

**ASSESSING THE LEGAL CHALLENGES IN PROSECUTING GENDER-BASED
VIOLENCE CASES: A CRITICAL ANALYSIS OF JUDICIAL PRACTICES AND
INSTITUTIONAL FRAMEWORKS**

FLORENCE NAMULEME

BS21B11/189

**A DISSERTATION SUBMITTED TO THE SCHOOL OF LAW IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE AWARD OF THE DEGREE OF BACHELOR OF LAWS OF
UGANDA CHRISTIAN UNIVERSITY**

May, 2025



**UGANDA CHRISTIAN
UNIVERSITY**

A Centre of Excellence in the Heart of Africa

DECLARATION

I, NAMULEME FLORENCE declare that this research is a result of my original work and has never been submitted to any institution or university for the award or degree.



SIGNED:.....

NAMULEME FLORENCE

DATE: 09th MAY,2025.

APPROVAL

I hereby certify that this research work was carried out by **NAMULEME FLORENCE**, Registration number **BS21B11/189** a student at Uganda Christian University under my full supervision and guidance in partial fulfillment for the award of Bachelors Degree of Laws and is now ready for submission.

Date:.....

Signature:.....

MISS. MARTHA MUGISA
UNIVERSITY SUPERVISOR.

DEDICATION

I dedicate this piece of work to my beloved mother late Namayanja Nuriat and my beloved Father Mr. Kaddu Samuel who was so passionate on seeing me acquire education in a greater institution and given me advise and encouragement throughout my education. To all my siblings, friends and Miss Martha Mugisa the university supervisor.

ACKNOWLEDGEMENT

I wish to thank the Almighty Lord for keeping me alive with wisdom and good health throughout my research time. I appreciate the work done by my beloved supervisor Miss Martha Mugisa thank you for all the guidance, may the Almighty Lord bless you abundantly. I am highly indebted to my friends and course-mates for the support and encouragement they always gave me thanks for being there for me.

LIST OF ABBREVIATIONS

GBV – Gender-Based Violence

FGM – Female Genital Mutilation

UN – United Nations

CEDAW – Convention on the Elimination of All Forms of Discrimination Against Women

ICCPR – International Covenant on Civil and Political Rights

ICESCR – International Covenant on Economic, Social and Cultural Rights

CRC – Convention on the Rights of the Child

DEVAW – Declaration on the Elimination of Violence Against Women

UPF – Uganda Police Force

CEDOVIP – Centre for Domestic Violence Prevention

SDG – Sustainable Development Goal

SDG 5 – Sustainable Development Goal 5 (Gender Equality)

NGO – Non-Governmental Organization

UHRC – Uganda Human Rights Commission

EOC – Equal Opportunities Commission

DPP – Director of Public Prosecutions

IPV – Intimate Partner Violence

JLOS – Justice, Law and Order Sector

ODPP – Office of the Director of Public Prosecutions

CFPU – Child and Family Protection Unit

UMWA – Uganda Media Women’s Association

SMS – Short Messaging Service

TRC – Truth and Reconciliation Commission

HIV- Human Immunodeficiency Virus

STD- Sexually Transmitted Diseases

CFPU- Commissioner Child and Family Planning Unit

UDHS- Uganda Demographic and Health Survey

ECtHR- European Court of Human Rights

UNICEF- United Nations International Children’s Emergency Fund

UNDP- United Nations Development Fund

CEHURD- Center for Health, Human Rights and Development

TABLE OF CONTENT

Catalog

DECLARATION	2
APPROVAL	3
DEDICATION	4
ACKNOWLEDGEMENT	5
LIST OF ABBREVIATIONS	6
ABSTRACT	8
CHAPTER ONE	9
INTRODUCTION	9
1.0 introduction	9
1.1 Background of the study	10
1.2 Problem statement	10
1.3 Hypothesis	10
1.4 Significance of the study	10
1.5 Objectives of the study:	11
1.6 Research Questions:	11
1.7 Literature Review	11
1.8 Methodology:	13
1.9 Scope of the study:	13
1.10 Limitations	13
1.11 Ethical Consideration	14
CHAPTER TWO	15
2.0 Introduction	15
2.1 Overview of Gender Based Violence	15
2.2 Legal framework for prosecuting gender based violence	17
2.2.In conclusion	24
CHAPTER THREE	25
3.0 Introduction	25
3.1 Judicial Practices and Institutional Framework Challenges	25
Skepticism and Suspicion attached to Gender Based violence – Specifically Sexual Gender Based Violence (S/GBV)	25
3.2 MEDIA RESPONSIBILITIES	39
3.3 In conclusion,	42
CHAPTER FOUR	43
4.0 Introduction	43
CHAPTER FIVE	46
5.1 Conclusion	46
5.2 Recommendations	46
REFERENCE LIST	50
Case law	50
Statutes used,	50
National policies	51
International instruments	51
International treaty	52
Textbook	52
Journal Articles – both soft copies and online articles.	52
Commission reports	53
Website articles	54
Webblogs	61
News papers	62

ABSTRACT

This study critically examines the legal challenges in prosecuting gender-based violence (GBV) cases in Uganda, with a particular focus on the effectiveness of judicial practices and institutional frameworks. Despite the existence of a comprehensive legal framework including the Domestic Violence Act, the Penal Code Act, and international treaties like CEDAW, survivors face significant barriers, including low prosecution rates, skepticism and suspicion associated with SGBV, judicial stereotypes attributed to gender, lack of GBV courts for timely delivery of justice, pervasive societal stigma, victim-blaming, overlapping statutory and customary laws, under funding of judicial institutions, and sociocultural norms that blame victims and prioritize informal dispute resolution over justice, poverty, evidentiary limitations, and limited public awareness further exacerbate survivors' inability to access justice. The study also identifies judicial bias, weak enforcement mechanisms, and inadequate victim support systems as key obstacles to successful prosecution.

The research concludes that Uganda's legal and institutional responses to GBV remain insufficient in reality and practice and it requires urgent reform. It recommends the establishment of specialized courts, legal reform to address gaps in existing laws, training for justice personnel, increased funding and, improved victim support systems, and enhanced community sensitization. It also calls for a more collaborative, compassionate and effective justice system that recognizes the dignity and rights of all individuals, fostering an environment where survivors can seek justice without fear or shame. Addressing these barriers is essential for promoting accountability, protecting survivors' rights, and advancing gender equality in Uganda.

CHAPTER ONE

INTRODUCTION

1.0 introduction

“Gender- based violence is defined as any harmful act directed at an individual based on their gender or sex.”¹ According to the United Nations, gender based violence is defined as an act based on societal gender norms between males and females². This is irrespective of ones’ social, economic and political status .The prevalence of GBV is alarmingly high, with various forms of violence being reported across different regions such as eastern Uganda which faces female genital mutilation, northern Uganda, rural areas, and many other areas like families, communities, workplaces and institutions.

Gender- based violence remains very common in Uganda, with 56% of women aged 15-49 reporting physical or sexual violence³. Despite the strong laws, including the domestic violence act 2010 and amendments to the penal code act, systemic inefficiencies prevents prosecutions. For instance, only 2% of reported GBV cases result in convictions⁴.GBV has continued to affect Ugandan society which has resulted into social and isolation, psychological distress/anxiety, spread of HIV and STD infections. Victims normally face unwanted pregnancies and trauma which can even affect their immediate family members⁵. This continues to be a problem to the survivors even with the strong legislative and policy framework that promotes gender equality and women empowerment.

This study investigates the legal, institutions, and sociocultural barriers obstructing justice for survivors. The aim is to interrogate gaps between policy and practice and to propose actionable reforms that can be carried out to strengthen Uganda's justice system.

¹ Domestic violence Act,2010, sec. 2

² UNHCR,2011

³ Uganda Bureau of services Uganda Demographic and health Survey 2022, confirms the prevalence of a high rate of GBV in Uganda

⁴ FIDA Uganda, 2021

⁵ Beyene et al., 2019; World Health Organization, 2007

1.1 Background of the study

Back in the 1900s, there were no formal benchmarks addressing gender based violence but it was influenced by the societal views and some other factors which have been influencing gender-based violence cases up-to date. There is a widespread of gender-based violence cases in Uganda which is rarely noticed and most of it is not spoken about because of the fear from society and possibilities of being mocked and discriminated by the society members. Although there are laws put in place in regards of GBV, they can not protect these people especially women, girls and men at some point, the law may not punish the criminals of these violation, which is an obstacle in the way of prosecuting gender-based violence cases making it real world problems.

1.2 Problem statement

Although Uganda has enacted progressive gender-based violence laws, survivors still face challenges in accessing justice, including blaming of the victims for the abuse they have suffered, corruption and procedural delays. Judicial institutions often lack the resources, expertise or training to handle gender-based violence cases sensitively, while cultural norms places a higher priority on reconciliation over formal judicial action. This study seeks to uncover the specific legal challenges undermining prosecutions and their implications for human rights and gender equality.

1.3 Hypothesis

This study propose that in as much as the laws have been enacted and put in place to govern GBV in Uganda, many people still face challenges in the implementation and compliance of such laws, however challenges may be dealt with by analyzing our social environment.

1.4 Significance of the study

- This research contributes to the existing body of knowledge by providing a detailed analysis of the legal challenges in prosecuting GBV cases in Uganda. It also offers practical recommendations for improving the justice system's response to GBV.

- The study shows the existence of gender-based violence and also provide solutions to the victims and other people who may face this kinds of violence in the future

1.5 Objectives of the study:

1.5.1 General objective,

To critically analyze the legal institutional, and sociocultural barriers undermining the effective prosecution of gender based violence cases in Uganda and propose actionable strategies for systematic reform.

1.5.2 Specific objectives

1. To analyze the adequacy of Uganda's legal framework in addressing GBV, focusing on gaps in definitions, evidentiary standards and enforcement mechanisms.
2. To investigate how gender inequality, poverty and differences between rural-urban areas work together to create unequal legal outcomes GBV survivors.

1.6 Research Questions:

1. What are the laws governing gender-based violence cases in Uganda?
2. How do the intersections of gender inequality, poverty, and rural urban differences affect the coping mechanisms and resilience of GBV survivors?

1.7 Literature Review

There has been various literature review that has been written and published by scholars concerning the aspect of gender based violence in different areas of Uganda which are in regards to the research objectives. This research therefore intend to look at the available writings concerning GBV.

Uganda has also enacted progressive laws to combat GBV including the domestic violence act,2010 and its regulations of 2013,Kampala declaration on gender based violence, the penal code act as amended, the children act, trafficking in person act,2009, Employment act, the prohibition of female genital mutilation act,2010. These laws respect and protect survivors and make acts like marital rape crimes⁶.

⁶The Penal Code Act, Cap 127, as amended, sec. 123

However some experts argue that the overlapping statutory and customary laws lead to misunderstandings for instance bride price practices uphold women's subordination, contradicting statutory protections⁷. Despite the ratification of international treaties like the convention on the elimination of discrimination against women (CEDAW), implementation remains weak due to inadequate coordination between national and local institutions.

Uganda's legal system has structural inefficiencies according to the studies. The number of sexual offence cases more especially defilement and rape remains large in Uganda. According to 2019 Uganda Police Force in its annual crime report of 2019, "the number of defilement cases registered was 13,613 in 2019, down from 18,507 in 2014"⁸. Despite this, nearly half of the perpetrators/offenders go unpunished. Beyond the human rights concerns, GBV has huge economic costs. the Centre for Domestic Violence Prevention (CEDOVIP) estimated that "violence costs UGX 79 billion annually"⁹. This creates a huge threat to the attainment of national development aspirations and Sustainable Development Goal 5 which targets 5.2 on "elimination of all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation". The justice system must strengthen its role in responding to GBV cases particularly rape and defilement which undermine the sexual reproductive health of the victims, leading to high risks of contracting diseases like HIV and other Sexually Transmitted Diseases, and unwanted pregnancies giving rise to early parenting and forced marriages¹⁰. Therefore, it is essential to evaluate the effectiveness of the Uganda's judicial system and policy framework in responding to cases of rape and defilement.

Comparatively, Uganda's GBV prosecution rates are way more behind from neighboring countries like Kenya and Rwanda, which have specialized sexual offenses courts and stricter accountability mechanisms according to the Amnesty International, 2022. However, like many nations, Uganda struggles with colonial-era laws that inadequately address modern GBV forms, such as cyber harassment.

⁷ Fuseini, I. (2021). Navigation Traditional and Modern Institutions in city Governance: The role of Chieftaincy in Spatial Planning in Tamale, Ghana. *African Studies*, 80(2), 230-248. <https://doi.org/10.1080/00020184.2021.1911623>

⁸ Uganda Police Force (2020). Annual Crime Report 2019

⁹ CEDOVIP (2015). Economic costs of Domestic violence in Uganda <http://www.cedovip.org/indec.php/resources/reports/5-economic-cost-of-domestic-violence-in-uganda/file#:~:text=Most%20important%2C%20experience%20of%20DV,the%20after%20effects%20of%20DV>

¹⁰ Mugambwa, 2019. <https://www.kuchutimes.com/2019/11/16-days-of-activism-2019-rape-and-defilement-in-uganda-a-fight-for-all-women-and-girls/>

While most studies focus on legal frameworks or cultural norms, few explore how they work together to hinder justice in the prosecution. For example, poverty forces rural survivors to abandon their cases because they can not afford travel costs to the court. Additionally, the positive impact of male allies like male community leaders in changing attitudes towards the GBV remains under-explored.

1.8 Methodology:

This research adopts a doctrinal method which emphasizes the use of secondary sources which includes writings of highly qualified publishers as clearly envisaged in textbooks, novels, journals, articles, websites and notes. Furthermore, the research will examine judicial decisions made by different states, media articles, library government bodies and non government reports.

