintain its status quo. These rules include the culture of silence which rot bids women from exposing domestic problems in public under the belief that domestic violence is a private matter. These findings have many revelations the major one being women's low involvement in decision making on matters of sex and their

29 Uganda Law Reform Commission, study on domestic violence, 2006
uncertain reproductive rights. The scenario has several implications for the psychological and general wellbeing of individuals that may result into ill health of those affected. Women are particularly vulnerable to heterosexual transmission of HIV due to many factors among which is sexual coercion and violence against girls and women. This is a common phenomenon especially due to the traditional behavioral expectations and rampant poverty. Women are also sexually abused even within marriage; the woman has little or no negotiating power and cannot deny sex nor demand safer sex practices such as condom use. 

ULRC study attributed gender-based violence to three major factors namely, \( \text{\textsuperscript{31}} \)
- Male power in gender relations
- Socialization
- Structural and social institutional factors

Male power in gender relations is manifested through the pan-patriarchal ideological system which upholds men's privileges by according them power over women. This is manifested in the norms, cultures and customs that govern the majority of Ugandans. In the family context, the head of the household is the father. This means, men rule women in Ugandan society and are considered superior to them. What this means is that the interpersonal relationships between Ugandan males and females must be viewed as power relationship. In Uganda, gender based violence is part and parcel of socially acceptable behavior. The custom of payment of price has been also been inculcated to domestic violence because it reinforces the idea that men have proprietary rights over their wives. This includes the right to chastise and mistreat them. Many women remain in marriages where they are mistreated because in many cases, it is impossible to return the price. \( \text{\textsuperscript{32}} \)

Socialization is a process whereby society is indoctrinated with a particular belief system. Socializing influences include cultural practices, religion, and the law. Mass media and music. On issues of gender, the socialization process is accountable for several patterns of belief such as

\( \text{\textsuperscript{10}} \)Okian 2006
\( \text{\textsuperscript{11}} \)National study on violence against women
\( \text{\textsuperscript{31}} \) Uganda Law Reform Commission 2009.
as what amounts to appropriate masculine and feminine behavior. Socialization per se is not a problem. However, the problem lies in the fact that one gender is accorded more value and privilege than the other. Some explanations for sexual exploitation in marriage include social cultural norms that reinforce gender inequality by giving me over their wives as result as a result of unequal power relations due to socialization and preferential sexual treatment.

Ignorance and lack of information by women on appropriate strategies to overcome abuse continue to be a contributing factor. Therefore, the underlying causes of GBV remain structural factors related to traditional beliefs and cultures on gender. Other causes of domestic violence result from polygamous relations, bride price, widow inheritance forced marriage and poverty (Oxfam 2006). Certain aspects of gender-based violence are often perpetrated in the name of cultural and traditional. Examples are Female Genital Mutilation (FGM) widow inheritance, food taboos and polygamous relations. Responses from key informant and other studies done indicate that some cultural practices and values are regarded as sacred in some communities, and are often taken as given without any questioning. For instance, amidst all fears to contract HIV, men’s extra marital relations are more easily accepted in society than women yet it has serious reproductive health implications for the women, the wellbeing of children and the family as a whole. Culture also creates stereotypes about men and women reinforcing violence against women.

Polygamy is a source of tension in the home due to scarcity of resources, rivalry, jealousy and suspicion between the wives and may result in fights between the spouses, or between the co-wives. Issues of witchcraft, child mistreatment and poisoning were found to be common place within polygamous unions. It also causes abandonment of the wife or wives who is no longer preferred. Some husbands beat up beat up elder wives in order to intimidate them and evict them from their home so to create room to new wife.

**Structural institutional**

Factors entail the artificial separation of the public and private domain. The fact that the home and the family are considered private and outside the jurisdiction and protection of public institutions such as police make people within the borne (especially women) very “safe victims” (ULRC 2006). Other forms of gender based violence like powerlessness result from

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33 Ibid
34 Oxfam 2006
women's traditional reproductive expectations of maternal roles and polygamous unions. Women tend to get too many and frequent pregnancies out of competition with their co-wives. In such situations husbands fail to adequately provide for their families. This results into malnutrition of both the children and mothers, which poses serious challenges for expectant and breast-feeding mothers. It may also lead to increased poor relations in the home resulting into family disintegration.36

3. Economic

The ULRC study established that homes with low income admitted to higher levels out occurrence of domestic violence in their homes than homes with higher income. Nonetheless, the prevalence of domestic violence was generally high in all households; regardless of the level of income, its occurrence was almost 60% and above. It was also found that income levels and economic status were very closely interlinked with dependency and control; it was noted that persons living in extreme poverty are more likely to be perpetrators or victim's of domestic violence as compared to those that earn an income. Persons in areas of low income much as rural areas (especially women and children) have been mentioned as the biggest victims of domestic violence.37 The majority of Uganda's poor are women. This makes most of them economically dependent on their husbands. This dependency in turn creates justifiable ground for wife beatings for reasons such as unreasonable financial demands, or poor financial decisions regarding domestic expenditure. Meanwhile with regard to men. Poverty incapacitates them in meeting their obligations. This is likely to erode their masculine power, leaving them with domestic violence as the only resort to assert their power.38

For many Ugandans, property rights are central to economic survival and access to land is a key determinant of economic status. Women's unequal property and inheritance rights therefore establish women's poverty and place them at an economic disadvantage. As a result many women are vulnerable and economically dependent on their husbands who control the factors of Induction. This economic dependence is a common rationalization for women who stay in passive relationships. It has also been found to prevent women victims of domestic violence.

36 Ibid note 12
38 Uganda Law Reform Commission, study on domestic violence 2009
violence reporting to the proper authorities because they fear the consequences of incarcerating the bread winners.³⁹

Although violence has been found highest in households that suffer extreme economic hardship, "there was no sharp contrast in the actual incidence of violent en these households’ economic counterparts living under better economic conditions. This has been attributed to the merging conditions such as financial empowerment of women, which has been looked upon by ne as undermining male superiority and thereby indirectly fuelling violent behavior among Men who feel threatened. It is even worse in situations where females are employed and male partners are unemployed, causing the males to feel that their power is being undermined in the kiusehold.⁴⁰

4. Political strife

The ULRC study established that the Northern part of Uganda recorded the highest levels of violence in the country. The existence of the highest prevalence of domestic violence in the southern region is not surprising and can be attributed to the poor living conditions prevalent in of region clue to the 20- year-old civil war in the region. There are several people living in internally Displaced Peoples' camps. These camps are characterized by congestion and extreme property and unemployment.⁴¹ The general hopeless conditions have provided a fertile breeding ground for domestic violence. The poor living circumstances in the camps lead to emotional stress, which in turn fuels violence. Political strife is not necessarily a direct cause of domestic violence. Nevertheless, the UN Special Rapporteur on Violence against Women argues that terms and methods of conflict resolution in a society frequently account for domestic violence other forms of violence against women in that society. She says that societies that resolve disputes amicably experience lesser levels of violence as opposed to societies where violence is acceptable means of resolving conflict.⁴² In Uganda, the political scene since independence been characterized by violence and strife, and therefore this may be one of the factors that contributed to domestic violence in the country (ULRC 2006). Another political issue that domestic violence is differences in political opinion. During the Presidential and parliamentary Elections of 2001, there were numerous newspaper reports

³⁹Ibid
⁴⁰Ibid
⁴¹National Study on Violence against women 2011
⁴²Human Rights Watch, 2009
about husbands beating wives because they supported a different candidate. Similar incidents were reported in the recently concluded 2006 elections.

