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Uganda: Domestic violence, including legislation, statistics and attitudes toward domestic violence; the availability of protection and support services

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Legislation

Uganda ratified the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) in 1985 (UN n.d.; *The Monitor* 10 Feb. 2008; AI 30 Nov. 2007, Sec. 3.1). In addition, Uganda's Constitution accords women "full and equal dignity of the person with men" and prohibits "[l]aws, cultures, customs or traditions" that undermine their welfare, dignity or status (Uganda 1995, Art. 33; AI 30 Nov. 2007, Sec. 3.2). Nevertheless, Amnesty International (AI) indicates that there are certain customary laws and practices concerning land ownership, marital customs and child custody norms that conflict with CEDAW and women's constitutional rights (ibid.). For example, marital rape is not recognized under the Penal Code, since consent to marriage is interpreted as consent to sexual activity under customary law (ibid.). According to AI,

domestic violence including marital rape may only be dealt with under the lesser criminal charge of assault which carries with it a lower maximum sentence of up to five years imprisonment and does not deal with other forms of domestic violence, including sexual and psychological violence (ibid.).

Uganda has no specific law in place prohibiting domestic violence (*The Monitor* 10 Feb. 2008; US 11 Mar. 2008), and a draft domestic violence bill has "languished" for years in parliament (Freedom House 2007; *The New Vision* 28 Sept. 2007). The domestic relations bill was tabled in December 2003, but was shelved in 2005 after it came under attack from both legal and parliamentary affairs committee members and the public (WorldChanging 1 Dec. 2007). In 2006, President Museveni declared that the bill "...was not urgently needed" and debate was halted (ibid.). However, following a mission to Uganda in March 2008 by the African Women Leaders Project (AWLP), an 18-month initiative by the Club of Madrid to support women leaders in four African nations including Uganda, President Museveni reportedly made a public call for its "speedy passage" (AWLP May-June 2008). Cited in AWLP's May-June 2008 newsletter, the Speaker of the House of Assembly indicated that he would ensure the bill's passage before the end of parliament (ibid.).

In the Kawempe Division in Kampala District, a by-law was passed in October 2007 (Raising Voices n.d.a; *The New Vision* 9 Oct. 2007), that makes it possible to impose a fine on or demand compensation from a perpetrator of domestic violence (ibid.). The by-law also provides for a fine to be imposed on anyone who "abuses or physically hurts" a community member or authority figure who intervenes or comes to the aid of a victim (ibid.). According to Raising Voices, a non-governmental organization (NGO) based in Kampala that works toward preventing domestic violence (Raising Voices n.d.b), it is the first by-law to be passed in Uganda that addresses domestic violence (ibid. n.d.a). Raising Voices is a project of the Tides Center, a registered American charitable organization (ibid. n.d.b.).

Statistics on and attitudes toward domestic violence

In August 2007, the Uganda Bureau of Statistics published a report indicating that 68 percent of ever-married women aged 15 to 49 years had experienced some form of violence inflicted by their spouse or intimate partner (Uganda Aug. 2007, 293-294). A 2006 study by the Uganda Law Reform Commission yielded similar data, indicating that 66 percent of both men and women respondents had experienced domestic violence (CEDOVIP 2007). The United States (US) Department of State reports in its *Country Reports on Human Rights Practices for 2007* that a 2006 survey indicated that 70 percent of women had been physically or sexually abused (US 11 Mar. 2008, Sec. 5). This survey also found that 60 percent of men and 70 percent of women in Uganda condone "wife beating" (ibid.). This attitude reflects statistics published by the United Nations Children's Fund (UNICEF) in its 2008 report, which indicates that 77 percent of women aged 15 to 49 years feel that spousal violence is justified

for a variety of reasons, such as if the woman burns food or refuses sexual relations (UN Dec. 2007, 147; see also *The New Vision* 28 Sept. 2007). According to the 2006 Uganda Law Reform Commission study, domestic violence is most common in northern Uganda, where it is reported to have occurred in 78 percent of homes (CEDOVIP 2007).

Protection and Resources Available

Most women do not report cases of domestic violence to authorities (*The New Vision* 28 Sept. 2007; Freedom House 2007) and police rarely intervene or investigate (ibid.; US 11 Mar. 2008, Sec. 5). *Country Reports 2007* indicates that many law enforcement officials consider spousal battery "a husband's prerogative" (ibid.). Other reported reasons for women's reluctance to file a complaint include fear of reprisal, embarrassment, poverty, ignorance of the law and lack of information on where to make a report (*The New Vision* 28 Sept. 2007).

A report released by AI in 2007 indicates that women living in the north have limited access to protection from any form of violence because "[p]olice posts and stations are few and far between" (AI 30 Nov. 2007, Sec. 1), and because it is normal practice for police to demand money to take action on any complaints (ibid., Sec. 5.1.2). In cases of domestic violence, AI notes that victims often do not complain to police because they depend on their partners for financial support (ibid., Sec. 4). Another option for victims of spousal abuse is a traditional familial reconciliation process, which may involve a form of paid compensation to the victim called *luk* (ibid.). Women interviewed by AI indicated that the informal process was ineffective as husbands would not pay *luk* and would often continue to abuse their wives (ibid.).

In an attempt to address the problem of domestic violence, the Uganda Police Force established a Gender Desk in 1986, which became the Child and Family Protection Unit (CFPU) in 1989 (CEDOVIP 2007). The Uganda Police Force has also developed a handbook in cooperation with the Center for Domestic Violence Prevention (CEDOVIP) (ibid.), an NGO based in Kawempe that collaborates with other stakeholders in the community to advocate for changes in attitudes and behaviour toward domestic violence (ibid. n.d.). In June 2007, the handbook entitled *Responding to Domestic Violence* was published to assist the community and police in handling such cases (US 11 Mar. 2008, Sec. 5). CEDOVIP is also working with Raising Voices in implementing the National Domestic Violence Prevention Initiative, a training program being offered to ten organizations located throughout Uganda (Raising Voices n.d.c). The program is aimed at enhancing community-based prevention efforts (ibid. n.d.c).

In February 2007, *The Monitor*, a Kampala-based daily newspaper, reported that a home had been constructed in the Kayunga District to accommodate fifty victims of domestic violence (4 Feb. 2007). Police statistics reportedly indicate that at least one woman is killed in Kayunga as result of domestic violence every two months (*The Monitor* 1 May 2008). Further information on the existence of shelters for victims of domestic abuse elsewhere in Uganda could not be found among the sources consulted by Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources, including: A coordinator from the Women's United Nations Report Network (WUNRN) was unable to respond to a request for information within the time constraints of this Response.

Internet sources, including: Canadian Physicians for Aid and Relief (CPAR), Georgetown Law (Washington), Human Rights Watch (HRW), Tides Center (San Francisco), Uganda Women's Network (UWONET), Virginia Law Weekly (University of Virginia School of Law), Women of Uganda Network (WOUGNET), Women's enews.

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