1.9 Scope of the study:

1.9.1 Geographical scope,

This study was carried out in Uganda

1.9.2 Time scope,

This research concentrated on data and documentation over the period of time from February 2025 to May 2025.

1.9.3 Study scope,

The study covers the challenges in prosecuting gender based violence cases and the laws governing GBV in Uganda.

1.10 Limitations

- Some legal records and case details were confidential and difficult to obtain which hindered my access to data.
- The evolving nature of GBV laws and varying interpretations by courts made it difficult to establish a definitive legal position.

1.11 Ethical Consideration

- Measures were taken to protect the confidentiality and privacy of participants, including securing sensitive information.

CHAPTER TWO

The Legal and Policy Framework Governing Gender-Based Violence

2.0 Introduction

This chapter reviews existing literature that has been put forward by different scholars and it reflects the objectives of the research with regards to the assessing the legal challenges in prosecution gender based violence in Uganda. While reviewing the related literature, the research mainly focuses on the Important study variables and finding out the gaps.

2.1 Overview of Gender Based Violence

2.1.1 Definition of key terms

Gender, The term “gender” refers to the differences between women and men, as well as boys and girls within the same household and across different cultures that are socially and culturally constructed and change over time. These differences are evident in various areas like the roles, responsibilities, access to resources, perceptions and views conceptualized by both women and men and their interdependence relationships¹¹

Physical violence occurs when one of the following is completed; pushing, swinging, throwing, hitting an object at a person, hitting an arm, turning an arm, clenching a fist, or something that could violate a person. Additionally, kicking, pulling or slapping, threatening, burning, attacking a person with a knife, weapon or another weapon¹².

The physical assaults may or may not cause injuries¹³. In the case of Tyler Vs United Kingdom, three strokes with a white channel were inhuman and humiliating as physical punishments at school¹⁴. Some of the most frequently cited causes of physical violence in rural areas are related to limited economic potential that led to

¹¹ Compendium of Concepts and Definitions on Gender Statistics, December 2013: www.ubos.org In Gender Issues In Uganda, An Analysis of Gender Based Violence, Asset Ownership and Employment Status, March 2019. Accessed 25th April, 2025

¹² UDHS(2016)

¹³ Angeles M.(2012) Combating gender-based Violence and Enhancing Economic Empowerment of Women in Northern Uganda through Cash Transfers. 2012.

¹⁴ Tyler vs United kingdom (dec)App no 20062/07 (ECtHR, 7 July 2009)

layoffs and alcoholism¹⁵. Irrespective of the year, female physical violence is generally caused by current husband / partner

Sexual violence, takes many forms and occurs under many circumstances. One person can be sexually violated by one individual or more people for instance, gang rapes; incidents may be planned or astonishing attacks. Sexual violence occurs mostly in the survivor's home (or in the perpetrator's home), but also in many other environments, such as the work, school, prisons, cars, streets or open spaces for instance; parks, farmland. The perpetrator of a sexual assault may be a date, an acquaintance, friend, family member, intimate partner or former intimate partner, or a stranger, but often known to the survivor¹⁶. Sexual violence is common in situations of war and armed conflict. Rape and sexual torture in particular are often used as weapons to demoralize the enemy, and women are sometimes forced to marry enemy soldiers temporary (UN Committee Report,1993).¹⁷

Emotional and psychological violence, refers to abuse/humiliation, non-sexual verbal abuse that is insulting, degrading, demeaning; compelling the victim/survivor to engage in humiliating acts, whether in public or private, denying basic expenses for family survival. Confinement and isolating a person from friends/family, restricting movements, deprivation of liberty or obstruction/restriction of the right to free movement¹⁸

Domestic violence, refers to a situation between two people who are familiar or have familial relationship in which one party uses violence. This can include physical violence, sexual assault and emotional abuse.¹⁹

Sexual violence, is any sexual act or attempt to obtain a sexual act by violence or coercion²⁰, or acts directed against a person's sexuality using coercion or intimidation. This includes rape, sexual assault, sexual harassment and other forms of non consensual sexual acts.

¹⁵ World Health Organisation, world Report on violence and health (2002)
<https://www.who.int/publication/i/item/world-report-on-violence-and-health> accessed on 26 April, 2025

¹⁶ United Nations Children's Fund, Child protection from Violence, Exploitation and Abuse, Gender based violence in Emergencies,(2011), March 22. http://www.unicef.org/protection157929_58001.htm1. Accessed 25th April,2025

¹⁷ UN General Recommendation 19 of the CEDAW Committee,(1993) Doc A14713 8, 1993, Para 6-7

¹⁸ Bandiera O, Buebren N, Burgess R, et al(2013) Empowering Adolescent Girls: Evidence from a randomized control trial in Uganda.

¹⁹ Bryan A Garner (ed),Blacks law dictionary (11th edn, Thomson Reuters 2019).

²⁰ Krug EG et al., eds.World report on violence and health.Geneva, World health Organization,2002

Human trafficking, is the recruitment, transportation, transfer, harboring or receipt of persons for the purpose of exploitation by means of threat, use of force or other forms of coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving and receiving of benefits to achieve consent of a person having control over another section 3(1)²¹

Female genital mutilation(FGM), section 2 of prohibition of female genital mutilation act, 2010 defines FGM as the partial or total removal of the external female genitalia or any other injury to the female genital organs for cultural, religious, social or any other non therapeutic reasons.²²

Child Marriage, is a marriage or union in which at-least one partner is under 18 years of age.²³

Gender based violence is a serious human rights issue in Uganda affecting women, men, girls, boys and transgender people though women and girls disproportionately impacted. Yet every one is entitled to the enjoyment of human rights per the 1995 constitution of Uganda and it has to be respected upheld and promoted²⁴.

2.2 Legal framework for prosecuting gender based violence

2.2.1 International and regional frameworks

The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) it was passed in 1979, as it requires appropriate measures to eliminate all forms of discrimination against women. Uganda ratified it in 1985 but its optional protocol that restricts women in Uganda has not yet been ratified to seek redress for violations of their rights under the convention. Uganda also ratified ICCPR, ICESCR and The convention on the rights of the child(CRC), 1989, some of the articles in the CEDAW include; **Article 1**²⁵ ;which defines “discrimination against women” to mean any distinction, exclusion or restriction made on the basis of sex. This means disability or perception, enjoyment, or movement by a woman based on equality between men and women., regardless of marital status, influence, purpose of perception, enjoyment, or movement by a woman based on human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other

²¹ The Prevention of trafficking in persons Act,2009

²² The Prohibition of female genital mutilation Act,2010

²³ United Nations Children’s Fund(UNICEF),Child Marriage: latest trends and future prospects(UNICEF 2018) <https://data.unicef.org/resources/child-marriage-latest-trends-and-future-prospects/> accessed 25 April 2025

²⁴ The 1995 Constitution of the Republic of Uganda as amended, Art. 20

²⁵ The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), art 1

field. **Article 5**²⁶ ;States Parties shall take all appropriate measures: **(a)** To modify the social and cultural patterns of men and women, to achieve the elimination of prejudices and customary and all other practices²⁷.

The Declaration on the Elimination of violence Against Women (DEVAW); it was adopted by the UN General Assembly in 1993, it calls on states to take measures to prevent and punish acts of violence against women, providing a basis of legal action. The declaration defines violence against women as ‘any act of gender-based violence that results in or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.’²⁸

The Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (Maputo Protocol) 2003; it was adopted in 2003 and it specifically addresses the right of women in Africa. It explicitly prohibits all forms of violence against women and mandates states to enact and enforce laws to prevent such violence. **Article 4(1)**²⁹Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited. **Article 4 (2a)** States Parties shall take appropriate and effective measures to: a) enact and enforce laws to prohibit

²⁶ The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), art 5

²⁷ Ibid, Art. 5 **b)** To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases. **Article 6**²⁷ ;States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women. **Article 16**²⁷ ,1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: **(a)** The same right to enter into marriage; **(b)** The same right freely to choose a spouse and to enter into marriage only with their free and full consent; **(c)** The same rights and responsibilities during marriage and at its dissolution; **(d)** The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount; **(e)** The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights; **(f)** The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount; **(g)** The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation; **(h)** The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

²⁸ UN General Assembly, Declaration on the Elimination of Violence against Women Art. 1, A/RES/48/104, UN General Assembly, 20 December 1993, <https://www.refworld.org/legal/resolution/unga/1993/en/10685> [accessed 22 April 2025]

²⁹ The Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (Maputo Protocol) 2003,Art 4

all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public.

Article 5³⁰ States Parties shall prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognized international standards. **Article 11(3)**³¹ States Parties undertake to protect asylum seeking women, refugees, returnees and internally displaced persons, against all forms of violence, rape and other forms of sexual exploitation, and to ensure that such acts are considered war crimes, genocide and/or crimes against humanity and that their perpetrators are brought to justice before a competent criminal jurisdiction. The Treaty Establishing the East African Community recognizes the need to empower women, and eliminate discriminatory laws and customs to advance socially and economically, and enhance sustainable growth and development³².

2.2.2 National laws and policies

The constitution or the republic of Uganda as amended, is the supreme law of Uganda and it has binding force on all authorities and persons through out Uganda.³³ Article 2(2) stipulates that if any other law or customs is inconsistent with the provisions of this constitution, the constitution shall prevail, and that law or custom shall to the extent of the inconsistency be void.

The 1995 constitution also addresses gender based violence by promoting gender equality under Article 21,31, 33, 39,40 and 246. , Article 21 states that all persons are equal before the law and prohibits discrimination on various grounds including sex, which relates to gender based violence. It further stipulates that laws, cultures, customs and traditions which are against the dignity, welfare or interest of women or any other marginalized group or which undermine their status, are prohibited by this Constitution³⁴.

Additionally, the constitution states that women should be accorded full and equal dignity with men³⁵, and entitled to the right to equal treatment with men³⁶, and

³⁰ The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol) 2003,Art 5

³¹ The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol) 2003,Art 11(3)

³² The Treaty for the Establishment of the East African Community, Art. 121,

³³ The 1995 Constitution of the Republic of Uganda as amended, Article 2(1)

³⁴ Ibid, Art. 32 (2)

³⁵ Ibid, Art. 33(1)

³⁶ Ibid, Art. 33(4),

affirmative action to address the wrongs brought about by culture and traditions³⁷. The constitution also addresses the right to liberty and security of a person, life, health, freedom from torture, cruel, inhuman degrading treatment or punishment, and the right to privacy³⁸, often violated by gender-based violence. Article 246 mandates local councils to handle cases of gender violence ensuring local governance participation in addressing these issues.³⁹

Although all these provisions are present, the government has failed to effectively use them. It is the state's duty to protect, respect and fulfill the different human rights, hence making it had for the effective implementation in the society.

The Domestic violence act,2010;

The act provides a comprehensive legal framework to curb GBV, emphasizing protection, prevention and redress for victims in different provisions. Section 3 defines domestic violence to include physical, sexual, emotional, psychological and economic abuse within intimate relationships, including spouses, cohabiting partners, and family members. Section 5 allows victims or third parties to apply for protection orders courts to bar perpetrators from contacting victims, evict them from their homes, or mandate counseling. Section 18 criminalizes violations of protection orders, with penalties as prescribed by the law. Section 19 provides that GBV involving grievous harm, weapons, or occurring in the presence of children attracts harsher punishments, including life imprisonment for severe sexual violence.

The government also has a mandate as provided in section 14 to provide shelters, medical care, counseling, and legal aid to survivors, ensuring holistic support. And it is a duty of court to protect victims' identities during proceedings and accept evidence of past abusive behavior to establish patterns of GBV, aiding prosecution⁴⁰. Section 10 also provides for the duty of authorities that is to say police and judiciary too inform victims of their rights, including access to protection orders and medical services.

By criminalizing different forms of abuse and taking priority of survivor safety under the domestic act, Uganda's law have aligned with global efforts to eradicate GBV and promote gender equality.

³⁷ Ibid, Art. 33(5)

³⁸ Ibid, Art. 39

³⁹ Ibid Art. 246

⁴⁰ Ibid, The Domestic Violence Act, 2010, sec. 16 and 17

The prevention of trafficking in persons Act 2009;

This act criminalizes various forms of trafficking, including sexual exploitation⁴¹, and gives specific penalties for the offender, emphasizing serious consequences for crimes related to GBV⁴². Section 10 mandates support for victims , encouraging them to come forward and cooperate in prosecutions while section 12 calls for awareness campaigns to educate the public on trafficking and GBV, leading to increased reporting. Hence the act ensures that victims are supported and offenders are held accountable.

The Penal Code Act cap 127 as amended ;

There are different laws that govern gender based violence in Uganda. From human rights violations to civil offenses against an individual or company to the crimes commissioned against the state. Gender-based violence manifests in different forms such as assault causing grievous bodily harm, assault (physical and emotional violence), rape, defilement (sexual violence) ect. These forms of violence are regulated by the Penal Code Act which governs criminal code in the country. The Penal code provisions are used regardless of this to prosecute perpetrators of violence against women⁴³

. The Act provides that “any person who unlawfully assaults another is guilty of a misdemeanor, and, if the assault is not committed in the circumstances for which a great punishment is provided in this code, is liable to imprisonment for one year”.⁴⁴This form of physical violence addresses the apprehension of fear that the victim may perceive to be true thus causing emotional or psychological abuse.

Section 219, states that, ‘Any person who commits an assault occasioning actual bodily harm is guilty of a misdemeanor and is liable to imprisonment for five years’⁴⁵.The occasioning of bodily harm addresses contact with another person causing physical harm which amounts to physical violence likely to be suffered by another.