5. Weakness of the law enforcement officials.

Instigations by Human Rights Watch have found that in cases of domestic violence, law enforcement officials frequently reinforce the batterers' attempts to control and demean their aims. Even though several countries now have laws that condemn domestic violence "when milted against a woman in an intimate relationship, these attacks are more often tolerated as norm than prosecuted as laws in many places, those who commit domestic violence are norm that prosecuted less vigorously and punished more leniently than perpetrators of similarly violent Kelps against strangers."

6. Childhood experiences

Pertinences during childhood, such as witnessing domestic violence and experiencing physical sexual abuse, have been identified as factors that put children at risk. Violence may be learnt means of. Resolving conflict and asserting manhood by children who have witnessed such terms of conflict resolution.

2.6 THE IMPACT OF DOMESTIC VIOLENCE.

Effects of domestic violence are both physical and psychological in nature leaving the domestic violence victims powerless and sometimes physically incapacitated. The ULRC study established that the most commonly mentioned effect of domestic violence was loss of life, national distress and humiliation. Other effects mentioned included sexual immorality, holism, witchcraft, property destruction and loss and retardation of development as well as physical harm and broken relationships.

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43 National election monitoring group- nemgroup, 2001; 2006
44 A report by unicef on domestic violence against women and girls. (2000)
45 Oxfarm 2009
Economic Impacts

Due to physical torture and long illness, women at times fail to participate in economic development of her family and community resulting into less productivity in such cases domestic violence is a barrier to development. The UBQS survey 2006 noted that 8.6% of battered women abandoned their daily activities following an incidence of physical violence for an average of twelve days. Although the study did not quantify the economic effects, it is clear that VAW does reduce productivity. The significant stakeholders in this regard are women and children since they are the largest source of agricultural labor and at the same time the most common victims. However, because they lack the capacity to effectively participate in decision making, key decision makers at this level will fail to appreciate the intricate details of Raider inequities surrounding domestic violence and also the role domestic violence plays in underdevelopment. The resultant effect would be that the problem may not receive the attention it deserves and little would be achieved by way of interventions, institutional support and finance. This would in effect deny the communities the benefits of better participation in Household commercial activities and the resultant better household incomes and better allocation of household resources.

2. Health Impacts on women.

Domestic violence against women leads to far-reaching physical and psychological consequences, some with fatal outcomes. While physical injury represents only a part of the negative health impacts on women, it is among the more visible forms of violence.

The ULRC study noted that 35% of the 79 mentions received from the medical officers interviewed gave the general and health effects of domestic violence to be physical harm and child abuse. 25% of the mentions were that domestic violence caused psychological and emotional breakdown. 16% mentioned sickness, infertility, STDs, abortions, miscarriages and expenses on treatment. 11% of the mentions were that it led to broken marriages. Generally these ideal to increased maternal and infant mortality rates.

46 Ugand Law Reform Commission 2006
The medical complications resulting from FGM can range from hemorrhage and sterility to severe psychological trauma. Studies in many countries have shown high levels of violence during pregnancy resulting in risk to the health of both the mother and the unborn foetus. In the worst cases, all of these examples of domestic violence can result in the death of the woman-murdered by her current or ex-partner.\(^47\)

3. Social impacts

Increased poor relations in the home are likely to lead to family disintegration. Women's recourse to domestic violence was often leaving the marital home and demand for property. Some resorted to witchcraft. However males were never faced with the potential of leaving home. Instead they were often faced with imprisonment if they had injured their wife badly.\(^48\) The ULRC study also revealed that as a result of domestic violence, a housewife may leave a husband and because she is not gainfully employed, she may not be able to meet the school dues of the children resulting in their dropping out of school. Acts of domestic violence rob the victims of their rights to physical and mental health as well as life. A victim may suffer psychological torture, disability, loss of confidence, loss of self esteem, loss of respect, and loss of morale (ULRC 2006). This usually leads to psychological imbalance where by some women cannot think straight.\(^49\)


Children, who have witnessed domestic violence or have themselves been abused, exhibit health and behavior problems, including problems with their weight, their eating and their sleep. They may have difficulty at school and find it hard to develop close and positive friendships. They may try to run away or even display suicidal tendencies.\(^50\)

Domestic violence affects victims physically, emotionally and socially. Children who grow up in homes where domestic violence occurs suffer the biggest challenge as victims and observers of domestic violence. Research shows that exposure to domestic violence can affect children's racial, emotional and, cognitive development. Those that have witnessed domestic violence or themselves been abused exhibit health and behavior problems including problems with their weight their eating and their sleep they also sometimes exhibit suicidal

\(^{47}\) A report by UNICEF on domestic violence against women and girls (2000)
\(^{48}\) ULRC 2006
\(^{49}\) Oxfarm 2006
\(^{50}\) Oxfarm 2009
tendencies. Domestic Violence can also ultimately affect children for the rest of their adult functioning. There is also a definite relationship between family violence and juvenile delinquency. The ULRC study noted at due to domestic violence, children run away from their homes to streets. It was also pointed that there was an increase in the number of street children owing to child neglect.¹

5. Denial of fundamental rights.

Perhaps the most, crucial consequence of violence against women and girls is the denial of fundamental human rights to women and girls. International human rights instruments such as the Universal Declaration of Human Rights (UDHR) adopted in 1948. The Convention on the Elimination of All forms of Discrimination against Women (CEDAW), adopted in 1979, and i.e. Convention on the Rights of the Child (CRC), adopted in 1989, affirms the principles of fundamental rights and freedoms of every human being. Both CEDAW and the CRC are guided by a broad concept of human rights that stretches beyond civil and political rights to the core issues of economic survival, health, and education that affect the quality of daily life for most issues and children. The two Conventions call for the right to protection from gender-based use and neglect.²

2.7 CONCLUSION

Inclusively therefore, the precise incidence of domestic violence in Uganda is difficult to determine but all studies noted that physical violence against the victims was more prevalent. On average 50% of victims particularly women and girls had suffered physical violence, while at fast 23% experienced sexual abuse. All studies confirmed that domestic violence was more prevalent in rural areas than in urban areas. Regionally most violence against women was eked in the northern and eastern parts of the country.³

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² Report of the Special Rapporteur on violence against women.
³ National Study on Violence against women, 2011
CHAPTER THREE

3.0 THE LEGAL AND INSTITUTIONAL FRAMEWORK AGAINST DOMESTIC VIOLENCE IN UGANDA.

3.1 INTRODUCTION

Uganda's Constitution, guarantees equality between women and men and includes affirmative action measures to increase women's role in decision making and participation in the development process. The Uganda Gender Policy provides a framework for gender responsive development.

