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APPROACHES TO DOMESTIC VIOLENCE THROUGH LEGAL, FINANCE, ACTIVISM AWARENESS BY UPF IN UGANDA: A CASE STUDY OF KAJJANSI STATION

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Abstract

Purpose: The purpose of the study was to investigate approaches to domestic violence through legal, finance, activism awareness by Uganda Police Force (UPF) in Uganda using Kajjansi Police station.

Methodology: The study design was cross-sectional and descriptive study employing both qualitative and quantitative methods of data collection. Data was collected from UPF senior officers (ASP to commissioner (12), PC to sergeant (12), AIP to IP (12) and also from the department of children and family protection unit, women affairs. The other participants in this study included human rights officials and staff from the civil society organisations

Findings: The findings indicate that low pay among the among family heads or those with responsibility of looking after families, this was followed by 20% of the participants who revealed poor housing structures which have seen big families being squeezed in one house which is not in good condition, followed by alcoholism represented with 16%, 12% of participants said Domestic Violence was caused by loose talk among women while 11% of respondents revealed diseases and 7% polygamy, respondents revealed lack of financial support whereas 20% of respondents said low levels of awareness (SGBV) among community members and lastly respondents represented with 10% revealed weak laws and policies.

Unique contribution to theory, practice and policy: The police, being the frontline social institution to deal with incidents of domestic violence, have a vital role in assisting victims of domestic abuse to follow through on their decision to seek recourse for the abuse. The police not only represent state policy but also act as an important link to both the prosecution process and to the provision of services to victims in a community. Thus, as "gatekeepers" to the criminal justice system, the UPF plays an important role in shaping victims' initial experiences of it. Although for many victims of domestic violence, the police might be a last resort it is often the first point of contact when the victim decides to take that first bold step towards seeking redress. This can be achieved through, enact a law but to provide the necessary infrastructural tools with which to access the law. The way of doing this is to put a mechanism in place in the law itself.

Key words: *Approaches Domestic Violence, Legal, Finance, Activism Awareness*

1.0 INTRODUCTION

1.1 Background to the study

The Act defines “Domestic Violence” for the first time in Indian law. It is a comprehensive definition and captures women’s experience of abuse and includes not only physical violence but also other forms of violence such as emotional / verbal, sexual, and economic abuse. It is based on definitions in international law such as the UN Declaration on Violence Against Women and a Model Code. The Act recognizes domestic violence as a human rights violation. It recognizes a woman’s right to live in a violence-free home. To realize this right, the Act recognizes a woman’s right to residence and her right to obtain protection orders under the law.

The police, being the frontline social institution to deal with incidents of domestic violence, have a vital role in assisting victims of domestic abuse to follow through on their decision to seek recourse for the abuse (Corcoran, Stephenson, Perryman & Allen, 2001; Glanz & Spiegel, 1996). The police not only represent state policy but also act as an important link to both the prosecution process and to the provision of services to victims in a community. Thus, as "gatekeepers" to the criminal justice system, the South African Police Service (SAPS) plays an important role in shaping victims' initial experiences of it. Although for many victims of domestic violence, the police might be a last resort it is often the first point of contact when the victim decides to take that first bold step towards seeking redress.

Most of the literature describing police responses internationally to incidents of domestic violence is critical of police practice (Berk & Loseke, 1981; Buzawa & Austin, 1993; Worden & Pollitz, 1984). The few local research reports that provide insight into the policing of domestic violence in South Africa (Padayachee, 1989; Pretorius, 1987; Van der Hoven, 1989) indicate a high level of dissatisfaction with police assistance and negativity towards the response of police officers.