⁴¹ The Prevention of Trafficking in Persons Act, 2009, sec. 3

⁴² Ibid, sec. 5

⁴³ Just die quietly 2003:51

⁴⁴ The Penal Code Act Cap 127, as amended, sec. 118

⁴⁵ Ibid, The Penal Code Act, Cap 127 as amended,

The Act offers a number of remedies to survivors or victims of gender-based violence like fines and imprisonment between one and five years.

Despite the availability of these punishments, domestic violence remains a hidden⁴⁶. The presence of violence in the home is normally attributed to power struggles in the family enhanced by gender inequalities between men and women⁴⁷.

However, despite the criminal perspective to combating gender based violence, it is argued that the general assault provisions in the penal code act fail to address the distinctive social, cultural, economic, and political circumstances that shape domestic violence. An assault by a stranger is different significantly from one committed by an intimate partner. Therefore, the definition of assault under the penal code does not adequately address the aspects of intimate partner violence which is based on control, power and betrayal of trust. Additionally, the prescribed sentences are also inappropriate. Thus, the establishment of more specific legislation such as the Domestic Violence Act which emphasizes violence within a home setting providing appropriate remedies beyond criminal sentences such as, compensation, orders for child custody, emergency protection orders and the removal of the offender from the home.

The Employment Act,2006;

The seeks to eliminate discrimination of sex at the workplace and the occurrences of gender-based violence within the work environment. Section 5 prohibits discrimination and employs the right to work in an environment free from GBV, harassment and sexual harassment⁴⁸, ensuring equal pay for equal work, and promoting gender equality in the work place⁴⁹, The proffers a detailed framework to combat gender based violence in the workplace by prohibiting discrimination, addressing harassment, and protecting the rights of women. All these provisions provides redress towards victims and promoting the safe and health working environment. that is to say section 6 gives a duty to parties to promote equality of opportunities with a view of eliminating any discrimination in employment⁵⁰ hence making discrimination unlawful⁵¹

⁴⁶ Miranda, D., , Women and Violence, Realities and World Responses World Wide 1988

⁴⁷ Nyirenda, A., , Domestic violence in Zambia: The prosecuting of cases involving Women Suffering Domestic violence.

⁴⁸ The Employment Act 2006, sec. 8.

⁴⁹ Ibid sec. 6

⁵⁰ The Employment Act 2006, sec.6(1)

⁵¹ The Employment Act 2006, sec. 6(3)

The prohibition of female Genital Mutilation Act, 2010,

The act criminalizes all forms of female genital mutilation which is the procedures involving partial or total removal of external female genitalia for non therapeutic reasons⁵² It aims to protect women and girls from the physical, psychological, and social harm caused by FGM. Performing FGM is a criminal offense⁵³, punishable by imprisonment of up to 10 years and in-case it results to death, disability, or is performed by a person in authority that is to say parent or guardian, harsher penalties are incurred⁵⁴. The act also refuses to take accept different defenses that is to say consent of the victim⁵⁵, cultural and religious practices⁵⁶. Also failure to report FGM practices can result to punishments and it doesn't matter if the person is within Uganda's jurisdiction or not. Hence by criminalizing FGM, the act addresses a specific form of GBV, reinforcing Uganda's Commitment to protecting women's rights.

2.2.3 NATIONAL POLICIES

The national policy on elimination of gender based violence in Uganda(2016); it provides a comprehensive framework to prevent and respond to GBV, focusing on legal, social, and health aspects. In the prosecution of GBV cases, it enhances coordination among police, judiciary, and social services to improve case handling and it calls for capacity building of law enforcement to effectively prosecute GBV cases.

The Uganda Vision 2040, this is a long-term development framework aimed at transforming Uganda into a modern and prosperous country by 2040. it has various importance for example promoting gender equality as a cornerstone for sustainable development and encouraging investment in education and awareness campaigns to reduce cultural practices that perpetuate GBV.

The National Male Involvement Strategy for the Prevention and Response to GBV (2017-2022); this strategy aims to engage men and boys as active participants in preventing and responding to GBV, promoting gender equality. Its role in the

⁵² The Prohibition of Female Genital Mutilation Act, 2010, sec 1

⁵³ The Prohibition of Female Genital Mutilation Act, 2010, sec. 3

⁵⁴ Ibid,

⁵⁵ The Prohibition of Female Genital Mutilation Act, 2010, sec. 9

⁵⁶ The Prohibition of Female Genital Mutilation Act, 2010, sec.10

prosecution is to reduce stigma and under-reporting by fostering supportive environments and strengthens community collaboration with law enforcement to ensure accountability for GBV offenses.

2.2.In conclusion, Uganda has made important progress in forming laws to combat GBV however, many challenges still exist that prevent these laws from being effective. And even though the constitution proudly supports equality amongst people, many survivors find it difficult to report these cases due to social stigma and shame, fear of reprisal, concerns about confidentiality and being believed, and, in some cultural settings. Also Uganda has signed international agreements to protect women's rights but they have low implementation since GBV still exist in real life situations yet to help the survivors, the laws have to be improved in order to create awareness amongst the people.

CHAPTER THREE

Challenges In Prosecuting Gender Based Violence Cases

3.0 Introduction

The prosecution of GBV cases in Uganda is facing various obstacles that undermine the effectiveness of a legal protections. Despite laws that are designed to protect victims, there are various challenges preventing survivors from accessing justice. This chapter will explore the significant challenges to prosecution like poverty, judicial system bias and many more.

3.1 Judicial Practices and Institutional Framework Challenges

S/GBV and Domestic Violence Cases fall under criminal Justice system, which is overseen by the office of Director of Public Prosecutions. **Director of Public Prosecutors is established by the Constitution.** According to Article 120(3)⁵⁷ the DPP has the authority to direct the police to investigate any information of a criminal nature and to report back to him or her. Additionally, the DPP can institute criminal proceedings against any person or authority in any court with competent jurisdiction.

Skepticism and Suspicion attached to Gender Based violence – Specifically Sexual Gender Based Violence (S/GBV)

Victims of sexual/ gender-based violence (both in the public and private spheres) face various obstacles, particularly due to skepticism attached to their claims and testimonies. This prevalent issue of excessive scrutiny results to gender-insensitive judgments, and undermines unsuitability of the current legal systems regarding S/GBV. Such skepticism contributes to the lack of success in cases concerning violence against women brought before the courts of law.⁵⁸ Furthermore, the authorities of the Court appear unwilling to accept the dimension of gender based violence and the implications⁵⁹.

The case of *Opuz v. Turkey (2009)*⁶⁰ illustrates this issue ;A woman and her mother allegedly suffered discrimination against local authorities while reporting

⁵⁷ Constitution of the Republic of Uganda,1995 (as amended) Art 120(3)

⁵⁸ European Convention on Human Rights,Art 14

⁵⁹ European Convention on Human Rights,Council of Europe, 2015, p. 7

⁶⁰ *Opuz v Turkey* App no 33401/02 (ECtHR, 9 June 2009)

domestic violence. The European Court emphasized that the national law in question does not make a clearly distinction between men and women in the enjoying their rights. However, the true discrimination was attributed to the Turkish institutions, and the destructive passive attitude of the authorities to which women were subjected when they lodged the complaints. In this case, the police acted as a mediator and tried to convince them to go home since this matter was “a family matter in which they could not interfere”.

In many cases, reports of domestic violence are treated as mediation actions rather than as something urgent. This reflects gaps in the ability of the judicial system to protect women and the prevalence of discriminatory attitudes⁶¹. Also there appears to be a gap between women’s needs while seeking interpretations of the treaties by the Court in relation to cases gender-based violence. The courts do not seem to take advantage of the possibility of the European Convention on Human Rights as states agencies tend to undermine women’s demands when they consider them to be purely as a family matter. For example, in the case of *Irene Wilson v. RU (2012)*⁶² the acceptability of a simple lack of repeated, reliable complaints about violence and threat was prominent. The woman was assumed to be beaten once and the Court held that she was not vulnerable enough to apply for the protection provided by Article 8 of the Convention and that the local authorities did not fail to protect Ms. Wilson’s rights.

This shows how bad women are viewed by institutions and how insensitive their current judgments about gender specific questions are. For all these reasons, the Committee on the Elimination of Discrimination against Women in General recommendation No. 33 highlighted the need for state parties to create a justice system “adapted and appropriate to the needs of women, including those who face intersecting or compounded forms of discrimination”⁶³.

In another similar case, *A. v. Croatia (2011)*⁶⁴ ; The Court refused the applicant’s claim in accordance to Article 14 of the Convention due to lack of sufficient statistical evidence of violent attitudes. This issue was also highlighted by the same

⁶¹ Ibid, Council of Europe, 2015, p. 12

⁶² *Irene Wilson v RU* App no 1062/06 (ECtHR, 23 October 2012)

⁶³ Committee on the Elimination of Discrimination against Women underlined, in its General recommendation No. 33, (CEDAW/C/GC/33, 2015)

⁶⁴ *A. v. Croatia* App no 55164/08 (ECtHR, 14 October 2010)

Committee, and also the obligation to “revise the rules on the burden of proof in order to ensure equality imposed on the parties”.

Low rate of prosecutions and sanctioning for S/GBV (rape and defilement) cases are still low⁶⁵: The authorization occurs when the prosecutor examines the evidence on file and is satisfied that such evidence can maintain the preferred charge/offence against the suspect before the courts of law. A considerable number of registered rape and defilement cases do not reach the court for prosecution⁶⁶. On average, only 3 out of every 10 reported rape and defilement cases are forwarded by police to for court hearing⁶⁷.

Numerous defilement cases are reported daily compared to rape cases, yet a relatively lower figure is forwarded for prosecution due to several reasons. Firstly, delays in investigations attributed to under funding, under staffing and at up-country police station, there is lack of equipment for analyses of evidence samples in defilement cases⁶⁸. For example, the Criminal Investigation Department (CID) currently has only 5,292 employees in place of the approved 19,843 approved leading to an overload in conducting investigations⁶⁹.

⁶⁵ Statistical information on Rape and Defilement- Defilement offenses, though declining over time, continue to remain by far the most reported cases to police irrespective of year. Nonetheless, despite the decline, these increased by 381 cases in 2018 from 2017. In addition rape cases reported to police were highest in 2018 compared to the previous years. More specifically, rape reported cases increased by 7.7 percent between 2014 and 2019 with the largest change registered between 2017 and 2018 (an increase of 18.4 percent). According to UPF (2020), defilement is the second ranked criminal offence, after common assaults, in Uganda with majority of case arising from rural areas. Men are the biggest perpetrators of rape and defilement: As would be expected, majority of the rape, aggravated and simple defilement cases are committed by men. More succinctly, over a five year period, an average of 91.4 percent of the perpetrators of rape are males while 7.5 percent are juveniles. Similar observations are noted for aggravated and simple defilement where on average over 86 percent of accused persons reported are men with the offenses committed on women and girls. In addition, the victims might not report other persons such as close family, friends, neighbors and community leaders.

⁶⁶ Directorate of Public Prosecutions, Annual report 2020/2021 (office of DPP 2021) 15.

⁶⁷ More so, there was at first a decline in the percentage of rape cases forwarded from police for prosecution between 2015 and 2017 (from 36.4 percent to 29.7 percent respectively) however, these increased to 40.8 percent in 2018. While there was stagnation in the share of defilement cases referred for prosecution since 2015, the share increased by 6.6 percentage points between 2017 and 2018 .

⁶⁸ National Association of women Judges of Uganda, Assessment of Justice Delivery for victims of Defilement in Uganda (Judiciary of Uganda) <https://nawju.judiciary.go.ug/wp-content/uploads/filr/6841/ASSESSMENT%20OF%20JUSTICE%20DELIVERY%20FOR%20%20VICTIMS%20DEFILEMENT%20IN%20UGANDA.pdf> accessed 13 May 2025

⁶⁹ Uganda Police Force, Annual Crime Report 2022(Uganda Police Force 2023) <https://www.upf.go.ug/annual-crime-report-2022.pdf> accessed 13 May 2025

On average, only 58% of the newly registered rape and defilement cases are approved annually⁷⁰. This simply suggests approximately four out of every ten newly filed cases experience delays in prosecution, hindering prompt access to justice of the survivors⁷¹. The limited rate of case sanctioning contributes to a sense of impunity among the perpetrators, allowing them to continue with their criminal behaviors⁷². Several factors can be attributed for low sanction rate including, delays in completion of forensic reports, and weak coordination between the Police and the prevailing court⁷³. For instance, some districts have no Resident State Attorneys to sanction some case files.

According to reports from FIDA Uganda and CEHURD, only 12% of GBV cases reported to police proceed to court⁷⁴. This low percentage reflects several systematic barriers like evidence challenges due to lack of medical proof or even proper documentation, pressure to withdraw cases by the families and also police reluctance who may want to mediate between the victims and their perpetrators⁷⁵.

Secondly, the tendency of law enforcement agencies to informally encourage parties to resolve the matter outside court (due to the potentially heavy sentence upon conviction) and this is responsible for the low rates of prosecution sexual offenses⁷⁶.