3.2 THE LAWS AGAINST DOMESTIC VIOLENCE

3.2.1 National laws on VAW


The Constitution is the supreme law of Uganda. Chapter Four protects fundamental and other human rights and freedoms including the right to life, the right to liberty and security of the person, and the right to freedom from torture and other forms of cruel, inhuman and degrading treatment. Under, it provides for equal status of all Ugandans before the law in all spheres of political, economic, social and cultural life and confirms equal protection of the law Article 33 specifically provides. 54 For the rights of women, who have been found to be the majority of the domestic violence victims? Women have the right to be accorded full and equal dignity of the person, to provision of facilities and opportunities necessary to enhance the welfare of women and the right to be protected by the state due to their unique status and natural maternal function. The Constitution further grants women a right to affirmative action for the purpose of redressing the imbalances created by history, tradition or customs and outlaws laws, cultures, customs or traditions which are un-favorable to the dignity, welfare or interest of women or which undermine their status. 55

Uganda has the Domestic Violence Act, 2010 that provides for the protection and relief of victims of domestic violence; the punishment of perpetrators of domestic violence; the procedure and guidelines to be followed by the court in relation to the protection and

54 Article 33 of the 1995 Constitution of the Republic of Uganda
55 Article 33 of the 1995 Constitution of the Republic of Uganda
compensation of victims of domestic violence; the jurisdiction of court; the enforcement of orders made by the court: empowers the family and children court to handle cases of domestic violence and for related matters. In addition there are a number of statutory law- and common law principles that address domestic violence indirectly, by criminalizing certain aspects of violence against the person or allowing for tort actions for assault and battery.

The Penal Code Act:56 The Penal code provisions on offences against the Person would go away in addressing domestic violence if enforced. Annex table I, gives offences against the person in the Penal Code, in order of severity.

The Penal Code Act has recently been amended to cover the offences of simple and aggravated defilement. The latter is an offence committed on a minor and also when the perpetrator is HIV positive. The constitutional court declared provisions of the Penal Code Act: and succession Act which were discriminating against women, unconstitutional and therefore illegal.57

The Land Act58 and Land Acquisition Act,59 provide for spousal consent on all matters relating land from which the family derives sustenance. The Land Act 1998 was amended to include reaction that increase protection of the rights of women to own, use and inherit land. The Act confers an equitable interest in family land to spouses because it contains a consent clause. The Act also protects the rights of women to use customary land it further bestows legal recognition: me decisions taken by customary authorities in relation to land held under customary tenure and for such decisions to be valid they must not deny women access to ownership, occupation or of land or deny them their rights.

The Divorce Act60 provides a window for victims of violence by allowing them to file for divorce on grounds of cruelty. Detailed discussion on this Act is attached as Annex 1. In 2003, Constitutional Court nullified discriminatory sections of the Divorce Act which required rent grounds for men and women. In 2007, the Constitutional Court nullified the

56 The Penal Code Act Cap 120 of the Laws of Uganda
57 The Penal Code Act Cap 120 of the Laws of Uganda
58 The Land Act Cap 227 of the Laws of Uganda
59 Land Acquisition Act Cap 226 of the Laws of Uganda
60 Divorce Act Cap 249 of the laws of Uganda
for divorce while was required to prove only one ground. The Penal Code Act had different definitions for fence of criminal adultery for women and men.

The law of Tort Another way of dealing with domestic violence is by way of filing a civil suit order the law of tort. The law of tort provides for trespass on the person which is actionable per trespass on the person includes assault and battery. If the victim is successful in the suit, she will be awarded damages for injuries sustained.

The draft Marriage and Divorce Bill was also cleared by Cabinet for presentation before Parliament in 2009. Another draft Bill providing for the establishment of Khadis Courts to deal with matters relating to Islamic Marriages and Divorce was due for consideration by Cabinet and award presentation to Parliament in 2009.

The Employment Act. 2006 is another piece of legislation that contains provisions that seek to address discrimination against women in the field of employment. The Act addresses sexual harassment at workplace, increased maternity leave from 45 calendar days to 60 working days on full pay and introduced paternity leave of 4 days for working men. Other significant measures to eliminate de jure discrimination include the enactment of the Equal Opportunities Commission Act 2007 and the National Equal Opportunities Policy.

A female Genital Mutilation (FGM) Bill was passed to prohibit FGM against women. A Draft National Strategy for the Elimination of FGM is also in place. Efforts to eliminate FGM have focused on awareness campaigns aimed at changing attitudes and eroding its social acceptability in the communities where it is practiced.

International las

As stated above, Ugandan is signatory to serval international human rights instruments that have within them articles that enjoin the state to protect families. This forms part of the basis upon which it is imperative that we enact the DRB. Below are some of the articles from the relevant instruments that point to the need a fair family law African charter on human and people rights State that.

61 The draft marriage and divorce bill
62 The femal genital mutilatin bill 2010
63 Article 3 International covenant on Civil and Political Rights
3.2 Every individual shall be equal before that law.

Human beings are inviolable every human being shall be entitled to the respect of his life and integrity of his person. No one may be arbitrarily deprived of this right.\(^64\)

Every individual shall have right to the respect of the dignity inherent in a human being and the recognition of his legal status. All forms of exploitation and degradation.... Shall be abolished.\(^65\)

The state shall ensure the elimination of every discrimination against women and also ensure the respect of the rights of women as stipulated in international declarations and conventions\(^66\) the international covenant on civil and political rights

The international party to the present convention undertakes to ensure to all individuals within its state and subject to its jurisdiction the rights recognized in the present covenant, without any discrimination of any kind such as sex.\(^67\)

Every personal have the right to recognition everywhere as a person before the law\(^68\)

The family is natural and fundamental group unit of society and is entitled to protection by society and state.\(^69\)

The right of men and women of irregeable age to marry and form a family shall be recognized. No marriage shall be entered into without the free and full consent the intending spouses

4 state parties to the present convention shall take appropriate steps to ensure the equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law in this respect the law shall prohibit any discrimination and guarantee to all people’s equal and effective protection against discrimination on any ground such as sex\(^52\).

The convention on the elimination of all forms of discrimination against women; state parties condemn discrimination against women in all its forms agree to pursue by all

\(^{64}\) Article 4 ICCPR
\(^{65}\) Article 5 ICCPR
\(^{66}\) Article 16 ICCPR
\(^{67}\) Article 2 ICCPR
\(^{68}\) Article 23 ICCPR
\(^{69}\) Article 26 CEPDW
appropriate means and without delay a policy of elimination of discrimination against women and to this end, undertake to take all appropriate measures to eliminate discrimination women by any person, organization or enterprise.\textsuperscript{70}

State parties shall all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of inferiority or the superiority of the sexes or on the stereotyped roles for men and women.\textsuperscript{71}

State parties shall accord to women equality with men before the law.\textsuperscript{72}

State parties shall all appropriate measures to eliminate discrimination against women in all matters relating to marriage and the family relations and in particular shall ensure on the basis of equality of men and women.\textsuperscript{73}

The same right to freely choose a spouse and to enter into marriage only with their free and full consent.

