



Policy Brief

Gender-based violence in all forms – physical, psychological and economic remains one of the most detrimental affronts to the lives of women. GBV is attributed to a number of factors including cultural attitudes and misconceptions;

subordination of women and political factors such as the existence of conflict; which disrupt social relations and increase vulnerability particularly of women and children.

While the magnitude of prevalence of GBV is captured in statistical data indicating the number of women and children violated, murdered and maimed, there are many others who remain statistically insignificant; neither documented anywhere nor seeking or receiving redress.

The 7,690 girls defiled in 2011 ¹	7,690 fragile lives each with a distinct face, personality and individual aspiration for the future – shattered physically, emotionally and psychologically but bravely attempting to seek justice despite many limitations. Only 3,836 suspects arrested. Almost half the reported cases never make it to the courts of law.
?	The unknown number, whose lives were equally shattered by defilement, but are denied justice, have no funds, cannot afford the costs of a doctor for a medical examination or cannot access the Police form 3, are subdued into silence by the defiler or were the victims of underhand consent agreements. The violations committed against them were never reported.
The 520 women raped in 2011 ²	520 lives in distress and fear, violated and abused, perhaps even infected with HIV. Only 269 suspects arrested. Almost half the reported cases never make it to the courts of law.
?	And, the unknown number, whose lives were equally shattered by rape but are denied justice, suffer in silence, carry an unwanted pregnancy, seek unsafe abortion, and experience numerous medical challenges. The violations committed against them were never reported.
The 251 women murdered due to domestic violence in 2011 ³	251 lives, only a memory, leaving behind shattered lives of disillusioned family and friends seeking justice. Only 181 cases investigated.
?	And, the unknown number, whose lives are only a distant memory and for whom there was never any justice.

1 Uganda Police Annual Crime and Traffic/ Road Safety Report 2011

2 Ibid.

3 Ibid.

Violence Against Women is a human rights issue whose victims have a face, a name and a life; all of which someone has tried to take away from them. Our collective role is to restore their dignity and rights by providing them with justice and supportive mechanisms for recovery; and to work towards the elimination of this vice from society. To do this, we need to:

- Eliminate the unknown numbers by ensuring that every woman and girl victim of violence is aware of their rights and has access to justice; and the necessary supportive measures.
- Ensure that all the known numbers – the reported cases – are safe, provided with the immediate and urgent medical response – medical examination and post-exposure prophylaxis within 72 hours; and receive justice through a responsive law enforcement and judicial process.
- Eliminate GBV all together by ensuring zero tolerance towards this human rights violation.
- Increase resource allocation to Justice Law and Order Sector and social services i.e. health.

STRATEGIES TO ADDRESS GBV INCLUDE:

An enabling legal framework

The legal framework provides the basis for law enforcement and judicial response in order to seek justice for victims of violence; and

deter would be offenders. Efforts have been made to address GBV with its various complexities. The 1995 constitution provides a basis for the enabling legal environment to eliminate GBV, through recognition of the rights of every individual to live free of violence. The constitution further outlaws customs and traditions which are harmful to women's lives.

To this end, various laws have been passed to safeguard women's rights and serve as a deterrent to the commission of GBV. Among these is the Anti-Female Genital Mutilations Act, which was specifically developed to address the incidence of FGM which not only has physical and medical consequences, but social as well, including encouraging early marriage and continued subordination of women.

The Domestic Violence Act aims at specific protection of victims of domestic violence. It also endeavours to disaggregate this as a specific societal concern rather than a continued blanket approach of the generic provisions in the Penal Code Act such as assault.

The Prevention and Trafficking in Persons Act Protection of Trafficking in Persons Act, takes cognizance of the vulnerability of women and girls to economic and sexual exploitation both within and beyond borders – a vice which is growing globally; and seeks to address this.

While these and other laws are in place to address GBV,



tension exists between the law and societal attitudes towards VAW - through condoning silence - thus impacting on its effective implementation. However, an enabling legal framework is a key step towards the realization of social transformation and attainment of the rights of women and girls to live free of violence; and must similarly be supported by demonstrated political will to ensure compliance with the law.

Procedures

The necessary procedures to ensure compliance with the law are critical for victims of GBV to have recourse to justice. Awareness of the immediate actions to take through knowledge of the referral pathways and the existence of a community support system through local activists / women's organizations is critical to ensure that the requisite steps are taken.



The manner with which duty bearers address cases of GBV referred to them is critical and determines whether a victim will receive justice or not. For instance, the case of a paedophile who almost slipped through the justice system in 2012 due to the flippant manner with which his case was initially handled by the police, prosecution and magistrates court, exposed the flaws in a legal system that is sometimes archaic and compromised; but which we continue to work with in an effort to realize institutional change and justice for women and children.