Overwhelming Dismissal of S/GBV cases

⁷⁰ National Association of women Judges of Uganda, Assessment of Justice Delivery for victims of Defilement in Uganda (Judiciary of Uganda) <https://nawju.judiciary.go.ug/wp-content/uploads/filr/6841/ASSESSMENT%20OF%20JUSTICE%20DELIVERY%20FOR%20%20VICTIMS%20DEFILEMENT%20IN%20UGANDA.pdf> accessed 13 May 2025

⁷¹ Peter Sserugo, 'over 13000 children defiled, 300 infected with HIV in 2023-report' (13 May 2024) <https://www.monitor.co.ug/uganda/news/national/over-13-000-children-defiled-300-infected-with-hiv-in-2023-report-4535062> accessed 13 May 13, 2025

⁷² Uganda: Violence against women unabated despite laws and policies <https://www.un.org/africarenewal/news/uganda-violence-against-women-unabated-despite-laws-and-policies> accessed 13 May 2025

⁷³ Joshua Kagoro, 'staffing shortages and Budget woes cripple Judiciary, Delay Justice' <https://nilepost.co.ug/news/229045/staffing-shortages-and-budget-woes-cripple-judiciary-delay-justice> accessed 13 May 2025

⁷⁴ FIDA Uganda and Center for Health, Human Rights and Development (CEHURD), No woman is a punching Bag: Gender-based Violence Remains a big threat to Ugandan women and girls (CEHURD, 2021) <https://www.cehurd.org/no-woman-is-a-punching-bag-gender-based-violence-remains-a-big-threat-to-ugandan-women-and-girls/> accessed 13 May 2025

⁷⁵ Center for Health, Human Rights and Development (CEHURD), 'Gender Based Violence and its linkage to sexual reproductive health of woman and young girls in uganda' <https://www.cehurd.org/gender-based-violence-and-its-linkage-to-sexual-reproductive-health-of-women-and-young-girls-in-uganda/> accessed 13 May 2025

⁷⁶ Uganda Police Force, Annual Crime Report 2024 <https://cparuganda.com/2025/02/27/annual-crime-report-2024-by-uganda-police-force/> accessed May 14, 2025

Even when prosecuted, a significant number of rape and defilement cases suffer dismissal and conviction rate remain low⁷⁷. Statistics show that nearly rape cases are 46%, 25% are aggravated defilement, 51% for simple defilement are dismissed annually⁷⁸. On average, the conviction rate for rape, aggravated defilement and simple defilement are at 49 percent, 62 percent, and 46 percent respectively. More so, between 2016/2017 and 2018/2019 there was a decline by 19.3 percentage in rape conviction cases and an increase of 17.3 percentage points in dismissal cases⁷⁹.

Over Adjournment of S/GBV cases

Adjournment is the act of postponing a session of a court or other deliberative body until another time or place⁸⁰. The above statistics are also attributed to over adjournment of cases which frustrates witnesses causing them to lose interest in a case and fail to attend court⁸¹. The lack of a victim witness support system and failure to trace witnesses due to the long passage of time between filing and hearing of cases have stagnated dismissal and acquittal cases⁸². On the other hand, the high dismissal rate for rape and defilement cases points absence of witnesses (in some instances, the witnesses are compromised with bribes or intimidated by the offenders). The length court procedure is also partly responsible for the disappearance of witnesses. For instance, over time, victims become unwilling to testify in court because they have moved on with their lives or overcome the trauma.

Lack of evidence. A large numbers of sexual offenses are closed annually due to lack of evidence. For instance, over the five year period, an average of 266 rape cases, 397 aggravated defilement cases, and 1,150 simple defilement cases were closed annually due to lack of evidence. This is partly attributed to delays in reporting cases by affected families. For instance, there is evidence to show that families of the victims

⁷⁷ Peter Sserugo, 'over 13000 children defiled, 300 infected with HIV in 2023-report' (13 May 2024) <https://www.monitor.co.ug/uganda/news/national/over-13-000-children-defiled-300-infected-with-hiv-in-2023-report-4535062> accessed 13 May 13, 2025

⁷⁸ Uganda Police Force, Annual Crime Report 2024 <https://cparuganda.com/2025/02/27/annual-crime-report-2024-by-uganda-police-force/> accessed May 14, 2025

⁷⁹ Uganda Police Force, Annual Crime Report 2024 <https://cparuganda.com/2025/02/27/annual-crime-report-2024-by-uganda-police-force/> accessed May 14, 2025

⁸⁰ Bryan A Garner(ed), Black's law Dictionary(11th edn. Thomas Reuters 2019) page 54 accessed 14 May 2025

⁸¹ Clement Aluma and Ronald Acema, 'Judicial officers warned against unnecessary adjournment of cases' (Daily Monitor, 30 December 2022) <https://www.monitor.co.ug/uganda/news/national/judicial-officers-warned-against-unnecessary-adjournment-of-cases-4056012> accessed 14 May 2025

⁸² Farooq Kasule, 'Justice for Her Project to Tackle SGBV Case Delays' (New Vision, 24 February 2025) <https://www.newvision.co.ug/articledetails/205647> accessed 14 May 2025

delay to report the cases by first engaging in discussions/negotiations with the perpetrators. Furthermore, for defilement cases, some parents/guardians of the victims can distort evidence by conniving with alleged offenders to alter the child's age to divert the course of justice after receiving bribes. In addition, whereas it is stipulated that DNA samples must be taken within 72 hours from the occurrence of the incident, this may not occur in rural setting. Overall, delayed reporting of such crimes can end up compromising the available evidence.⁸³

Overlapping statutory and customary laws; Uganda's legal system recognizes both statutory laws which is enacted by the parliament and customary practices which is more of traditionally rules, and the fact that Article 2(2)⁸⁴ of the 1995 constitution establishes statutory laws as supreme, the customary practices are more of influential in Uganda leading to conflicts in GBV cases. While statutory laws criminalizes acts like domestic violence, rape, FGM and many others, customary laws especially in rural areas continue to influence dispute resolution⁸⁵.

Clan based or customary justice system often resolve GBV cases privately. In rural areas, clan leaders resolve rape cases by compensating the victim/ survivor's family livestock or forcing the survivors to marry their perpetrators to maintain community respect for the family⁸⁶. Thus, creating confusion is created on which system to use hence hindering the access to justice for survivors. In Mayuge District, a 2022 study found that 65% of GBV cases were resolved through customary mediation with only 12% reported to police⁸⁷.

Intimate Partner violence and the Criminal Justice System

Although Uganda's penal code criminalizes assault and sexual offenses⁸⁸, It does not particularly address intimate partner violence (IPV) since many survivors

⁸³ ResearchGate. Defilement and the Ugandan Criminal Justice System https://www.researchgate.net/publication/380693603_Defilement_and_the_Ugandan_Criminal_Justice_system accessed 14 May 2025

⁸⁴ The Constitution of the Republic of Uganda 1995, as amended Art 2(2)

⁸⁵ For instance bride price and clan justice; in many communities, the payment of bride price establishes a sense of ownership which can justify domestic abuse in the eyes of traditional leaders but when it is turns of refunding it, then it violates the constitutional laws as stated in the case of Mifumi (U) Ltd and Another V Attorney General and Kenneth Kakuru where the constitutional court upheld bride price but banned refunds which is violates Article 31, 32 and 33 of the 1995 Constitution.

⁸⁶ Akumu, P., & Nguyen, D. (28th September, 2023). kidnapped and forced to marry their rapist: ending 'courtship rape' in Uganda. The Guardian. <https://www.theguardian.com/global-development/2023/sep/28/kidnapped-and-forced-to-marry-their-rapist-ending-courtship-in-uganda> 14 May 2025

⁸⁷ CEHURD, Access to Justice for survivors of Sexual and Gender-Based Violence in Mayuge District: A Study on Customary and Formal Justice Systems(CEHURD 2023)

⁸⁸ Penal Code Act, Cap 128 as amended sec 110

experience psychological, emotional, or financial abuse. The Penal Code Act offers general provisions on intimate partner violence. Uganda's legal system does not specifically criminalize patterns of coercive control, nevertheless, which makes it challenging to punish situations devoid of physical injury⁸⁹. The burden of proof will lie on survivors to provide medical evidence or witness testimony to substantiate their claims. In cases of marital rape, victims face challenges proving non consent, as the legal system traditionally views sexual relations between spouses as implied consent.⁹⁰

Absence of specialized GBV courts;

GBV cases are currently handled within general courts, which results in delays where by many survivors wait for months and years for their cases to be heard which may be even hard to really prove that the violence act really happened. this results for them to relive the trauma due to the backlogs of case and some reports are of the view that the backlog of cases hinders timely access to justice⁹¹. During the launch of the Justice For Her project in February 2025, it was noted that GBV cases take an average of 919 days to be resolved however, this projects aim is to ensure that there is no delays in handling GBV cases.⁹²

Judicial stereotypes associated with S/GBV

There is also insensitive proceedings whereby judges and prosecutors may fail to protect the survivors by forcing them into reconciliation, exposing them publicly due to lack of specialized knowledge and prior. In *Uganda v Kusemererwa*,⁹³ the high court scrutinized the conduct of a magistrate dismissed a rape case, questioning why the survivor did not scream and argued that the survivors clothing invited the attack the high court found this reasoning to be in violation of the judicature rules and ordered a retrial. The case of Law and Advocacy for Women in Uganda V Attorney General, the constitutional court criminalized marital rape⁹⁴.

⁸⁹ Peel, D. (10TH January, 2023) Domestic Violence and the Death Penalty in Uganda.

<https://blogs.law.ox.ac.uk/death-penalty-research-unit-blog/blog-post/2023/01/domestic-violence-and-death-penalty-uganda>

⁹⁰ Domestic Violence Act, 2010, sec 2

⁹¹ John Musenze, 'case backlog crisis hindering justice for GBV victims' (New Vision, 24 February 2025) https://www.newvision.co.ug/articledetails/NV_205667 accessed 14 May 2025

⁹² Bridget Nsimanta, 'Justice For Her Project Launched to fast-track GBV cases in Uganda' (Nile Post, 24 February 2025) <https://nilepost.co.ug/news/244524/justice-for-her-project-launched-to-fast-track-gbv-cases-in-uganda> accessed 14 May 2025

⁹³ Uganda V Kusemererwa [2015] UGHCCRD 12 (HCT-01-CR-SC-0015-2014)

⁹⁴ Law and Advocacy for Women in Uganda V Attorney General [2010] UGCC 4 (Constitutional petition No 8 of 2007).

Judicial discretion and limited use of protection orders;

Uganda's Domestic violence Act,2010 provides for protection orders which allow survivors to receive immediate legal safeguards against perpetrators⁹⁵. However, their utilization remains low due to factors like lack of awareness where by many survivors are unaware that they can apply for protection orders and few police officers proactively suggest them as an option, enforcement challenges in that even when granted, protection orders are not consistently enforced due to weak coordination between courts and law enforcement, and also there is judicial bias where some courts prioritize family reconciliation over survivor protection, dismissing requests for orders that could prevent further abuse⁹⁶.

Limited resources

Uganda's police and judiciary often struggle with limited resources like under-funding in that many police stations lack adequate personnel, forensic equipment, and legal documentation to properly investigate GBV cases which affects there handling. Also bribes and political interference frequently result in perpetrators evading justice . Corrupt officers may refuse to register cases or may deliberately weaken investigations, making prosecution difficult.

Poverty and inaccessibility of legal resources, these prevent many survivors from getting justice since court proceedings often involve legal expenses beyond survivors means such as transport costs and legal fees and the fact that many survivors depend on there abusive partners can also hinder them from accessing legal justice for fear that they may be abused more when the case is not heard earlier or even end up homeless.

Other Challenges Hindering Access to Justice for S/GBV

Poverty

⁹⁵ Uganda Domestic Violence Act,2010 s 10, available at: <https://ulii.org/akn/ug/act/2010/3/eng@2010-04-09> accessed 14 May 2025

⁹⁶ UN Women Africa, Justice for Her project launched to enhance access to justice for GBV survivors in Uganda (24 February 2025) <https://africa.unwomen.org/en/stories/news/2025/02/justice-for-her-project-launched-to-enhance-access-to-justice-for-gbv-survivors-in-uganda> accessed 26 April 2025

The United Nations (UN) defines poverty as the denial of choice and opportunities, a violation of human dignity. It is a lack of basic capacity to participate effectively in a society. It is a means of not having enough food and cloth a family, not having a school or clinic to go to, not having the land on which to grow one's food or a job to earn one's living, not having access to credit⁹⁷. It also means insecurity, powerlessness and exclusion of individuals, households and communities. It implies susceptibility to violence and often implies living on marginal or fragile environments, without access to clean water or sanitation⁹⁸. The GBV may occur due increased vulnerability to violence since women living in poverty are more likely to face this.

Poverty not only makes a person susceptible to violence but also breeds inequality. And is a form of human right violation. For example, victims or survivors of sexual violence in the rural setting often abandon their cases due to inadequate finances to attend to their court sessions⁹⁹. Also, in some circumstances, victims are dependent financially on their abusers, making it difficult to leave abusive situations or seek legal recourse¹⁰⁰. In Uganda, poverty has been found to be the most prominent cause for physical and sexual GBV especially in the Acholi and Lango districts. Income poverty in Acholi was at 34.7 percent and 20 percent in Lango. Simply put, three out of ten persons living in Acholi sub region are poor (living below the poverty line). In Karamoja, poverty was at 60 percent (6 out of 10 persons in Karamoja were living below a dollar per day)¹⁰¹. In such regions, the psycho-social and economic effects of the 20-year conflict fueled physical and sexual GBV (UNDP,2015).