According to CEDAW General Recommendations No. 30 (2013) and No. 19 (1992) states have primary responsibility to exercise jurisdiction over serious crimes under international law. National legislation should conform to international standards, including when criminalizing sexual and gender-based violence and by using gender-neutral definitions. Transitional justice strategies increasingly focus on strengthening domestic investigative and prosecution capacities. Specialized chambers or Bosnia and Herzegovina, Croatia, Democratic Republic of the Congo (DRC), Liberia, Serbia and Uganda. Focus is also placed on the training of public officials, particularly from the medical services, the police and the judicial systems. There is increasing awareness of the need to address victims’ obstacles in accessing criminal accountability processes, due to absence of medico-social and legal support, for instance, geographic remoteness of police stations and courts, financial and security issues. Measures to address these barriers may include free legal assistance, mobile courts, or specific courtroom protection protocols. The goal is to ensure victims’ participation, protecting dignity, safety, confidentiality and privacy.

Sexual Violence is a wide spread problem in Uganda: 39% of women have ever experienced sexual violence², compared to 11% for men and 59.6% of women have ever experienced physical violence since the age of 15, compared to 53% for men (MGLSD 2008:14) (MGLSD 2008:17). Violence occurs mostly in marriage. 62% of married women have experienced

violence compared to 52% never married women. (MGLSD 2008:14= Source: UDHS 2006). Most perpetrators of physical violence in Uganda are family members and 50.4% of physical violence against women in Uganda is committed by their current husbands/partners (MGLSD 2008: UDHS 2006).

Records from the Ministry of Gender Labour and Social Development MGLSD also show the magnitude of SGBV in the country. A 650% increase in the number of cases of defilement reported over the last ten years. 15,000 defilement cases were reported in 2006, against 2,000 cases reported in 1997(MGLSD 2008:20). Overall, defilement cases were 15,385 in 2006 as compared to 12,545 in 2005. There was an increase of 23%. 9,507 (62%) of the defilement cases reported in the rural settings, compared to 5,878 (38%) cases in urban. Equally, Rape cases have been rising steadily in the recent past (MGLSD 2008:20). The number of rape cases increased by 2.7% from 732 in 2005 to 750 in 2006. A total of 447(60%) of rape cases occurred in the rural setting compared to 303(40%) cases in urban areas.

1.2 Statement of the problem

For twenty years there's been a push to get police to take domestic abuse more seriously. For example according to According to CP Alalo, Christine the Uganda Demographic Health Survey of 2011 also revealed that 56 percent of women had experienced domestic abuse since the age of 16. She adds that the police crime report, 4,326 women reported to have experienced domestic violence in 2013 with 2,326 deaths reported. The lack of awareness on existing laws on domestic violence has deterred the fight against the vice, two senior cops have observed. CP Beata Chelimo, the head of women affairs department in the office of the IGP and acting Police Commissioner Christine Alalo revealed this while announcing their partnership with Centre for Domestic Violence Prevention in improving awareness about the Domestic Violence Act.

The two partners have introduced the Domestic Violence Act sticker in Luganda, Runyankole/Rukiga, Ateso and Luo, which will be pasted on police cars countrywide. According to Alalo, despite the fact that the law has been in effect since 2010, domestic violence has remained a widely hidden yet rampant crime. She urged the public to work with police by reporting any form of domestic violence against anyone saying that it a criminal offence which violates human right and has severe consequences to the children, individuals, families, communities and the entire nation. Apart from causing diseases, physical injuries and death, Alalo said that 19.5 billion shillings is lost through addressing the effects of domestic violence while 2.4 billion shillings is lost in form of the value of productive days lost due to domestic violence. She added that reports show that the annual economic burden of domestic violence is 77.5 billion shillings which is the equivalent of 0.35 percent of the Gross Domestic Product-GDP.

However, there is no doubt that abuse used too often to be dismissed as a “domestic”. Police officers would sometimes ignore calls or refuse to do anything if they did turn up. But this is not often the case now. All crimes committed in a domestic context are now considered more serious than the equivalent crimes committed on the street. There is huge pressure to charge and prosecute. Sentencing guidelines have recently introduced tougher penalties for abusers and the government is proposing to make them tougher still. Still to note, Police has not kept up with evidence and practice. A review on international research by the College of Policing said that

there was no evidence that criminal sanctions reduced abuse, and the more punitive sentences are associated with higher rates of reoffending. Further to note, a police spokesperson has recently said “we have a core responsibility to protect victims, to prosecute offenders, but also to take action to prevent offending”, but no one articulates why prosecution is not always the best course, nor cites the College of Policing evidence that criminal sanctions have no discernible effect on reducing abuse.