The procedural requirement for provision of evidence on sexual violence was greatly eased through development of the new Police Form 3. This document is applied by law enforcement

agencies to record medical practitioner's evidence in cases of sexual violence including rape and defilement. Previously, this form could only be duly filled by a Police surgeon – of whom there were only 4 in the country – to provide evidence admissible in courts of law; with the exception being the rare occasions of judicial activism. The new PF3 is more responsive to victims needs and can be filled in by a Medical Doctor or by a medical doctor, clinical officer or a registered midwife. Advocacy for its adoption was based on the pragmatic position that a victim of sexual violence cannot receive justice with such severe restrictions on the burden of proof. The new PF3 when applied will improve case management of sexual crimes with the long term impact of reduction of its incidence.

Capacity-enhancement and Awareness Creation

Capacity-enhancement and awareness creation are critical to application of the law and its attendant procedures by duty bearers and awareness of individual rights by the rights holders. It is an engaging process through which contestation on issues of attitudes and practices are interrogated in order to realize shifts in perceptions and actions to address VAW.

It requires a sustained approach and should reach all segments of the population in order to realize incremental steps towards social change.

The Impact of GBV

The impact of GBV transcends the individual victim, family and community to the national level and international level.

The Socio-Economic Impacts:

Economic costs – at an individual level this can be demonstrated by time away from economic activity and individual medical cost; at the macro-level, this includes the cost in handling/responding to GBV issues by Duty Bearers including health workers, law enforcement agencies and the Judiciary. A recent study by the Centre for Domestic Violence Prevention (CEDOVIP) on the economic costs of domestic violence pegs this at Ushs 55 billion annually for duty bearers alone⁴. This figure may look a substantive amount but in-sufficient to support the delivery of quality services to GBV victims which is evident with the number of cases handled verses the number reported.

Additional economic costs that are difficult to quantify are related to the high number of school drop outs, particularly girls, which is directly attributed to GBV both in the home and in the school environment. This stifles opportunity for girls and reinforces socio-economic barriers that keep them in a cycle of poverty.

Social Costs – the social costs associated with GBV/VAW at the individual level include isolation and immobility; and vary based on the context. For

⁴ Presentation of the Economic Costs of Domestic Violence. CEDOVIP. 22 November 2012.

instance, the social stigma experienced by women and girls and their children born out of rape/ defilement during conflict demonstrates multiple levels of social injustice.

The Political Impacts of GBV:

The political impact at the individual level includes the lack of voice and inability to participate in decision-making processes at the family and community level. At the national and international levels, political impacts are demonstrated by the attitudes towards women's participation in decision-making and the particular challenges women experience in entering and participating in these spaces necessitating policies such as affirmative action. Further in the context of conflict, GBV impacts are particularly detrimental and now recognized as a weapon of war through international instruments notably United Nations Security Council Resolution UNSCR 1325 and 1820.

Initiatives in place to address GBV:

The GoU has put in place several initiatives to address GBV. These include actions at the policy level particularly through the Ministry of Gender, Labour and

Social Development (MGLSD) and the Justice Law and Order Sector (JLOS); among which is the development of a National Policy and Action Plan on GBV. Key attributes of this policy are: a multi-pronged strategy aimed at the community and national levels; including co-ordination of actors, actions and media interventions. While the JLOS Strategic Investment Plan III is working towards putting in place institutional and procedural reforms to address GBV. Additional initiatives between the GoU, UN Agencies specifically UNFPA and civil society including UWONET are aimed at reducing the incidence of GBV through a multi-pronged strategy aimed at policy and legislative change, building institutional capacities for the GBV response, and creation of public awareness.

Civil Society has also worked closely with the GoU on establishment of Safe Shelters including putting in place guidelines for this purpose. Safe shelters are currently operational and run by CSOs as a mechanism to provide a wholistic response to GBV through offering temporary shelter, medical and psychosocial interventions and legal support for victims of GBV.

In addition, civil society is building a social movement to address women's human rights including VAW through community led actions and policy oriented responses. It is believed that this dual approach will realize significant change in a sustained approach towards addressing GBV.

Conclusion

The commemoration of the 16 Days of Activism Against Gender – based Violence, is a global initiative of the women's rights movement to honour the victims of VAW through a collective remembrance of their stories and struggles and urge for action to end this vice in society. During this period, UWONET urges you the policy maker, the duty bearer, the teacher, the medical worker, the parent, the partner, the ordinary citizen, to consider the lives of each individual woman and girl child captured in the data; and those that have been affected by VAW but never made it that far; and, make a commitment in your professional and personal capacities to eliminate Gender-based Violence. We must all play our part to ensure zero tolerance to Violence Against Women.



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