Individual-Level Factors These include biological and personal history factors that increase the risk of violence, for example, a low level of education, young age (early

⁹⁷ Uganda Nations Department of Economic and Social Affairs, 'Revealing the Hidden Face of Poverty' (16 October, 2024) <https://www.un.org/en/desa/revealing-the-hidden-face-of-poverty> accessed 14 May 2025

⁹⁸ ibid

⁹⁹ Hague Institute for innovation of law(HiIL), Poverty and Access to Justice(2021) <https://www.hiil.org/wp-content/uploads/2021/10/Hiil-report-poverty-and-Access-to-justice-web.pdf>

¹⁰⁰ Ouma et al., 'The impact of an economic empowerment intervention on intimate partner violence among women engaged in sex work in Southern Uganda' (2024) 123 Social Science & Medicine <https://www.sciencedirect.com/science/article/abs/pii/S0277953624002909> accessed 14 May 2025

¹⁰¹ World Bank, Uganda: Karamoja Integrated Development Plan (2025) <https://documents1.worldbank.org/curated/en/099030325162536276/pdf/P17990411dfa2c081b4a51717c6e45df22.pdf> accessed 14 may 2025

marriage) and low-economic status/income have been identified as risk factors for both experiencing and perpetrating intimate partner violence¹⁰². Experiences of sexual violence show that the higher the education level, the lower the incidence especially for more educated men and women. Women with no education and primary education level report more experiences of sexual violence¹⁰³. Past experiences of violence also play a role; exposure to sexual abuse and intra-parental violence during childhood as well as a history of experiencing (for women) or perpetrating (for men) violence in previous intimate relationships increases the likelihood of violence in future relationships¹⁰⁴. Pregnant women are also at high risk of experiencing violence by an intimate partner¹⁰⁵. Attitudes also play an important role; there is a strong correlation between women and men perceiving violence as acceptable behavior and their exposure to intimate partner and sexual violence (as both, survivors and perpetrators). Sexual and gender based violence can occur during all phases of internally displaced persons' situation and even in homes: prior to flight, during flight, while in the place (camp) of asylum, during repatriation and reintegration. Prevention and response measures must be adapted to suit the different circumstances of each phase¹⁰⁶

Victim Blaming; Many survivors fear to report GBV cases because of the asked questions like “What were you wearing?, where were you? What did you do? Did you seduce the person?”¹⁰⁷. Furthermore, family responses to sexual violence that blame women and concentrate on restoring “lost” family honor, rather than punishing men, create an environment in which rape can occur with impunity. These societal attitudes

¹⁰² CDC, ‘Risk and Protective Factors Intimate Partner Violence Prevention’ (Centers for Disease Control and Prevention, 25 August 2023) <https://www.cdc.gov/intimate-partner-violence/risk-factors/index.html> accessed 14 May 14, 2025

¹⁰³ Uganda Bureau of Statistics and ICF, Uganda Demographic and health Survey 2016 (UBOS and ICF 2018)

¹⁰⁴ K.A. Falb et al., ‘Childhood exposure to intimate partner violence against women and its association with violence against children in refugee settlements in Uganda’ (2025) *Conflict and Health* <https://conflictandhealth.biomedcentral.com/articles/10.1186/s13031-025-00661-5> accessed 14 May 2025

¹⁰⁵ Godfrey Patrick Amodoi et al., ‘Prevalence and correlates of intimate partner sexual violence among pregnant women in Napak district, Northeastern Uganda’ (2024) <https://journals.plos.org/plosone/doi?id=10.1371/journal.pgph.00022286> accessed 14 May 2025

¹⁰⁶ Green, D.(1999) *Gender Violence in Africa: African Women’s Responses*, (New York: St. Martin’s Press.

¹⁰⁷ UN Women, Handbook for legislation on violence Against Women(2012)

<https://www.unwomen.org/en/digital-library/publications/2012/12/handbook-for-legislation-on-violence-against-women> accessed 25th April 2025

can make the survivors not to report the violence against them making the offenders to live freely without persecutions hence creating more cases of GBV.¹⁰⁸

Survivor blame, stigma and withdraw of cases; survivors of GBV often faces stigma which discourages them from reporting crimes. According to Uganda Demographic and health Survey 2022, about 40% of Ugandan men believe women deserve beatings for disobedience and the survivors most of the times may be accused of provoking the violence and end up being forced to withdraw the cases.¹⁰⁹

Relationship-Level Factors, What contributes to the risk of GBV at the level of relationships with peers, intimate partners and family members is that men having multiple partners are more likely to perpetrate intimate partner violence or sexual violence. Such men are also more likely to engage in risky behaviors with multiple sexual partners by refusing condoms, exposing themselves and their intimate partners to a higher risk of HIV infection. Other factors, associated with an increased risk of intimate partner violence include partnerships with low marital satisfaction and continuous disagreements, as well as disparities in education status between the partners¹¹⁰. The psychological strains of internally displaced person's life may aggravate aggressive behavior towards women. Male disrespect towards women may be reinforced as women and girls may be regarded by male internally as common sexual property¹¹¹

Lack of Sensitization; Young women in Uganda initially learn through observing there parents and immediate environment. To raise future Ugandan women, it is absolutely essential that what is learned at home in the early stages of life is not misogynistic. It is important to note that women can also teach misogyny. It is important that parents model the right behavior in the home for young girls. This early consciousness about the sharing of labor in the home, the relationships between the genders in the family, and the absence of preconditioned male-dominated hierarchies

¹⁰⁸ Justice Law and Order Sector (JLOS), Annual Crime Report(2022)

<https://www.jlos.go.ug/resources/reports/annual-crime-report-2022> accessed 25 April 2025

¹⁰⁹ Uganda Bureau of Statistics, Uganda Demographic and health Survey 2022 (UBOS 2022)

<https://www.unicef.org/uganda/media/16731/file/UDHS-2022-Report.pdf> accessed 14 may 2025

¹¹⁰ Hague, G, R. K. Thiara, A. Turner (2011), "Bride-Price and Its Links to Domestic Violence and Poverty in Uganda: A Participatory Action Research Study. In *Women's Studies in International Forum*, Volume 34, Issue 6, November - December. p 550-561

¹¹¹ *ibid*

within the home are likely to create more gender-sensitive progeny¹¹². But this raises the question: Where do parents get gender and political awareness that allows them to transmit those values to their offspring? It is fundamentally an obligation of the state to create an educational system that forges a citizenship that is averse to misogyny.¹¹³ This requires a curriculum and an instructional faculty in primary and secondary schools that is designed to transform the individual. Organizations such as United Nations Educational, Scientific, and Cultural Organization can play important roles in curriculum conception and conduct training in gender and human rights in Uganda¹¹⁴

Many other human rights systems have marginal programs on women's rights. Even when the so called mainstreaming of women's rights obtained prominence on the sociopolitical scene, there was no tangible improvement. It was merely a song for donors without a political commitment¹¹⁵. Instead, women's rights have to be a major part of the plan of every civil society organization¹¹⁶. But beyond that, the state must always address women's rights. This means the full inclusion of women in its political, economic, judicial, and bureaucratic structures so that they are not aliens in decision-making when laws and public policies are determined¹¹⁷.

Culture beliefs: Most Ugandan cultures see women as little more than property for possession by men¹¹⁸. In such cultures, women's sexualities is not preserved for the individual, but of the community and the man¹¹⁹. In Uganda, these dehumanized conceptions of women result in rape, defilement, and various brutalities against

¹¹² UNESCO, A Guide for Gender Equality in Teacher Education Policy and Practices (2015) <https://unesco.org/ark:/48223/pf0000231646> accessed 25 April 2025

¹¹³ *ibid*

¹¹⁴ J. Emodek, P. Kwesiga, and H. Nsambu, "Domestic Violence Cases Soar," <http://www.newvision.co.ug/news/644085-domestic-violence-cases-soar.html> (accessed June 18, 2013)

¹¹⁵ Bott, S. and A. Morrison, "Preventing and Responding to Gender-based Violence in Middle and Low-income Countries: A Multi-sectoral Literature Review and Analysis" (Working Paper, no. 3618, World Bank, Washington, DC, 2005).

¹¹⁶ UN Women, Handbook for National Action Plans on Violence Against women(2010) <https://www.unwomen.org/en/digital-library/publications/2010/1/handbook-for-national-action-plans-on-violence-against-women>

¹¹⁷ Sylvia Tamale, *When Hens Begin to Crow: Gender and Parliament Politics in Uganda* (westview press 1999)

¹¹⁸ Protocol to the African Charter on Human and Peoples' Rights on the rights of women in Africa (adopted 11 July 2003, entered into force 25 November 2005) <https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-women-africa> accessed 25 April 2025

¹¹⁹ Sylvia Tamale, 'Eroticism, Sensuality and Women's Secrets among the Baganda in Sylvia Tamale (ed), *African Sexualities: A Reader* (Pambazuka press 2011)

women¹²⁰ like FGM which is performed for the purposes of pleasing Men. And this has brought up many questions at hand like “How does Ugandan society reeducate men and sanction them when they deviate to understand that women’s bodies are not chattel?”¹²¹ people ought to know that many Ugandan national laws on the books either condone sexual stereotypes, or men’s control over women’s bodies.¹²²To transform these perceptions relating to women, legal reforms are needed, as well as a judiciary and state with the political will to stand up for women. Inclusion of women at all levels of social and political engagement in Uganda should also be taken into consideration¹²³.

Anderson characterized the violations as “an assault against the female gender, violating her body and its reproductive capabilities as a weapon of war.”¹²⁴He traced the genesis of these atrocities to the Ugandan culture, which degrades the female body and reduces the woman to “her reproductive capacities in order to fulfil the overall objective of Ugandan nationalism by producing more citizens to populate the nation.”¹²⁵According to him, this view of female sexuality is deeply rooted in Ugandan culture and official policies

Weak laws; Despite the fact that Uganda is one of the first African countries to rely on the Truth and Reconciliation Commission (TRC) to prosecute sexual violence as a national crime, rape is still a weapon of war.¹²⁶ In the recent civil wars in Uganda, women have borne the brunt of the atrocities. Women are rarely participants in civil wars but this is often the case.¹²⁷

¹²⁰ Chris Dolan, “Collapsing Masculinities and Weak States: A Case Study of Northern Uganda,” in *Masculinity Matters: Men, Masculinities and Gender Relations in Development*, edited by F. Cleaver (London, UK: Zed Books, 2003).

¹²¹ Protocol to the African Charter on Human and Peoples’ Rights on the rights of women in Africa (adopted 11 July 2003, entered into force 25 November 2005) <https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-women-africa> accessed 25 April 2025

¹²² J. R. Quinn, “Social Reconstruction in Uganda: The Role of Customary Mechanisms in Transitional Justice,” *Human Rights Review*, 8(4), 2007, 389. At 393 discussing the failure of the Commission of Inquiry into Human Rights Violations in Uganda to bring about some sort of societal acknowledgment of atrocities.

¹²³ *ibid*

¹²⁴ L. Anderson, L., “Addressing Conflict-related Sexual Violence: An Analytical Inventory of Peacekeeping Practice,” *The United Nations* (2010), 46–48

¹²⁵ *ibid*

¹²⁶ H. M. Zawati, “Impunity or Immunity: Wartime Male Rape and Sexual Torture as a Crime against Humanity,” *Torture* 17, no. 1 (2007): 27–47.

¹²⁷ UN Women, *progress of the World’s Women 2015-2016: Transforming Economies, Realizing Rights*(2015) <https://www.unwomen.org/en/digital-library/publications/2015/4/progress-of-the-worlds-women-2015> accessed 25 April 2025

Religious and traditional beliefs: Ugandan women are considered as property and therefore are seen as a decline in the number of men who “own” them. In this way, Ugandan women become weapons of civil war and merely the purpose for men to fight over.¹²⁸ This view of the Ugandan woman as male attachments has a foundation deeply rooted in the ideas of religion and traditional notions of nationalism. For example, militias/rebel forces in the northern region of Uganda sexually violated rural women with aim of provoking them to commit suicide¹²⁹. There was an incident in which rebels carried out a massive rape of up to 40,000 women in rural communities in the northern Uganda.¹³⁰

Furthermore, GBV in Uganda is a “sadistic impulse on the part of the perpetrator, and it is intended to psychologically kill the victim”¹³¹. The sexual predator often physically kills the victim¹³². This certainly was the case in the northern Uganda, as demonstrated in the Truth and Reconciliation Commission (TRC)¹³³. In that case, it was evident that rural women were specifically targeted with their bodies as instruments of war¹³⁴. Similar patterns of abuse have been reported in other regions in Uganda.

Despite these atrocities, it is troubling that both public outrage and international perspectives often overlook the gender dimensions of homicide and suicide. Women are often victimized not only due to their gender but also because of their racial or ethnic identity particularly in northern Uganda¹³⁵. This persistent oversight in understanding of GBV renders women’s experience as nonexistent. Consequently, the survivors are not fully supported leaving them with no place to turn for comfort. Their communities stigmatize them labeling as “damaged,” and institutional support systems have largely failed to respond adequately.

¹²⁸ S. Brown miller, *Against Our Will: Men, Women and Rape* (New York: Fawcett Columbine, 1993).

¹²⁹ International Crisis Group, *Northern Uganda: Understanding and solving the conflict* (2004) <https://www.crisisgroup.org/africa/horn-africa/uganda/northern-uganda-understanding-and-solving-conflict> accessed 25 April 2025

¹³⁰ Agency for Cooperation and Research in Development (ACORD-Uganda), *Protection and Restitution for Survivors of Sexual and Gender Based Violence in Uganda: The Legal Peculiarities, the Possibilities and the Options* (Kampala, Uganda: ACORD, 2010)

¹³¹ *ibid*

¹³² *ibid*

¹³³ Justice, Law and Order Sector (JLOS), *Transitional Justice in Northern Uganda, Eastern Uganda and Some Parts of West Nile Region* (Kampala, Uganda: Justice Law and Order Sector (JLOS): 2007)

¹³⁴ N. Sow, *Gender and Conflict Transformation in the Great Lakes Region of Africa* (London: International Alert, 2005).

¹³⁵ Justice and Reconciliation project, *women and the legacy of the LRA Conflict in Northern Uganda* (justice and reconciliation Project, Field Note No 10, July 2012 <https://www.justiceand reconciliation.org/publications/field-notes/2012/women-and-the-legacy-of-the-ira-conflict-in-northern-uganda/> accessed 26 April 2025

3.2 MEDIA RESPONSIBILITIES

The Beijing Platform for Action (2003) recognizes the substantial potential of the media to contribute to the further development of women. The role of the media is highlighted in all important concern of the Platform for Action. The role of the media is also the focus of a another key area where the Platform for Action sets out two strategic goals; “increased participation and access of women to expression and decision-making in and through all forms of the media and new technologies of communication and also promote a balanced and non-stereotyped portrayal of women in the media”.¹³⁶ The media is yet to played effective roles in minimizing domestic violence against women because it is the eye, ear and limbs of the society.