The same rights and responsibilities during marriage and at its dissolution

The same rights to decide freely on the number and spacing of the children

The same rights for both spouses in respect of the ownership, acquisition, management administration enjoyment and disposition of property.

\textbf{3.3 INSTITUTIONS AGAINST DOMESTIC VIOLENCE}

\textbf{The institutional Framework}

The institutional framework pertaining to gender and access to justice is perceived at two levels:

i) The formal institutional arrangements comprising all agencies within the J/LOS. For purposes of this report, the focus is on those agencies and institutions with core responsibilities in the areas of gender and justice delivery.

\begin{itemize}
  \item Article 2 CEFDW
  \item Article 5 CEFDW
  \item Article 15 CEFDW
  \item Article 16 CEFDW
\end{itemize}
ii) The alternative institutional arrangements comprising institutions which either facilitate users to access the formal system or provide an alternative approach to accessing justice. This study recognizes that the institutions discussed here are not exhaustive as there are many more avenues including religious and spiritual institutions that provide alternative approaches to accessing justice.

3.3.1 The Formal Institutional framework

(a) The Ministry of Gender Labour and Social Development (MGLSD)

This is the national machinery that bears the responsibility to initiate, coordinate and monitor gender responsive development. In that regard, the Ministry spearheaded the development of the National Gender Policy, followed by a process of mainstreaming gender into various sectoral policies and district development programmes. The MGLSD has made some significant contributions towards addressing gender constraints in accessing justice. Specific interventions include: spearheading efforts for integrating gender into the constitution making process, legal awareness activities, disseminating some laws through booklets of simplified and translated versions, piloting a community-based paralegal programme, and the development of gender training materials as well as actual training of judicial officers, state attorneys, police and sub-county local council officials. Ministry of Gender has established a Committee, which is geared towards ensuring that the women’s voice and perspective is heard by the Constitutional Res Commission.

Whereas the efforts of the MGLSD are commendable, they have had a limited impact for various reasons: due to the limited finances and staff capacity, the interventions have not covered the whole country and have in many cases been one-offs without follow up. Until the recent initiatives toward developing a sector wide approach to law and justice, the Ministry lacked the capacity to work comprehensively with each agency. The establishment of a J/LOS provides the best window of opportunity for MGLSD and J/LOS to jointly develop a systematic strategy for addressing gender constraints in accessing justice. It should also be noted that "Gender Equity and Justice" is one of the priority areas in the social development sector plan currently being developed by MGLSD.
(b) The Justice Delivery Agencies

The agencies with core responsibilities in justice delivery include the Ministry of Justice, Police, Prisons, the bar, the Judiciary and the Legislature. Table I below presents the representation of men and women in the justice delivery agencies as at September 2001:

The situation in the police force warrants special comment. The police is the first point of contact for users of the justice delivery system. For as long as women are so marginally represented there, the likely effect is that equally few women will be encouraged to utilize the police in their search for justice.

The unbalanced representation has implications for women and men's access to justice in the following ways:

i) The men will find it easier than women to approach the agencies in expectation of maximum co-operation from their counterparts;

ii) Although sex category is not synonymous with gender sensitivity, some of the issues that women bring to the agencies in search for justice are best appreciated by fellow women in their gendered positions as wives, mothers or nurturers. The limited numbers of women in the agencies could thus constitute a barrier to justice for women.

iii) As exemplified by Tamale in "When Hens Begin to Crow"74, the weak representation of women's voices and experiences in the law making process is a major factor in the passing of gender-biased or gender-neutral laws.

The recent review of criminal trial procedures highlighted gender constraints among the factors affecting the efficiency and effectiveness of these agencies.75 Within this report, specific gender constraints in accessing justice pertaining to the justice delivery agencies are highlighted in Chapter Four.

Some agencies are already making significant interventions towards eliminating gender constraints in accessing justice. Some of the interventions are mentioned below:-

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74 Dr. Sylvia Tamale 1999 When Hens Begin To Crow
75 A review of Criminal Trial Procedures by S. Mukasa.
The establishment of specific Family and children's courts in the Judiciary is a positive step towards improving access to justice for women and children. The courts are intended to provide a quick and formal but user friendly forum for resolving family or domestic problems and juvenile justice matters.

- The Judiciary is also implementing a policy of recruitment in which at least 30% of vacant posts are reserved for women.
- The Prisons Department is working with the Uganda Human Rights Commission to come up with a Human Rights Training Syllabus for Prisons Officers. The initiative provides an opportunity to integrate gender and human rights training into the programme.
- During a recent Training Evaluation and Impact Assessment for the Directorate of Public Prosecutions (DPP), "Gender and Human Rights Training" was one of the major recommendations for improving the capacity of Prosecutors to handle their day-to day work effectively.
- The initiative of the Police Force to establish a Child and Family Protection Unit is another step toward redressing gender constraints. In addition, UNICEF commissioned the production of a training manual for Police Officers (Child and Family Protection Unit) on the Protection of Women and Children's Rights.
- The bar, through the Uganda Law Society implements a "Legal Aid Project" to facilitate the poor and indigent in accessing justice.

Although faced with various constraints, a formal and functional institutional framework is to place through which men and women should access justice. The subsequent challenge becomes identifying and responding to the gender specific constraints in accessing justice through these agencies. It is however evident that some of the agencies are already making significant interventions.
3.3.2 Alternative means to accessing justice

(a) The Local Council Courts

The Local Council Courts constitute an alternative means of accessing justice, available in the communities. A baseline survey on the courts revealed that the courts which amount to approximately 4000 in number handle a minimum of 2 cases a week, thus handling a volume of about 8000 per week countrywide. In that regard, the courts not only reduce the workload of formal courts and other agencies, but are also easily accessible, cheap and they dispense quick justice. The survey critiques the Local Council Courts on the lack of gender sensitivity and basic legal rights in their operations. The proposed amendment bill (2000) to the Resistance Councils and Committees (Judicial Powers Statute) 1988 provides for more gender balanced and responsive courts. The bill also proposes increased jurisdiction so the courts can handle a broader scope of matters in the communities. This should be matched with programmes to strengthen the capacity of LC courts to handle their functions and improve access to justice.

(b) The Uganda Human Rights Commission

The Uganda Human Rights Commission is another mechanism that provides alternative approach to accessing justice outside the formal justice delivery agencies. Among its priority actions, the investigation and handling of complaints of human rights isolations by the Commission provides opportunities for improved access to justice for women and men. In its third year, the Commission received 1239 complaints of which 909 were dealt with and finalized. According to its annual report for 1999, complaints registered by women were 29.4% compared to 70.6% by men. Similar to the LC courts, the Commission reduces the workload of other formal justice delivery agencies while at the same time ensuring access to justice. The Commission has also contributed to increased knowledge of rights and therefore access to justice through its extensive civic education programme. 18 Judiciary-Danida Programme: "A Baseline Survey on the Operations of Local Council Courts" by Nordic Consulting Group (1998).
In view of the ability of the Commission to handle and dispose of complaints at remarkable rates, its functions could be broadened to take on equal opportunity complaints. This would be a more cost effective way of realizing the constitutional provision on the Equal Opportunities Commission.