1.3 General Objective of the study

The main objective of the study was to investigate approaches to domestic violence through legal, finance, activism awareness by Uganda Police Force (UPF) in Uganda using Kajjansi Police station.

1.4 Specific Objectives

The study was guided by the following specific objectives.

- i. To identify the causes of sexual gender based violence cases at Kajjansi Police station.
- ii. To establish the level of awareness of domestic violence within the communities and by other stakeholders.
- iii. To establish the challenges faced with mechanisms of coping with domestic violence
- iv. To suggest intervention to domestic violence among communities.

2.0 THEORETICAL REVIEW

2.1 Theory of Change

The study was guided by the theory of Change written by Zohra Moosa of Action Aid UK, on behalf of the Gender and Development Network for DFID (Department for International Development). Theory of Change on ending gender- based violence against women and girls consists of a diagram (p.14-15) and accompanying narrative. Together they provide an overview of the interventions, outputs and outcomes that can reduce and ultimately eradicate violence against women and girls. It is not meant to be prescriptive, but to map the multiple pathways to tackling violence against women and girls and provide a starting point for programmes to develop their own theories of change. Theory of Change draws on the experience of a range of actors delivering programmes and services addressing violence against women and girls, including donor agencies, women human rights defenders, women’s rights organisations and other civil society organisations. It is designed to be used in conjunction with two other guidance documents: the Practical Guide to Community Programming on Violence against Women and Girls and Guidance on Monitoring and Evaluation for Programming on Violence against Women and Girls.

2.2 Assumption of the theory

Theory of Change assumes that context is critical: while unequal gender power relations and related social norms are a root cause of violence against women and girls, these manifest differently in different socio- cultural and political contexts. Theory of Change assumes that the state has primary responsibility for action on violence against women and girls: national

governments are legally bound to, and hold the ultimate responsibility for, the implementation of laws, policies and services related to violence against women and girls and can, and should be, held accountable for doing so. The theory further assumes theory of Change assumes that a holistic approach is more likely to have greater impact: coordinated interventions operating at multiple levels, across sectors and over multiple time-frames are more likely to address the various aspects of, and therefore have greater impact on, tackling violence against women and girls

3.0 METHODOLOGY OF THE STUDY

This survey report was prepared based on primary and secondary data. The primary data was collected from Kajjansi Police station and other Senior Police Officers while secondary data was based on a review of several documents including government of Uganda policies, laws and protocols and the National Survey 2008 on domestic violence. Some of the key institutions from which data and research reports were obtained include the Ministry of Gender, Labour and Social Development (MGLSD) and the Uganda Bureau of Statistics for national survey data.

The study design was cross-sectional and descriptive study employing both qualitative and quantitative methods of data collection. Data was collected from UPF senior officers (ASP to commissioner (12), PC to sergeant (12), AIP to IP (12) and also from the department of children and family protection unit, women affairs on domestic violence from other stations and respective offices. The other participants in this study included human rights officials and staff from the civil society organisations. The instruments used included questionnaire/surveys and interviews with key informants. Both quantitative and qualitative methods were used to analyze the data. Quantitative data was analyzed using descriptive statistics such as means, frequencies and percentages and later presented in form of tables, bar charts and pie charts. The MS Excel Software was used for this purpose as it was readily available and is able to translate the data into numeric. Qualitative data was analyzed through content analysis and presented in continuous prose form.

4.0 FINDINGS AND DISCUSSIONS

4.1 Response Rate

$$\text{Response rate} = \frac{\text{Total number of tools received}}{\text{Total number of tools given out}} \times 100$$

$$\frac{82 \times 100}{100} = 82\%$$

4.2 Demographic Characteristics

From the field findings, it was found out that biggest percentage of the respondents were male's participants whereas these were followed by females. On the respondents age, majority of the

respondents represented by 35% were found to be of age between 26-34 these were followed by were between 35-45, followed by respondents revealed that they were 45 years and above lastly were respondents who were found to under 25 years.