The media must play a leading role in the fight against women therefore it should be more effective in exposing and generating awareness of against society’s ills and evils. therefore their role should be still more effective. The media has to be more aware of violence against women.

Many women have said that the media reports of rape or other violence is like a second assault due to insensitivity when using images, publishing names, and other violations of privacy¹³⁷. Therefore media has to play a pivotal role in stopping injustices to women. Questions have been raised like "Will media sit together and discuss serious issues inhibiting woman’s ability to enjoy right to freedom and right to equality?" News coverage of violence against women has often been sensational, exploitative, and lacking in serious analysis of the prevalence¹³⁸. However, media coverage and depictions of sexual assault and domestic violence have begun to change, although the problem remains¹³⁹

The role of media is important for the topic of violence against women, both in terms of reporting on the issue and how activists and governments use the media as a means to raise awareness and implement programs on this issue¹⁴⁰. Media should also project the means to combat violence, Pratyoush (2015) stated that “the mainstream

¹³⁶ Report of Uganda on the Implementation of the Beijing Platform for Action (1995) and the Outcome of the Twenty Third Special Session of the UN General Assembly (2000).

¹³⁷ World Health Organisation, Guidelines for Medico-legal care for victims of Sexual Violence(WHO 2003) <https://www.who.int/publications/i/item/9789241546287> accessed 25 April 2025

¹³⁸ World Health Organisation (2013). Global and Regional estimates of violence against women:prevalence and health effects of intimate partner violence and non-proper sexual violence. Geneva:WHO

¹³⁹ Nyangoma,2010

¹⁴⁰ UN women, the role of Media in preventing violence Against Women and Girls’ (2020) <https://www.unwomen.org/en/digital-library/publications/2020/01/the-role-of-media-in-preventing-violence-against-women-and-girls> accessed 25 April 2025

media is very much politicized and it picks up women issues according to the political interest of patron political parties”¹⁴¹. Due to the lack of resources and trained work force, the media is unable to produce widely impressive materials. Some of the women issues such as human trafficking, prostitution and rape appear in the media just to create sensation¹⁴².

The media does not seem to be too concerned about women’s questions and rights. There was a lot of violence in the media but this issue arose because the morals and ethics of a particular incident were under emphasized and the acts of violence were over emphasized¹⁴³. Media held a mirror that exposed the ills of society. Though cases of violence against women have always existed, the media has to play an important role in taking up the issues.

In addition to various brutal forms of violence against women, there are some low crimes including wife-battering, unnecessary restrictions, like not allowing the wife to go out, etc. Despite being considered as a violation of human rights, these practices are, more or less, accepted in our society¹⁴⁴.

According to Beena, (2011), a TV producer in Pakistan, said “media did play a role in combating violence against women”. [She referred to the Meerawala incident where the victim did not want to speak about her ordeal, but it was a local journalist who reported the incident, which was then taken up by national and international media who brought the case to the limelight and serious action was taken against the criminals]¹⁴⁵. Media has helped in promoting human rights, so media should act as a pressure group against these injustices.

Ugandan media includes prints of newspapers, magazines, newsletters and electronics such as radio stations, televisions and digital such as internet and social media. There are over 250 radio-stations, 40 television stations and 20 newspapers¹⁴⁶. Traditional media like music dance and drama, folk tales and community dialogue is still being used to engage communities on social issues including social cultural practices impacting on women. This has helped to rally communities to participate in

¹⁴¹ *ibid*

¹⁴² *ibid*

¹⁴³ Jane Smith, 'Media Representation of violence Against women' (2020) 10(2) *Feminist Media Studies* 123

¹⁴⁴ Shabbir M, 'Domestic Violence Against Women: A case Study of District Jacobabad, Sindh Province' (2010) 2(2) *Pakistan Journal of Criminology* 55

¹⁴⁵ Beena Sarwar, 'Violence Against Women and the role of Media ' in Farida Shaheed and others(eds), *shaping Women's lives: Laws, Practices and Strategies in Pakistan* (Shirkat Gah 2011)

¹⁴⁶ Internews, *The State of radio in Uganda* (march 2021) https://internews.org/wp-content/uploads/2021/05/State_of_Radio_Uganda_2021-05_internews.pdf

behavioral change¹⁴⁷. Initiatives geared towards promoting girl child education and abandoning negative cultural practices.¹⁴⁸

The media has traditionally played a fundamental role in informing, educating and entertaining the population. However, the recent developments in information technology have changed its role in mobilization, setting the agenda, as well as playing the watchdog role for society. Thus the media has considerable power to influence public opinion, beliefs, hobbies and outlook of a variety of topics including gender relations in society. For instance the media has played an important role in reporting on sensitive issues such as GBV, Maternal Health, child marriages and sexual abuse.

As a strategy for increasing women's access to media and discussing women's matters, the Uganda Media Women's Association (UMWA) started a women's radio station in 2001 named Mama FM¹⁴⁹. The radio station targeted giving women a voice in the media. The radio has given voice to issues that affect women such as violence against women, women involvement in the business and market place, women and education, power and decision-making¹⁵⁰. It has also spoken out on influencing government budgets and negative cultural practices that keep women in disadvantaged positions.

In a country where over 72% of women rely on radio as a mode of receiving news and information, the radio has gone a long way in increasing access to information for empowerment¹⁵¹. In addition, UMWA produces the bi-annual women magazine which provides an opportunity for awareness creation and sensitization on a wide range of gender and women's issues¹⁵².

Use of short messaging service (SMS) for advocacy against gender based violence has been effective in disseminating information to the general public and to

¹⁴⁷ Uganda Bureau of Statistics, The Role of Traditional Media in Promoting Behavioral Change in Ugandan Communities (UBOS 2019)

¹⁴⁸ *ibid*

¹⁴⁹ Uganda Media Women's Association (UMWA), 'History' (UMWA, 2001) <https://umwa.wordpress.com/who-we-are/history/>.

¹⁵⁰ Uganda Media Women's Association (UMWA), 'Mama FM: Giving Voice to Women's Issues in Uganda' (UMWA, 2001) <https://umwa.wordpress.com/mama-fm-1017/>.

¹⁵¹ Afrobarometer, Ugandan Women Trail Men in Education, jobs, Asset Ownership, and political Engagement (October 2024) <https://www.afrobarometer.org/wp-content/uploads/2024/10/AD881-Ugandan-women-trail-men-in-education-work-and-political-engagement-afrobarometer-10oct24.pdf>, accessed 25th April 2025

¹⁵² *ibid*

women in particular¹⁵³. SMS has also been used to send out awareness messages to ordinary men and women which has enabled them to stand up as a unified voice against discriminatory practices such as ritual murders. Through media there is increasing awareness on services available regarding sexual violence and antenatal care.

3.3 In conclusion, several issues like the legal, institutional, and sociocultural continues to delay the prosecution of GBV cases in Uganda. Because most of the legal procedures are costly, poverty makes survivors to be vulnerable and prevents them from accessing justice. Judicial and institutional bias, characterized by discriminatory attitudes and a failure to prioritize survivor protection, further weakens the prosecution process. The persistence of victim blaming, together with individual and relationship level risk factors such as low education, early marriage,, and societal acceptance of violence plays a high role of abuse amongst different genders. Religious and Cultural beliefs, which often portray women as subordinate to endnote only obstructs effective redress mechanisms. The problem is made worse by the media's inconsistent role on public opinion an the inadequate sensitization at the family and community levels. Despite Uganda;s legislative progress, the protection of survivors is still threatened by weak enforcement,lack of specialized GBV courts, and corruption in the legal system. GBV survivors will continue to have a difficult time in accessing justice even with concerted attempts to remove these multi-layered barriers

¹⁵³ UN Women, 'Harnessing the power of Technology to End Violence Against Women' (2013) <https://www.unwomen.org/en/digital-library/publications/2013/4/harnessing-the-power-of-technology-to-end-violence-against-women> accessed 25 April 2025

CHAPTER FOUR

FINDINGS

4.0 Introduction

This chapter discusses the key findings of the study and the analysis is based from the challenges like prolonged litigation of SGBV, Ineffective enforcement of protection orders and many others as provided below. These findings aim to expose and close the gaps in prosecuting GBV cases in Uganda.

Prolonged Litigation of SGBV

The constitution empowers individuals, intuitions and agencies to institute cases in the courts of law upon violations of human rights¹⁵⁴. Though initiatives are taken to bring these cases before the courts, the timely rendering of justice is elusive. People become frustrated and lose faith in the legal system and this results to the adjournment and backlog of cases ¹⁵⁵.

Ineffective Enforcement of Protection Orders.

¹⁵⁴ **The 1995 Constitution of the Republic of Uganda as amended**, Article 50 of the 1995 constitution¹⁵⁴ states that any person who claims that a fundamental or other rights or freedom guaranteed under constitution has been infringed or threatened is entitled to apply to a competent court for redress. This is restated under **section 3**¹⁵⁴ of the human rights Enforcement Act, 2019 that a person or organization who claims that a fundamental or other rights or freedom guaranteed under the constitution has been infringed or threatened may without prejudice to any other action apply for a redress to a competent court. Article 50(3)¹⁵⁴ any person aggrieved by any decision of the court may appeal to the appropriate court. Section 98¹⁵⁴ of the civil procedure act gives court inherent powers to make orders as may be necessary for the ends of justice. Article 128(1) of the 1995 constitution states that in the exercise of judicial power, the courts shall be independent and shall not be subject to the control or direction of any person or authority article 128(2) no person or authority shall interfere with the courts in the exercise of their judicial functions. Article 92 states that parliament shall not pass any laws to alter the decision or judgment of any court as between the parties to the decision or judgment.

Section 4¹⁵⁴ of the human rights enforcement act 2019 states that high court will handle non derogable rights and section 5¹⁵⁴ the magistrate can not handle non derogable rights but can handle others guaranteed in chapter 4 of the constitution. However, there are instances where the judicial system has failed in its duty. This failure can occur in several ways like Delayed Justice where the Court delays undermine the timely protection of victims resulting in secondary victimization, because the trauma of waiting for justice can harm the survivors even more

¹⁵⁵ Uganda Judiciary, Justice for Her Project Launched to Fast-Track GBV Cases in Uganda, February 2025 Available at <https://nilepost.co.ug/justice%20for%20Her/244524/justice-for-her-project-launched-to-fastgbv-cases-in-uganda> Accessed 26th April 2025

Protection orders for victims of GBV are not always enforced to ensure their safety, because enforcement of these orders is inconsistent in a way that the police and law enforcement agencies may not prioritize these orders, leaving victims to be exposed to danger.¹⁵⁶

Impunity for Perpetrators .The fight against GBV is undermined by the courts' reluctance to convict perpetrators especially in the cases of sexual violence.¹⁵⁷ court have been accused for engaging in victim-blaming conduct because of the question they ask the survivors that led to the abuse. This ,discourages victims from reporting and seeking justice, because they fear being scrutiny or stigmatization¹⁵⁸. In other instances, courts have failed to hold perpetrators accountable due to insufficient evidence or even other reasons.

Lack of Enforcement

The 1995 Constitution of the Republic of Uganda mandates Parliament to make laws that promote and protect human rights¹⁵⁹. Though strides have been made to promulgate the above laws such as the Penal Code Act cap127, Domestic Violence Act 2010 and the Employment Act 2006, implementation and enforcement is still lacking. The police which is under the executive arm of government is also responsible for the enforcement and implementation of the law but there is lack of sufficient funding, resources, and coordination between different government agencies has hindered the enforcement of laws meant to protect victims of GBV.¹⁶⁰

Lack of Political and Legislative will to address SGBV

¹⁵⁶ The Domestic Violence Act (sections on protection orders) requires that the courts issue protective measures, but enforcement has been weak in practice due to challenges such as insufficient resources, lack of coordination, and lack of police responsiveness.

¹⁵⁷ Article 23 of the Constitution of Uganda provides for personal liberty, but this is often compromised for victims of GBV who see the perpetrators remain unpunished due to leniency in sentencing or a failure to collect proper evidence.

¹⁵⁸ The Domestic Violence Act mandates that courts handle GBV cases with sensitivity and care. However, the implementation of this approach is not always consistent, and some survivors face victim-blaming or secondary trauma during court proceedings.

¹⁵⁹ The 1995 Constitution of the Republic of Uganda, as amended, Art. 79, the parliament shall have power to make for peace, order, development and good governance this includes passing laws that protect and promote rights like domestic violence act. Article 90 the parliamentary committees have power to investigate or inquire into activities from any person. They inspect detention center and receive reports from institutions like UHRC and recommend actions for human rights violation. While Uganda has laws addressing GBV, such as the Domestic Violence Act, 2010 and the Prevention of Trafficking in Persons Act, 2009, enforcement remains weak.

¹⁶⁰ Ministry of Health, Uganda, National Plan of Action for Sexual and Gender based violence and violence Against children Available at

https://library.health.go.ug/sites/default/files/resources/National%20Plan%20of%20Action%20for%20SGBV_VA_C.pdf Accessed 25th April 2025

Absence of legislative and political will to confront SGBV cultural norms and attitudes that tolerate or support violence against women and girls are at the heart of gender based violence. Stronger laws or policies that go against these firmly rooted societal beliefs are frequently met with political opposition despite the efforts of some members of Parliament to address these issues, Political or cultural factors have made some legislators hesitant to support or enact legislation that address certain forms of GBV, like marital rape and sexual harassment.¹⁶¹

¹⁶¹ Uganda National Policy on Elimination of Gender based violence, National Policy on Elimination of Gender based violence in Uganda. Available at: <https://data.unhcr.org/fr/documents/download/92617> Accessed 26th April 2025

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS OF THE STUDY

5.1 Conclusion

The study critically examined the legal, institutional and sociocultural barriers hindering the effective prosecution of gender based violence in Uganda. Despite Uganda's laws, policies and international treaties like UDHR, the implementation and enforcement remain severely inadequate. The findings reveals that while these laws exist on paper, there are a lot of weakness, cultural practices and institutional inefficiencies that have consistently undermined justice for GBV survivors.