The increased representation of the Commission throughout the country as well as its collaboration with legal aid organizations is bound to realize a significant improvement in access to justice.

(c) Centre for Arbitration and Dispute Resolution (CADRE)

The Centre which is under the Commercial Justice Reform programme presents another avenue for accessing justice particularly in commercial disputes. In view of the length of time that civil cases take in the formal system, the Centre is also expected to expedite access to justice by reducing delays. Being in its early stages of design and operation, there is an opportunity to ensure that its procedures are gender responsive and do not hinder access to justice in any way.

(d) Civil Society Organizations

Civil society organizations have mainly contributed to improving access to justice by facilitating users to access the formal justice system. This has been through the provision of free or subsidized legal representation for the poor and indigent men, women and children. The organizations include: the Association of Women Lawyers (FIDA-U), the Legal Aid Project of the Uganda Law Society (LAP), the Legal Aid Clinic (LAC) and the Public Defenders Association.

In addition to legal aid, the organizations have played a significant role in educating the public about their rights which is a key to accessing justice.

The role played by agencies involved in the provision of alternative means of accessing justice is undisputable. Major challenges include the need for more gender responsive approaches, strengthening inter agency collaboration and increased representation and access throughout the country.
3.4 GENDER RELATED BARRIERS IN ACCESSING JUSTICE.

Whereas the body of substantive and procedural law is rather broad and diverse involving civil and criminal aspects, law enforcement institutions are standard and provide the site for how men and women, groups and communities experience the enforcement of substantive law. Access to justice therefore relates to whether or not individuals, groups and communities realize de facto justice from the enforcement of substantive and procedural law as well as the quality of justice meted out on them by the justice delivery system.

As earlier noted gender related barriers in accessing justice are discussed at the levels of Substantive laws, Administration of the Law and the Community in which conflicts or disputes occur. The discussion draws out access to justice:

- In physical terms, - how close the users are to law enforcement agencies
- Access in financial terms - how affordable legal services are to the users
- Access in technical terms - how comfortable users are with the legal language and procedural requirements. This also relates to the treatment of users by the law enforcement personnel as well as their representation by experts in law and its techniques and their ability to use them i.e. cost

3.4.1 Substantive Laws

Gender related barriers in accessing justice within substantive laws mainly relate to gender biased laws, which are overtly discriminative; and gender neutral laws where discrimination is veiled and needs to be corrected through laws that are protective of specific concerns of women or men.

(a) Gender biased Laws

As earlier noted, law can be a standard of justice as much as it can be a power relation.
For the content of a law to be overtly gender biased and therefore discriminative relates to the circumstances in which it is debated and drafted. Consultations indicated that a number of laws that exist today in the statute books are gender biased thereby acting as a barrier to women accessing justice. This was mainly attributed to the time they were passed and the fact that they were passed by male-dominated legislative organs. Where the majority of law-makers are male and seek to protect a specific interest, privilege or status that society confers on them, they could pass a gender biased law. In such situations, the law will be a reflection of power relations.

The dynamics of various interests of law makers are reflected in the Hansards where parliamentary debates are recorded. The discussion toward the amendment of the law on The 1999/2000 National Service Delivery Survey indicated that 14.1% of the women interviewed did not feel confident at all that they would get recourse and redress in their favor from form; institutions, as compared to 10.8% men. Defilement in 1990 provides a good example. Also, the recent saga with the Land Act and the attendant co-ownership clause also clearly demonstrate how much opposition exists in trying to have a gender sensitive law. The co-ownership clause in the Land Act has remained on the shelf for two years now, yet it would have afforded women security of tenure as a key ingredient of economic independence. The appreciation of the negative effects of gender discrimination is therefore crucial for law makers in ensuring access to justice for men and women.

There is a paucity of research and documentation regarding gender analysis of laws in Uganda. Existing efforts have focused on the personal laws of marriage, divorce, adultery, inheritance, defilement, domestic violence and such others. These are also the areas where the majority of NGOs working on women and law tend to focus. The specific laws highlighted below should therefore be understood for their illustrative purposes and not as an exhaustive representation of the status quo. A more systematic gender analysis exercise of existing legislation is a strategic entry point for correcting gender related barriers in accessing justice.

**Adultery and Divorce:** The law that relates to adultery and divorce is discriminatory in that there are different ingredients for the offence of adultery and grounds for divorce for men and women respectively. The privilege given to men in the legal
construction of adultery means that a man may have a series of sexual partners, as long as they are not married. On the other hand, the law ensures the restriction of his spouse for whom it is illegal to have sexual intercourse with any man. In legal terms therefore, a married woman cannot liberate herself from the mental and psychological effects of the infidelity on her spouse. Such discrimination affects all women across the board regardless of class or other status.

Difficult as it is for a woman to prove adultery on the part of her spouse, the requirement for her to prove an additional ground makes the exit of women from undesirable relationships more difficult than for their male counterparts who only need to prove adultery. The discriminatory treatment for men and women in this area of law has implications for their access to justice comprised in the constitutional guarantee for equal rights of men and women at marriage, during marriage and at its dissolution.

The gender biases in the law on adultery and divorce actually reinforce gender biases in society and thus limiting access to justice for women. Outside the legal arena, where the majority of "marriages" fall, the social construction of relationships sanctions multiple partners for men while at the same time constructing divorce on the basis of a fault principle on the woman's part.

Defilement: The law of defilement as framed is strictly protective of girls under the age of 18 years from the offence, to the detriment of a large number of boy children who are victims of sexual violation. This provision in the penal code has been criticized as gender biased and contrary to the constitutional principle of equal protection before the law. A review needs to be done of various laws to identify and address existing gender biases.

**Burden of proof.** The strict rules of evidence applied in respect of sexual offences, frustrate access to justice for the victims - That technically can only be female. In the rape case of Mania vs. Republic, Chief Justice Mwenda, warned magistrates that "girls and women do tend to tell an entirely false story which is very easy to fabricate, but extremely difficult to refute...". It is therefore a matter of judicial practice that the evidence of victims of sexual offences is corroborated the stereotype underpinning the evidential rules in respect of sexual offences is. Women and girls are liars and should take some blame for sexual offences against them. The gender stereotype within the warning issued by the Chief Justice is passed to others because it is on record as an authority. The implication therefore is that unlike their
male counterparts (as complainants in all other cases), female complainants (as the only ones who can technically be raped) come before the witness stand with different standards of objectivity from the presiding judicial officer. While the requirement of corroboration is essential to protect the rights of the accused, its stringent and biased application in cases where the victim has been a credible witness deprives the victims of the right to a remedy.

**Succession:** Gender analysis of the law relating to succession has pointed to gender biases in the law's recognition of a customary heir and in the distribution of estates under intestate succession. The recognition of a customary heir under the Succession Act has far reaching implications for women's opportunities to have an equitable share in the distribution of estates in the short term, and their pursuit for economic empowerment in the long term. Restriction of the provision to an "heir" not only implies that they must be male, but that they should be succeeding a deceased male as required under the matrilineal system that prevails in the majority of African societies.