Further findings revealed that majority of the interviewees represented by 55% revealed that they were married people these were followed by respondents who said they were single whereas other respondents said they has separated with their partners and lastly was respondents who revealed that they were widows. Also to note majority of respondents they were certificate holders, followed by respondents who said were diploma holders and respondents revealed that they were degree holders.

4.3 Descriptive Statistics

4.3.1 Causes domestic violence

Numerous responses were put forward when respondents were asked of the causes and of Sexual Gender based violence cases at Kajjansi Police station their responses were as follows; majority of the respondents represented with 35% said low pay among the among family heads or those with responsibility of looking after families, this was followed by 20% of the participants who revealed poor housing structures which have seen big families being squeezed in one house which is not in good condition, followed by alcoholism represented with 16%, 12% of participants said SGBV was caused by loose talk among women while 11% of respondents revealed diseases and 7% polygamy.

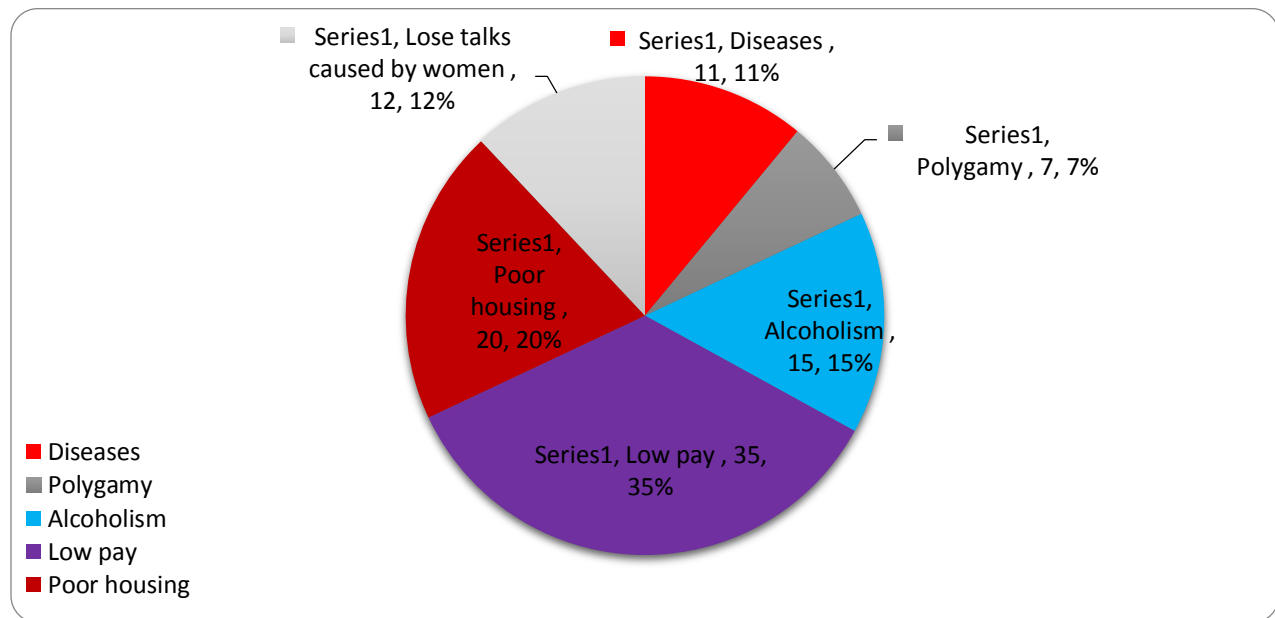


Figure 1: shows causes of domestic violence

Sources: Primary data (2019)

4.3.2 Level of awareness of Domestic Violence among communities and other stakeholders

An assessment of the level of awareness of domestic among communities and other stakeholders was as follows; 4.2 % said defilement , 5.3% revealed rape, 3.1% of respondents revealed incest,

whereas 21.2% of respondents revealed sexual harassment, 13.8% of respondents revealed marital rape, 14.8% revealed the use of bad /vulgar language, 9.5% of respondents revealed forced early marriages, lastly but not the least 11.7% of respondents said attempted defilement and lastly was 15.9% of respondents who said indecent assault.