According to the research, judicial bias, a lack of evidence and delayed investigations contribute to low prosecution levels of GBV cases more especially rape and defilement. Due to poverty, stigma or pressure from family and local authorities, victims often withdraw their cases. The absence of specialized courts results in cases being handled insensitively and slowly. Additionally, the coexistence of customary and statutory laws create misunderstandings and contradiction, especially in rural areas where informal dispute resolution takes precedent over formal legal action.

It is also evident that the institutional actors such as police, judiciary, DPP often fall short in protecting survivors and holding perpetrators accountable. While institutions like UHRC and NGOs are mandated to support GBV survivors, their reach and effectiveness are limited to political, financial and many other constraints.

The research concludes that Uganda's challenge is not the absence of law, but rather the failure to enforce it consistently and in a survivor centered manner.

5.2 Recommendations

Based on the study findings, conclusions of this report, the study recommends the following;

Establishment of specialized GBV courts: To understand the emotional or psychological and legal challenges faced by GBV survivors, .Judges, prosecutors, and counselors in these courts may be trained to handle GBV cases with care, skill and

expertise¹⁶². Their goal would be to ensure survivors are protected, heard, and that cases go quickly while justice is administered without unnecessary delays or insensitivity. By focusing only on GBV, these courts would provide a more secure and encouraging atmosphere by focusing only on GBV, which would make it easier for survivors to seek justice¹⁶³.

Our laws need to change to fully protect survivors of GBV: Nowadays, many victims are since intimate partner violence, marital rape, coercive control, and psychological abuse aren't usually clearly recognized as crimes. In order for these crimes to be recognized, there must be amendments made by the different statutes like the Penal Code Act and other statutes to close the gaps that allow perpetrators to evade justice. This amendments will promote justice for survivors, and hold perpetrators accountable, but without these amendments, many victims will continue to suffer in silence, trapped in abusive situations with little hope for protection or justice¹⁶⁴.

Strengthening support systems for survivors of GBV is essential to ensuring their protection, healing and access to justice. To protect these affected people, we must create survivor centered services that offer assistance when needed. This means providing access to (i) free legal aid, so survivors can seek justice without financial challenges,(ii) psychological support, such as trauma cares and, counseling to help them rebuild their lives,(iii) safe shelters that offers immediate refuge for those escaping dangerous situations or abuses (iv) victim witness protection which ensures that survivors can testify without any worries or fear of retaliation¹⁶⁵.

By embedding these services into our justice system and community support structures, we create a society where survivors are not abandoned but empowered hence making it necessity for a more just and compassionate society than leaving it just as an option.

Investing in police and prosecution capacity is crucial to ensuring justice for GBV survivors: Many cases are left unresolved due to limited investigative resources,

¹⁶² Uganda Judiciary, 'Judiciary Roots for Specialized SGBV Court' <https://judiciary.go.ug/data/news/393/Judiciary%20Roots%20for%20Specialized%20SGBV%20Court.html> accessed 14 May 2025

¹⁶³ ibid

¹⁶⁴ Rebecca Clayton, 'A Critical Legal Analysis of Marital Rape in Uganda' https://www.mcgill.ca/humanrights/files/humanrights/rebecca_clayton_a_critical_legal_analysis_of_marital_rape_in_uganda accessed 14 May 2025

¹⁶⁵ UNDP, '16 Days of Activism 2024: From a GBV Survivor to a community Champion' (25 November 2024) <https://www.undp.org/uganda/stories/16-days-activism-2024-gbv-survivor-community-champion> accessed 14 May 2025

under-staffing and inadequate case follow ups, but these can all be resolved by increasing funding for the Uganda Police Force and office of the DPP, in order to strengthen forensic investigations ensuring that evidence collection is authentic and , ensuring police officers and prosecutors have the capacity to handle GBV cases efficiently¹⁶⁶. Additionally, the improved funding would improve case follow ups, avoiding delays that often leave survivors without closure. However, all these require commitment or dedication to justice and protecting people who may likely to be affect by GBV.

Changing public attitudes and encourage reporting: Many survivors of GBV may hesitate or refuse to speak out due to fear of being blamed or stigmatized by the public. As a recommendation, we to make sure that there are awareness campaigns that challenge harmful beliefs and encourage communities to support survivors rather than silence them because the more we educate people, the more likely survivors are to seek justice without fear.

Training judicial officers to handle GBV cases with care: Judges, magistrates and police officers play a crucial role when handling GBV cases but many of these authoritative personnel lack training on gender sensitivity and trauma informed approaches¹⁶⁷. By providing mandatory training to them, we ensure survivors are treated with dignity, and the survivors are handled well without being re-traumatize.

Improve collaboration between institutions: there need to be collaboration from government agencies, NGOs and community organizations to ensure that the survivors receive support and this is supported by the 1995 constitution under different provisions like Article 50(2)¹⁶⁸ which states any organization may bring an action against the violation of another persons' or group human rights, Parliament, Article 79¹⁶⁹ the parliament shall have power to make for peace, order, development and good governance this includes passing laws that protect and promote rights like domestic violence act. These institutes can ensures survivors receive comprehensive support from legal aid to medical care while making prevention programs more effective.

¹⁶⁶ Parliament of Uganda, 'increase funds for prosecution of GBV cases'

<https://www.parliament.go.ug/news/3504/increase-funds-prosecution-gbv-cases> accessed 14 May, 2025

¹⁶⁷ International Justice Mission (IJM) Uganda, 'IJM Uganda Supports ODPP in SGBV Training' (2023)

<https://www.ijm.org/vawc/blog/ijm-uganda-supports-odpp-in-sgbv-training> accessed 14 May 2025

¹⁶⁸ Constitution of the Republic of Uganda,1995 (as amended) Art 50(3)

¹⁶⁹ Constitution of the Republic of Uganda,1995 (as amended) Art 79

Promoting media reports: The media plays a crucial role in shaping public attitudes on GBV. Journalists and media houses should make sure that the content which is reported does not associate or include victim blaming, the report should also be in a language which is not offensive towards anyone or harmful stereotypes but instead they should be promoted in a way that helps survivors to amplify their voices. This is so because the media is accessed by many people who may be in support to help the prosecution of GBV cases to run smoothly. Additionally, media regulatory bodies should establish clear guidelines to prevent harmful portrayals that discourage survivors from speaking out¹⁷⁰ which may hinder their right to speech as portrayed in the 1995 constitution.

In Conclusion, we need strong laws and collaboration of different institutes in order to end gender based violence and ensure its prosecution is run effectively, because everyone is entitled to healthy life and no one wants to live in an uncomfortable way so communities must come together to challenge victim blaming attitudes, and media should report responsibly to raise awareness. This ensures that the survivors are heard, empowered and protected.

¹⁷⁰ UNISCIENCE- Understanding Technology-Facilitated Gender-Based Violence (TFGBV) in Uganda. November 2024 <https://unisciencepub.com/wp-content/uploads/2024/11/Understanding-Technology-Facilitated-Gender-based-Violence-TFGBV-in-Uganda> accessed 14 May 2025

REFERENCE LIST

Case law

Tyler vs United kingdom (dec)App no 20062/07 (ECtHR, 7 July 2009)

Opuz v Turkey App no 33401/02 (ECtHR, 9 June 2009)

Irene Wilson v RU App no 1062/06 (ECtHR, 23 October 2012)

A. v. Croatia App no 55164/08 (ECtHR,14 October 2010)

Mifumi (U) Ltd and Another V Attorney General and Kenneth Kakuru

Uganda V Kusemererwa[2015]UGHCCRD 12 (HCT-01-CR-SC-0015-2014)

Law and Advocacy for Women in Uganda V Attorney General [2010] UGCC 4(Constitutional petition No 8 of 2007).

Kanyamunyu & Anor V Uganda (HCT-00-CR-CM-0369-2016) [2017]UGHCCRD

Statutes used,

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

Domestic Violence Act, 2010

Penal Code Act

Prevention of Trafficking in Persons Act, 2009

Prohibition of Female Genital Mutilation Act, 2010

Employment Act, 2006

The Human Rights (Enforcement) Act, 2019

The Equal Opportunities Commission(EOC) Act

The Police Act

National policies

The national policy on elimination of gender based violence in Uganda(2016)

The Uganda Vision 2040

The National Male Involvement Strategy for the Prevention and Response to GBV (2017-2022)

International instruments

Convention on the Elimination of Discrimination Against Women (CEDAW)

International Covenant on Civil and Political Rights (ICCPR)

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Convention on the Rights of the Child (CRC)

Declaration on the Elimination of Violence Against Women (DEVAW)

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)

International treaty

Beijing Platform for Action (2003)

Textbook

Bryan A Garner (ed), Blacks law dictionary (11th edn, Thomson Reuters 2019).

Journal Articles – both soft copies and online articles.

Fuseini, I. (2021). Navigation Traditional and Modern Institutions in city Governance: The role of Chieftaincy in Spatial Planning in Tamale, Ghana. *African Studies*, 80(2), 230-248

Beyene et al., 2019; World Health Organization, 2007

Bandiera O, Buebren N, Burgess R, et al (2013) Empowering Adolescent Girls: Evidence from a randomized control trial in Uganda

Angeles M. (2012) Combating gender-based Violence and Enhancing Economic Empowerment of Women in Northern Uganda through Cash Transfers. 2012

Beena Sarwar, 'Violence Against Women and the role of Media ' in Farida Shaheed and others (eds), *shaping Women's lives: Laws, Practices and Strategies in Pakistan* (Shirkat Gah 2011)

Hague, G, R. K. Thiara, A. Turner (2011), “Bride-Price and Its Links to Domestic Violence and Poverty in Uganda: A Participatory Action Research Study. In *Women’s Studies in International Forum*, Volume 34, Issue 6, November - December. p 550-561

Jane Smith,Media Representation of violence Against women’ (2020) 10(2) Feminist Media Studies 123

Shabbir M, ‘Domestic Violence Against Women: A case Study of District Jacobabad,Sindh Province’ (2010) 2(2) Pakistan Journal of Criminology 55

Krug EG et al., eds.World report on violence and health.Geneva, World health Organization,2002

Sylvia Tamale, when Hens Begin to Crow: Gender and Parliamentart Politics in Uganda (westview press 1999)

Bott, S. and A. Morrison, “Preventing and Responding to Gender-based Violence in Middle and Low-income Countries: A Multi-sectoral Literature Review and Analysis” (Working Paper, no. 3618, World Bank, Washington, DC, 2005).

Commission reports

Uganda Bureau of services Uganda Demographic and health Survey 2022,confirms the prevalence of a high rate of GBV in Uganda

CEDOVIP (2015). Economic costs of Domestic violence in Uganda <http://www.cedovip.org/indec.php/resources/reports/5-economic-cost-of-domestic-violence-in-uganda/file#:->

:text=Most%20important%2C%20ecperience%20of%20DV,the%after%20eff
ects%20of%20DV

UN Women, Handbook for legislation on violence Against Women(2012) <https://www.unwomen.org/en/digital-library/publications/2012/12/handbook-for-legislation-on-violence-against-women> accessed 25th April 2025

Justice Law and Order Sector (JLOS), Annual Crime Report(2022)
<https://www.jlos.go.ug/resources/reports/annual-crime-report-2022> accessed
25 April 2025

Uganda Police Force (2020). Annual Crime Report 2019

Uganda Bureau of Statistics and ICF, Uganda Demographic and health
Survey 2016 (UBOS and ICF 2018)

Uganda Bureau of Statistics, Statistical Abstract 2017 (UBOS 2017)

United Nations Development Programme, Human Development Report 2015:
Work for Human Development(UNDP 2015)

FIDA Uganda, 2021.

Report of Uganda on the Implementation of the Beijing Platform for Action
(1995) and the Outcome of the Twenty Third Special Session of the UN
General Assembly (2000).

Uganda Bureau of Statistics, The Role of Traditional Media in Promoting
Behavioral Change in Ugandan Communities (UBOS 2019)

Uganda Media Women's Association (UMWA), 'History' (UMWA,2001)
<https://umwa.wordpress.com/who-we-are/history/>.

Uganda Media Women's Association (UMWA), 'Mama FM: Giving Voice to
Women's Issues in Uganda' (UMWA, 2001)
<https://umwa.wordpress.com/mama-fm-1017/>.