The logical conclusion is that the law-makers did not envisage females as having estates to bequeath. A review of the laws and procedures in the office of the Administrator.

General also confirmed this conclusion from the framing of the form on which a report of death is made. This is one of the instances where the law mirrors and reinforces injustices in society.

The allocation of 15% to the surviving spouse in intestate succession effectively discriminates against women and needs to be revised. Whereas in a polygamous marriage all surviving widows have to share 15%, a widower who survives more than one of his spouses takes 15% from each of their estates.

Respondents indicated that having gender responsive laws is contingent on a law making and law reform process that is supported by gender oriented legal research - where a gender analysis is conducted on the proposed area of reform. It was noted that efforts to support the legal reform process with gender oriented legal research are still limited and weak among the government agencies responsible for law reform and within civil society organizations.
3.5 CONCLUSION


\(^7\) Research project on women and inheritance: Ministry of women in Development, youth and culture (1994) on recommendation of the report, the form has since been revised.
CHAPTER FOUR

4.0 THE HUMAN RIGHT NGOs AND THE ROLES THEY PLAY IN THE ENFORCEMENT OF THE LAWS AGAINST DOMESTIC VIOLENCE

4.1 INTRODUCTION

Non-government organizations are engaged in prevention using community mobilization as the main strategy. Non-government Organizations\' initiatives, e.g. the National Domestic Violence Prevention Initiative, aim at strengthening domestic violence prevention at the community level. Some of the NGOs have undertaken integrated projects which include legal literacy programmers, capacity building, and legal aid services, counseling services, referrals within communities: mediation and arbitration; scaling up male involvement and shelters for abused women.\(^7\)

4.2 THE ROLE OF THE HUMAN RIGHTS NGOs

4.2.1 RAISING AWARENESS

The Human Rights NGOs seek to raise awareness for better respect for human rights, the rule of law and promotion of good governance, Conflict resolution, domestic violence prevention and support by mobilizing communities to act against all forms of Violence against Women and then Children, the fight against corruption, monitoring the human rights situation in Uganda, campaigning for greater respect for the freedom of association, expression and assembly as well as the independence and integrity of the Judiciary.

Activities include:

Civic Education to promote enhanced awareness among Women about their responsibilities in order to promote public accountability to make leaders more responsive and accountable. The activity entails informing citizens about the importance of participation in governance, their responsibilities, enhancing the capacity of political parties in providing civic education and enlightening elected political leaders, members of parliament, traditional leaders about their roles and responsibilities in a democracy.

Researching, publishing and disseminating information to influence and promote more

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\(^7\) Margaret M.Kakande Report on National Study on Violence against women: Uganda Report.
responsive allocation of scarce resources, monitoring and documentation of the human rights situation to enhance the flow of accurate information about critical rights issues and promoting discussion of strategies to enhance respect for the rights of women in Uganda.

- Media and public events that raise awareness within the general community and various professional sectors both social and health services, law enforcement, teachers, religious communities of domestic violence and its negative consequences on women, men, children, families and community such as workshops, seminars, conferences, radio programs, newspaper and media collaborations.

- Local participation that engages community members actively participating in domestic violence in their community, such as building community volunteer networks, domestic violence watch groups and community action groups.

- Media campaigns to inform citizens of their human rights, enlightening law enforcement officers about their role in respecting, protecting and enforcing human rights and making people aware of the presence of human rights organizations in Uganda here the victims of human rights violations can voluntarily present their complaints and seek redress.

- Supporting processes to deepen the participation of women at all levels of governance.

Raising awareness is an important step in process of preventing GBV. It requires systematic development of a message, understanding of the perspective, language and culture of the intended audience, and employment of creative methodologies. An effective awareness campaign requires practical thinking and resource mobilization to ensure that the ideas engage as many members of the intended group(s) as possible. Awareness raising activities include community theatre, dialogues, publications, fairs, marches etc.

4.2.2 COMMUNITY MOBILIZATION

NGOs and Local Authorities can play an important coordinating and facilitative role in community mobilization, yet the effort itself must be owned and ultimately sustained by community members. Activist NGOs can consider playing a catalytic role of inspiring and supporting others to take action.
“Community mobilization is a strategy for involving community members in the process of defining and transforming social problems” (Transforming Communities, 1999). It involves introducing ideas, processes and concrete mechanisms within the community to raise awareness, inspire action and support positive change. In the context of gender-based violence, it is a long-term process aimed at creating social change within the community in order to change the attitudes and behaviors that perpetuate GBV.

While GBV prevention is the ultimate goal, community mobilization involves addressing root issues such as women’s low status, gender inequity and rights. This intense work within communities engages a cross section of individuals from women and men at the grassroots to leaders and local institutions (i.e., health, social welfare, police, local courts, etc.) that exist in the community. In this way, prevention of and response to GBV work in synergy. The protest involves strategic thinking, building relationships within the community and strengthening the community’s capacity to respond to GBV.

Core Concepts

- Recognize and respect the community’s capacity to make positive change.
- Become aware of how the community understands the issue and build from there.
- Accept that social change is an organic process that does not always go according to plan.
- Involve a cross section of community members.
- Strengthen existing community structures, instead of establishing new ones where possible.
- Work to ensure community ownership throughout the whole process.
- Commit to working in the community over an extended period of time.
- Involve all stakeholders from the very beginning. Understand how the community leadership is organized.
- Reach out to all sectors and layers of the community.
- Take time to build personal relationships with 'gatekeepers'.

- Use a variety of Strategies and activities to reach people in many different ways.

- Strengthen capacity of communities to understand domestic violence and how it affects them.

- Carefully introduce new ideas over time.

Local Activism works with the community to develop local responses to the community's concerns about violence against women. 66 community volunteers (with equal numbers of women and men) were selected and are based in the community; they plan and implement activities with the support of CEDOVIP. 15 community counselors are also based in the community and they assist those who are affected by domestic violence by counseling and referring them to other institutions for assistance. Each of the community volunteers dedicates at least 5 hours a week to conducting activities in their local areas.

Activities include: community dialogues, community theatre, important discussions, and distribution of learning materials, booklet clubs, video shows, and development of various learning materials, etc. Most of these activities are held in busy places and engage a wide variety of community members. The events draw large numbers of people and are an important way of raising and keeping domestic violence on the community agenda. Domestic violence, once a hidden problem of women, is now talked about in public spaces, there is growing intolerance for silence and increased support to women experiencing violence. Men who choose violence are increasingly held accountable for their actions. Domestic violence is now seen as the community's responsibility and concrete mechanisms have been established in the community to prevent it.