Table 1: shows level of awareness of domestic violence among communities and other stakeholders

Responses	Frequency	Percentage
Defilement	4	4.2
Rape	5	5.3
Incest	3	3.1
Sexual harassment	20	21.2
Marital rape	13	13.8
Use of bad /vulgar language	14	14.8
Forced early marriages	9	9.5
Attempted defilement	11	11.7
Indecent assault	15	15.9
Total	94	100

Source: Primary data (2019)

4.3.2 Challenges faced with mechanisms of coping with domestic violence

According to figure 2 below, the biggest percentage of respondents represented with 40% said corruption has proved as the leading challenge of the mechanisms available for fighting domestic violence, this was followed by 30% of respondents revealed lack of financial support whereas 20% of respondents said low levels of awareness domestic violence among community members and lastly respondents represented with 10% revealed weak laws and policies.

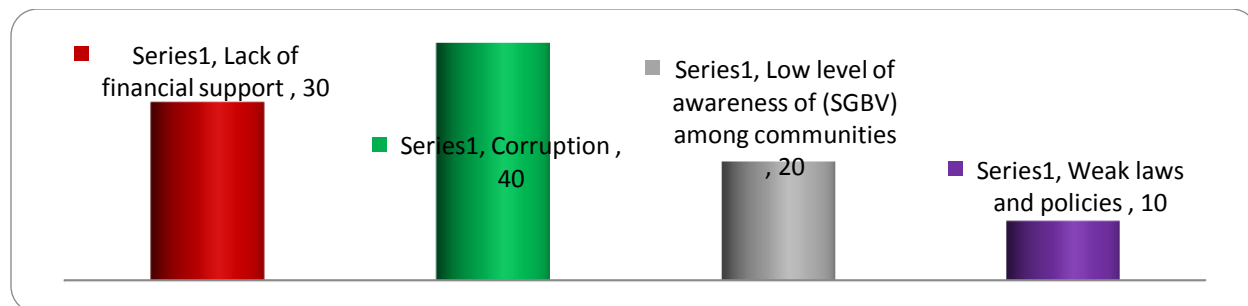


Figure 2: challenges faced with mechanisms of coping with domestic violence

Source; Primary data (2019)

4.3.3 Intervention to Domestic Violence among communities

An assessment of the intervention to domestic violence among communities was as follows; 3% of respondents revealed that there should be development of a mechanism for coping with sexual violence in communities, 5% of participants said there should be life training skills whereas 1% of respondents said there should be formation of male action groups to counter the high increase

of SGBV, 13% revealed that there should be mass sensitization on sexual violence 22% revealed enhancing the capacity of anti-sexual violence advocates