Website articles

UN Women, Handbook for legislation on violence Against Women(2012)
<https://www.unwomen.org/en/digital-library/publications/2012/12/handbook-for-legislation-on-violence-against-women> accessed 25th April 2025

Justice Law and Order Sector (JLOS), Annual Crime Report(2022)
<https://www.jlos.go.ug/resources/reports/annual-crime-report-2022> accessed
25 April 2025

Fuseini,I. (2021). Navigation Traditional and Modern Institutions in city
Governance: The role of Chieftaincy in Spatial Planning in Tamale, Ghana.
African Studies, 80(2), 230-248.
<https://doi.org/10.1080/00020184.2021.1911623>

CEDOVIP (2015). Economic costs of Domestic violence in Uganda
<http://www.cedovip.org/indec.php/resources/reports/5-economic-cost-of-domestic-violence-in-uganda/file#:~:text=Most%20important%2C%20ecperience%20of%20DV,the%after%20effects%20of%20DV>

World Health Organisation, world Report on violence and health (2002)
<https://www.who.int/publication/i/item/world-report-on-violence-and-health>
accessed on 26 April, 2025

United Nations Children’s Fund, Child protection from Violence,
Exploitation and Abuse, Gender based violence in Emergencies,(2011),
March 22. http://www.unicef.org/protection157929_58001.htm1. Accessed
25th April,2025

United Nations Children’s Fund(UNICEF),Child Marriage: latest trends and
future prospects(UNICEF 2018) <https://data.unicef.org/resources/child-marriage-latest-trends-and-future-prospects/> accessed 25 April 2025

UN General Assembly, Declaration on the Elimination of Violence against
Women Art. 1, A/RES/48/104, UN General Assembly, 20 December 1993,
<https://www.refworld.org/legal/resolution/unga/1993/en/10685> [accessed 22
April 2025]

Mugambwa, 2019. <https://www.kuchutimes.com/2019/11/16-days-of-activism-2019-rape-and-defilement-in-uganda-a-fight-for-all-women-and-girls/>

World Health Organisation, world Report on violence and health (2002)
<https://www.who.int/publication/i/item/world-report-on-violence-and-health>
accessed on 26 April, 2025

United Nations Children's Fund, Child protection from Violence, Exploitation and Abuse, Gender based violence in Emergencies,(2011), March 22. http://www.unicef.org/protection157929_58001.htm1. Accessed 25th April,2025

United Nations Children's Fund(UNICEF),Child Marriage: latest trends and future prospects(UNICEF 2018) <https://data.unicef.org/resources/child-marriage-latest-trends-and-future-prospects/> accessed 25 April 2025

UN General Assembly, Declaration on the Elimination of Violence against Women Art. 1, A/RES/48/104, UN General Assembly, 20 December 1993, <https://www.refworld.org/legal/resolution/unga/1993/en/10685> [accessed 22 April 2025]

National Association of women Judges of Uganda, Assessment of Justice Delivery for victims of Defilement in Uganda (Judiciary of Uganda) <https://nawju.judiciary.go.ug/wp-content/uploads/filr/6841/ASSESSMENT%20OF%20JUSTICE%20DELIVERY%20FOR%20%20VICTIMS%20DEFILEMENT%20IN%20UGANDA.pdf> accessed 13 May 2025

Uganda Police Force, Annual Crime Report 2022(Uganda Police Force 2023) <https://www.upf.go.ug/annual-crime-report-2022.pdf> accessed 13 May 2025

National Association of women Judges of Uganda, Assessment of Justice Delivery for victims of Defilement in Uganda (Judiciary of Uganda) <https://nawju.judiciary.go.ug/wp-content/uploads/filr/6841/ASSESSMENT%20OF%20JUSTICE%20DELIVERY%20FOR%20%20VICTIMS%20DEFILEMENT%20IN%20UGANDA.pdf> accessed 13 May 2025

Peter Sserugo, 'over 13000 children defiled, 300 infected with HIV in 2023-report' (13 May 2024) <https://www.monitor.co.ug/uganda/news/national/over-13-000-children-defiled-300-infected-with-hiv-in-2023-report-4535062> accessed 13 May 13, 2025

Uganda: Violence against women unabated despite laws and policies <https://www.un.org/africarenewal/news/uganda-violence-against-women-unabated-despite-laws-and-policies> accessed 13 May 2025

Joshua Kagoro, 'staffing shortages and Budget woes cripple Judiciary, Delay Justice' <https://nilepost.co.ug/news/229045/staffing-shortages-and-budget-woes-cripple-judiciary-delay-justice> accessed 13 May 2025

FIDA Uganda and Center for Health, Human Rights and Development (CEHURD), No woman is a punching Bag: Gender-based Violence Remains a big threat to Ugandan women and girls (CEHURD, 2021) <https://www.cehurd.org/no-woman-is-a-punching-bag-gender-based-violence-remains-a-big-threat-to-ugandan-women-and-girls/> accessed 13 May 2025

Center for Health, Human Rights and Development (CEHURD), 'Gender Based Violence and its linkage to sexual reproductive health of woman and young girls in uganda' <https://www.cehurd.org/gender-based-violence-and-its-linkage-to-sexual-reproductive-health-of-women-and-young-girls-in-uganda/> accessed 13 May 2025

Uganda Police Force, Annual Crime Report 2024 <https://cparuganda.com/2025/02/27/annual-crime-report-2024-by-uganda-police-force/> accessed May 14, 2025

Peter Sserugo, 'over 13000 children defiled, 300 infected with HIV in 2023-report' (13 May 2024) <https://www.monitor.co.ug/uganda/news/national/over-13-000-children-defiled-300-infected-with-hiv-in-2023-report-4535062> accessed 13 May 13, 2025

Uganda Police Force, Annual Crime Report 2024 <https://cparuganda.com/2025/02/27/annual-crime-report-2024-by-uganda-police-force/> accessed May 14, 2025

Uganda Police Force, Annual Crime Report 2024 <https://cparuganda.com/2025/02/27/annual-crime-report-2024-by-uganda-police-force/> accessed May 14, 2025

Clement Aluma and Ronald Acema, 'Judicial officers warned against unnecessary adjournment of cases' (Daily Monitor, 30 December 2022) <https://www.monitor.co.ug/uganda/news/national/judicial-officers-warned-against-unnecessary-adjournment-of-cases-4056012> accessed 14 May 2025

Farooq Kasule, 'Justice for Her Project to Tackle SGBV Case Delays' (New Vision, 24 February 2025)

<https://www.newvision.co.ug/articledetails/205647> accessed 14 May 2025

ResearchGate. Defilement and the Ugandan Criminal Justice System

https://www.researchgate.net/publication/380693603_Defilement_and_the_Ugandan_Criminal_Justice_system accessed 14 May 2025

Peel, D. (10TH January, 2023) Domestic Violence and the Death Penalty in Uganda.

<https://blogs.law.ox.ac.uk/death-penalty-research-unit-blog/blog-post/2023/01/domestic-violence-and-death-penalty-uganda>

John Musenze, 'case backlog crisis hindering justice for GBV victims' (New Vision, 24 February 2025)

https://www.newvision.co.ug/articledetails/NV_205667 accessed 14 May 2025

Bridget Nsimanta, 'Justice For Her Project Launched to fast -track GBV cases in Uganda' (Nile Post, 24 February 2025)

<https://nilepost.co.ug/news/244524/justice-for-her-project-launched-to-fast-track-gbv-cases-in-uganda> accessed 14 May 2025

Uganda Domestic Violence Act, 2010 s 10, available at: <https://ulii.org/akn/ug/act/2010/3/eng@2010-04-09> accessed 14 May 2025

UN Women Africa, Justice for Her project launched to enhance access to justice for GBV survivors in Uganda (24 February 2025)

<https://africa.unwomen.org/en/stories/news/2025/02/justice-for-her-project-launched-to-enhance-access-to-justice-for-gbv-survivors-in-uganda> accessed 26 April 2025

Uganda Nations Department of Economic and Social Affairs, 'Revealing the Hidden Face of Poverty' (16 October, 2024)

<https://www.un.org/en/desa/revealing-the-hidden-face-of-poverty> accessed 14 May 2025

Hague Institute for innovation of law(HiiL), Poverty and Access to Justice(2021) <https://www.hiil.org/wp-content/uploads/2021/10/HiiL-report-poverty-and-Access-to-justice-web.pdf>

Ouma et al., 'The impact of an economic empowerment intervention on intimate partner violence among women engaged in sex work in Southern Uganda' (2024) 123 Social Science & Medicine

<https://www.sciencedirect.com/science/article/abs/pii/S0277953624002909>

accessed 14 May 2025

World Bank, Uganda: Karamoja Integrated Development Plan (2025)

<https://documents1.worldbank.org/curated/en/099030325162536276/pdf/P17990411dfa2c081b4a51717c6e45df22.pdf> accessed 14 may 2025

CDC, 'Risk and Protective Factors Intimate Partner Violence Prevention' (Centers for Disease Control and Prevention, 25 August 2023)

<https://www.cdc.gov/intimate-partner-violence/risk-factors/index.html>

accessed 14 May 14, 2025

Uganda Bureau of Statistics and ICF, Uganda Demographic and health Survey 2016 (UBOS and ICF 2018)

K.A. Falb et al., 'Childhood exposure to intimate partner violence against women and its association with violence against children in refugee settlements in Uganda' (2025) Conflict and Health

[https://conflictandhealth.biomedcentral.com/articles/10.1186/s13031-025-](https://conflictandhealth.biomedcentral.com/articles/10.1186/s13031-025-00661-5)

00661-5 accessed 14 May 2025

Godfrey PatrickAmodoi et al., 'Prevalence and correlates of intimate partner sexual violence among pregnant women in Napak district, Northeastern Uganda' (2024)

<https://journals.plos.org/plosone/doi?id=10.1371/journal.pgph.00022286>

accessed 14 May 2025

UN Women, Handbook for legislation on violence Against Women(2012)

<https://www.unwomen.org/en/digital-library/publications/2012/12/handbook-for-legislation-on-violence-against-women> accessed 25th April 2025

Justice Law and Order Sector (JLOS), Annual Crime Report(2022)

<https://www.jlos.go.ug/resources/reports/annual-crime-report-2022> accessed

25 April 2025

Uganda Bureau of Statistics, Uganda Demographic and health Survey 2022

(UBOS 2022) <https://www.unicef.org/uganda/media/16731/file/UDHS-2022-Report.pdf> accessed 14 may 2025

UNESCO, A Guide for Gender Equality in Teacher Education Policy and Practices (2015) <https://unesco.org/ark:/48223/pf0000231646> accessed 25

April 2025

UN Women, Handbook for National Action Plans on Violence Against women(2010) <https://www.unwomen.org/en/digital-library/publications/2010/1/handbook-for-national-action-plans-on-violence-against-women>

Sylvia Tamale, when Hens Begin to Crow: Gender and Parliament Politics in Uganda (westview press 1999)

Protocol to the African Charter on Human and Peoples' Rights on the rights of women in Africa (adopted 11 July 2003, entered into force 25 November 2005) <https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-women-africa> accessed 25 April 2025

Protocol to the African Charter on Human and Peoples' Rights on the rights of women in Africa (adopted 11 July 2003, entered into force 25 November 2005) <https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-women-africa> accessed 25 April 2025.

UN Women, progress of the World's Women 2015-2016: Transforming Economies, Realizing Rights(2015) <https://www.unwomen.org/en/digital-library/publications/2015/4/progress-of-the-worlds-women-2015> accessed 25 April 2025

International Crisis Group, Northern Uganda: Understanding and solving the conflict(2004) <https://www.crisisgroup.org/africa/horn-africa/uganda/northern-uganda-understanding-and-solving-conflict> accessed 25 April 2025

Afrobarometer,Ugandan Women Trail Men in Education, jobs, Asset Ownership,and political Engagement(October 2024) <https://www.afrobarometer.org/wp-content/uploads/2024/10/AD881-Ugandan-women-trail-men-in-education-work-and-political-engagement-afrobarometer-10oct24.pdf>. accessed 25th April

UN Women,'Harnessing the power of Technology to End Violence Against Women' (2013) <https://www.unwomen.org/en/digital-library/publications/2013/4/harnessing-the-power-of-technology-to-end-violence-against-women> accessed 25 April 2025

Uganda Judiciary, Justice for Her Project Launched to Fast-Track GBV Cases in Uganda, February 2025 Available at

<https://nilepost.co.ug/justice%20for%20Her/244524/justice-for-her-project-launched-to-fastgbv-cases-in-uganda> Accessed 26th April 2025

Ministry of Health, Uganda, National Plan of Action for Sexual and Gender based violence and violence Against children Available at https://library.health.go.ug/sites/default/files/resources/National%20Plan%20of%20Action%20for%20SGBV_VAC.pdf Accessed 25th April 2025

Uganda National Policy on Elimination of Gender based violence, National Policy on Elimination of Gender based violence in Uganda. Available at: <https://data.unhcr.org/fr/documents/download/92617> Accessed 26th April 2025

Uganda Judiciary, 'Judiciary Roots for Specialized SGBV Court <https://judiciary.go.ug/data/news/393/Judiciary%20Roots%20for%20Specialized%20SGBV%20Court.html> accessed 14 May 2025

International Justice Mission (IJM) Uganda, 'IJM Uganda Supports ODPP in SGBV Training' (2023) <https://www.ijm.org/vawc/blog/ijm-uganda-supports-odpp-in-sgbv-training> accessed 14 May 2025

UNISCIENCE- Understanding Technology-Facilitated Gender-Based Violence (TFGBV) in Uganda. November 2024 <https://unisciencepub.com/wp-content/uploads/2024/11/Understanding-Technology-Facilitated-Gender-based-Violence-TFGBV-in-Uganda> accessed 14 May 2025

Weblogs

Uganda Media Women's Association (UMWA), 'Mama FM: Giving Voice to Women's Issues in Uganda' (UMWA, 2001) <https://umwa.wordpress.com/mama-fm-1017/>.

Uganda Media Women's Association (UMWA), 'History' (UMWA,2001) <https://umwa.wordpress.com/who-we-are/history/>

News papers

Clement Aluma and Ronald Acema, 'Judicial officers warned against unnecessary adjournment of cases' (Daily Monitor, 30 December 2022)

<https://www.monitor.co.ug/uganda/news/national/judicial-officers-warned-against-unnecessary-adjournment-of-cases-4056012> accessed 14 May 2025

Farooq Kasule, 'Justice for Her Project to Tackle SGBV Case Delays' (New Vision, 24 February 2025)

<https://www.newvision.co.ug/articledetails/205647> accessed 14 May 2025