4.2.3 STRENGTHENING CAPACITY

This works with key stakeholders (i.e., community volunteers, police in the Family Protection Units, health care providers, social service providers, etc.) to increase their understanding of domestic violence and to take action within their personal and professional lives to support women's right to live free of violence. The department selected key professionals within existing community institutions and works with them over time through workshops, training sessions and one-on-one support as they implement activities in their places of work. Activities include sensitizing their
colleagues on domestic violence, improving quality of care, community education and outreach, establishing policies and protocols in their places of work that upholds women's right to non-violence, etc. This department is also responsible for supporting the ongoing training of staff members. This is a priority of NGOs like CEDOVTP as we recognize that working on domestic violence with others first requires individuals to process and understand their own beliefs and attitudes about women's rights, gender and violence. Ongoing training and support also helps avoid burn out and maintains staff solidarity and morale.

In addition there are efforts to strengthen the capacity of community leaders and professionals to change policy and practice within their community and workplace that promotes women's rights to safety. The organization works with key stakeholders (i.e., community volunteers, police in the Family Protection Units, health care providers, social service providers, etc.) to increase their understanding of domestic violence and to take action at all levels of personal and professional lives to support women's right to live free of violence. Key professionals within existing community institutions were selected and CEDOVIP works with them through workshops, training sessions and one-on-one support as they implement activities in their places of work.

2.3.4 ADVOCACY

Assisting women and children as the victims of domestic violence to obtain legal aid services; Legal Aid is also intended for indigent and minority groups in Uganda.

This works for recognition of women's right to safety at the local and national levels and aims to inspire and support structural changes within local institutions and leadership. This department works with teachers in schools, local council leaders from the village to division levels, Christian and Muslim leaders and other relevant gatekeepers. National level advocacy is also done through participation in coalitions with other civil society organizations and organization of 16 Days of Activism activities. The advocacy department also works closely with the local and national print and electronic media. Radio programmes are broadcast in the local language to sensitize the community on the issue of domestic violence and newspaper columns are published regularly about women's rights, domestic violence and gender. The department also works closely with ted journalists
and editors to improve the quality of reporting on violence and the portrayal of women in the media.

Advocacy also includes the mission to rehabilitate women and children who suffer domestic violence through counseling and group therapy so that they can lead a better life and gain self esteem. Its main activities include: providing temporary shelter, counseling, advocacy, legal aid, information provision, first Aid Training. In addition this centre offers group therapy, rehabilitation, first aid, counseling, mediation and arbitration. However lack of funding has hampered this facility's ability to provide long-term shelter to victims of violence despite the number of women seeking refuge.

This also involves the initiative to train medical health professionals on matters of women's human rights, including violence against women. The aim of the training is to enable medical professionals appreciate their work as a key component of the enjoyment of the right to health to enhance the role that health professionals can play in identifying victims of violence and making referrals to the appropriate authorities such as legal aid agencies. UWONET is working conjunction with the Makerere University Medical School Department of Obstetrics and Gynecology.

4.2.5 CREATING COMMUNITY OWNERSHIP AND MEANINGFUL PARTICIPATION

NGOs for example CEDOVIP selected a core group of 52 women and men from the community who were interested and committed to violence prevention and works with them closely to strengthen their capacity to carry out activities with their peers. Efforts are lead and sustained by community members; therefore, the project emerged from and grows organically from the community. The ideas and activities come from the community themselves which is more powerful and persuasive than coming from an NGO.

Initially there was (and still remains) resistance and skepticism from some men. They felt threatened and worried that the message would "make women big-headed". This meant that CEDOVIP had to make special effort to reach out to men through different activities and clearly show the benefits of non-violence for men and clearly show the benefits of nonviolence for men. This benefits-based approach and deliberate programming emphasized everyone's right to live free of violence. Thereby shifting the focus from blame to problem solving.
The project emphasized the importance of collective responsibility for human rights protection instead of relying solely on the criminal justice system. While that is one alternative, the project instead emphasized the importance of community "policing" of social norms, thus involving the whole community, not just police officers and officials.

As the police work within such a hierarchal structure, CEDOVIP assembled a group of senior level officials from within the system. They sanction and promote the work to their "subordinates"; this voice from above is a powerful mandate within the police system. CEDOVIPOs engagement of the police is seen as an asset strengthening and improving their own work.

It took sustained dialogue, endorsement from influential leaders and diversity of strategies to eventually break through the initial resistance of community members.

Many leaders are supportive and have established local mechanisms to respond to GBV. It is important to work with them and support their efforts to operationalise some of the new ideas.

Women were shy to participate in the community activities at the beginning of the project, however. CEDOVIP maintained a sustained presence in the community and committed to working there over time, trust was built and women and men began increasing their personal involvement and own commitment in the work.

4.3 CONCLUSION.

Conclusively therefore the initiatives by the various non-government organizations with the help of the national laws have increased the visibility of GBV: mobilized communities including men the fight against GBV; and strengthened civil-state relations in the handling of survivors of violence. However the main hindrance to these NGOs activities has been the funding of SGBV interventions is however not adequate to expand nationally and sustain the community mobilization, sensitization and behavioral change initiatives.
CHAPTER FIVE

5.0 CONCLUSIONS AND RECOMMENDATIONS

5.1 INTRODUCTION

This chapter basically focuses on the general conclusions of the research study and the recommendations to the hindrances to the enforcement of the laws against domestic violence in Uganda.

5.2 CHALLENGES IN THE ENFORCEMENT OF THE LAWS AGAINST DOMESTIC VIOLENCE.

Violence against women is a symptom of unequal power relations between women and men in society, especially patriarchal societies: It is systematically constructed through knowledge and belief systems. Ending violence against women requires not only policy and legislative effort; but also sustained mass behavioral change initiatives. The funding of SGBV interventions is however not adequate to expand nationally and sustain the community mobilization, sensitization and behavioral change initiatives

Attitudinal change is a slow process and therefore transforming society to respect and uphold women's rights is a slow process. This is worsened by the ignorance of rights and the laws by the public i.e. many people do not know their rights and how to enforce them. This is because societal beliefs/ cultures and attitudes that limit appreciation of rights and the safeguard in the law.

Accessing justice for SGBV survivors the criminal justice system constrained by factors such as costs e.g. for medical examination, legal fees; distance from service providers/institutions: and secondary traumas induced by lengthy procedures and social stigma. This partly explains slow speed with which the cases are disposed and remedies availed.

Uganda is a multi-ethnic, multi-religious and diverse country, with population groups having different traditions, values, customs and practices. Developing legislation that standardizes values and norms with the respect to women's rights often meets stiff resistance on grounds of cultural relativity. Fully translating international human rights standards into domestic laws has to navigate the intricacies of cultural relativism.
Support towards livelihood activities and temporary shelters for SGBV survivors are weak/dismal yet it is critical for comprehensive response. Most of the SGBV interventions focus on clinical management, psycho-social support, and access to justice, community mobilization/sensitization, legislative reforms, and training of duty bearers. The lack of specialized services hampers effective implementation of interventions for VAW. For example, in reproductive health as most doctors are not trained in handling cases of domestic violence.

5.3 CONCLUSIONS

*Incidence of domestic violence.* The precise incidence of domestic violence in Uganda is difficult to determine but all studies noted that physical violence against women was most prevalent. On average 50% of women had suffered physical violence, while at least 23% experienced sexual abuse. All studies confirmed that domestic violence was more prevalent in rural areas than in urban areas. Regionally most VAW was cited in the northern and eastern parts of the country. The profiles of victims of domestic violence varied among women. The UDMS 2006 noted that most physically and sexually violated women were aged 30-39 years. The lyrically violated women were mainly employed but not for cash: had ever been married: and attained at least a primary schooling. On the other hand, sexual violence was most prevalent among women employed for cash: either divorced or widowed, and with no education. Emotional violence was most prevalent among women aged 15-19 years, not employed and with no education. All studies confirmed that men, particularly the husbands and heads of households were the main perpetrators of domestic violence. It was noted that the data sources for domestic violence in Uganda are varied and had different objectives for their design, scope of coverage; of domestic violence used and methodologies for data collection. This made comparative use of the data sets problematic since most of them were not nationally representative.

*Causes and impacts of domestic violence.* The study identified social, economic and cultural causes for domestic violence. These included cultural and traditional practices that relegate women to an inferior position: poverty especially in rural areas where women mainly depend on men for sustenance; alcoholism drug abuse; and illiteracy. It was noted that cultural practices and attitudes were the major causes of domestic violence. The UDHS study, for example, attributed domestic violence to women's negligence of their reproductive roles, denying sex to spouses: neglecting children; not cooking; etc. It was also established that
education and literacy influenced the dynamics around domestic violence possibly because of
the link between education and economic wellbeing. The ULRC study established that
households with lower incomes had more domestic violence compared to richer homes
although all households had high incidences of domestic violence. It was also noted that
political strife escalated incidences of domestic violence within households. Domestic
violence was perceived to be misunderstandings and disagreements in the family. In many
instances it was acceptable in communities.

The effects of domestic violence are both physical and psychological in nature leaving women
powerless and sometimes physically incapacitated. It was established that the most commonly
mentioned effect of domestic violence was bodily injury, emotional distress and humiliation.
Other effects mentioned included sexual immorality, alcoholism, witchcraft, property
domestic violence destruction and loss and retardation of development as well as physical
harm and broken relationships. It was noted though, that the full cost of domestic violence to
the country cannot be established due to the gaps in information. There was under reporting of
the domestic violence incidences. Some aspects of domestic violence for example the
psychological and emotional abuse were not captured. There was also an issue of varied
effects of on individuals, families and communities at large. However, it was concluded that
overall VAW is negatively impacting on the national, development efforts.

**Data collection on domestic violence and challenges faced** Information on domestic
violence, was lacking data on psychological and emotional abuse; as well as economic
violence. Information on reported, prosecuted and acquitted cases of domestic violence was
also scanty. The level of public service to domestic violence victims and the related cost
could not be established since programmes addressing domestic violence are part of the
general public services. The problems with data collection are due to the under
reporting of domestic violence cases. This was compounded with the challenge of
scope of coverage with many sources being limited to a few geographical areas
making national representation an issue. There are also issues of definition as
domestic violence has varied aspects under the broad categories. The fact that
information on domestic violence is scanty is an indication of low demand on the
part of policy makers. There is no mechanism to collate and generate national data
sets on domestic violence the low demand is also an indicator of limited use of
domestic violence information for policy making.
The National Legal Framework

In Uganda has a comprehensive legal framework. The Constitution guarantees equality between women and men.

There are also many other national laws relevant to domestic violence. These include 'The Domestic Violence Act, 2010 that provides for the protection, and relief of victims of domestic, violence; and the punishment of perpetrators of domestic violence, 'the Penal code provisions on offences against the Person: The Land Act (Cap 227) and Land Acquisition Act (cap 226). That provide for spousal consent on all matters relating to land from which the family derives The Divorce Act (Cap 249) which also provides a window for victims of violence: The law of Tort; A draft Marriage and Divorce Bill; The Employment Act; and A female Genital Mutilation (FGM) Bill.

The problem is enforcement of the many laws. Of concern is the stay of the Sexual Offences Bill although many aspects of this Bill can be addressed by other legislation.

As a follow up on the Beijing Platform, the country has a National Gender Policy (2007); the National Gender Action Plan; The Social Development Plan; the National Equal Opportunities Policy and Action Plan; and the National HIV/AIDS Strategic Plan all aimed at gender equality and justice, women's empowerment and the elimination of discrimination. However effective implementation is still an issue.

5.4. RECOMMENDATIONS

The domestic violence Act 2010 needs to be implemented expeditiously S(6) of the act amplifies the proceeding in local council courts to control domestic violence and therefore protocols and guidelines have to be developed for all local council courts in the country’s(7)(a) of the act expounds the duties of the police in the control of domestic violence and therefore police officers deployed to the child and far protection unit need policy guidelines and protocols as well as capacity to enable them handle the protocols.

The sexual offences (miscellaneous amendments) bill 2004 needs to be revived and put before cabinet for endorsement V. and tabled, debated and enacted into law. This is because specifically by revving the punishment for rape and defilement Providing for the
compensation of victims of rape and defilement. Reforming the law on procedures in prosecuting rape, defilement and other sexual offences; and Removing the powers given to local councils to try cases of impregnating a girl below the age of 18 years and elopement of a girl below 18 year.

The Uganda police force together with other actors in the justice, law and order sector should review the SGBV typology so that all aspects of SGBV are captured by all police and police stations throughout the country so that national statistics can be used to inform planning and programming in relevant sectors increase public awareness on UNSCR 1325, 1820 and the Goma declaration.

The Goma declaration operative clause (OC) 14 calls for undertaking sustained public awareness , targeting women, men girl, boy and the community on their nights and responsibilities while Uganda NAP calls for increasing awareness of the public on UNSCR 1325 and 1820 and the Goma declaration. Right holders if informed will be empowered to hold duty bearers to account for the implementation of the three instruments.

Strengthen regional perspectives and approaches to conflict prevention and approaches to conflict prevention and peace building and increase female representation in regional peace and security structures, and strengthen capacity to comply with international law.

The borders in the Great Lakes Region are porous and therefore armed conflicts often spill over into neighboring countries turning what started as a local conflict into an inter-state conflict as history has demonstrated. Taking a regional perspective to conflict and adopting' regional plans is an insurance policy for the pursuit of peace, human security and sustainable development

7. JLOS should expedite the finalization of the Legal Aid policy and ensure that cost implications of the policy are properly embedded in its budgets. The Ministry of Finance Planning and Economic Development (MFPED) and the development partners should avail necessary funds and resources to ease implementation of policy.

8. Government should create harmony between the medical and law enforcement professionals as a major step towards solving the institutional barriers in addressing
domestic violence. The planned model SGBV Recovery Centre is to step in the right direction.

9. The curricula of medical practitioners should be updated to cater for training in forensic and evidential matters. This should be followed with comprehensive training of all medical practitioners at all levels in the examination and recording history of the survivors of domestic violence. This should be for both in-service and pre-service medical practitioners.

Establishment of shelters should be captured in the JLOS budget. MFPGD and the Development partners should avail necessary funds and resources to allow the establishment and operation of the shelters.
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