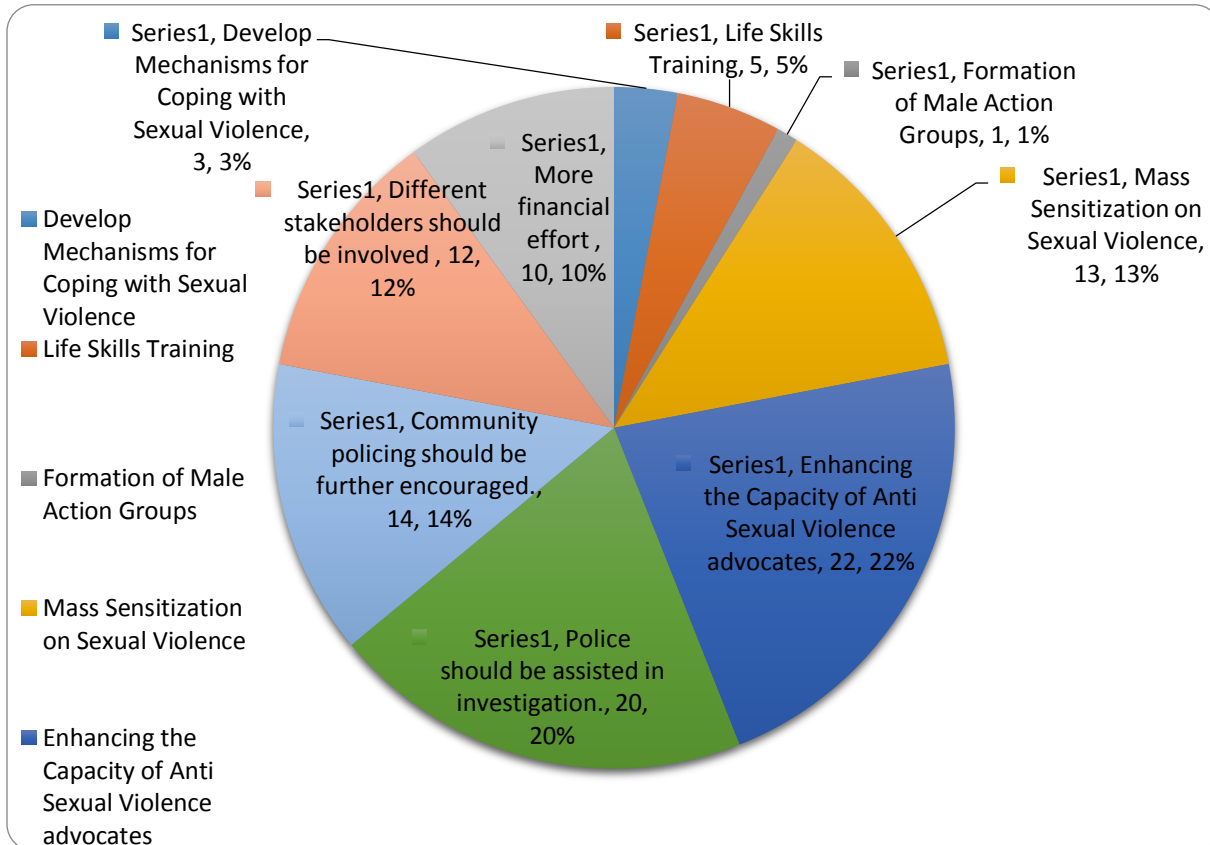


Figure 3: shows Intervention to Domestic Violence among communities

Source; Primary data (2019)

4.3.4 Key Informants Interview Findings

Some people do not know that having sexual intercourse with a girl below 18 years is a crime punishable by law. When girls see their peer being married off, they also get tempted to go. This is mainly among the Muslim communities Apart from humiliating the survivors, the community looks at the case as none of their business. It is always left for the close relatives to take care. The community doesn't have any preventive measure in place. Even survivors are not given any help. Since there is nothing in place, request is put out to. The only place where one can go is police but without money, police will only frustrate the victim. When a girl gets pregnant people start laughing at her. People blame the girl and her parents. Saying that the parents did not mind the girl and that is why this had happened.

When cases are forwarded to police for action, the way police twists/interprets these crimes make them appear so weak so that the perpetrator/suspect is released on bond. In the case of the woman who was made to breast feed puppies, by her husband, the police interpreted this case to amount to causing bodily harm. Another case was cited where a girl was defiled and she is pregnant. The mother of the girl reported the matter to police and she is now being intimidated

by police and they have instead turned against her and are accusing her of spreading malicious propaganda against the suspect. She is being pressurized to drop the charges against the suspected defiler. The lady is currently so frustrated and confused. Presented by a highly placed Political leader. Some concerned neighbours do report such cases. Sometimes aggrieved parties do report also. For example one woman who had remarried went to the second marriage with a 2 year old daughter. This second husband defiled the 2 year girl, so the case was reported to me here.

Another case was of a girl aged 15 years who left home because although she was still studying, her parents used to hate her coming back to their family home because at that age, girls are supposed to be married off. So the mother arranges with another family that the boy defiled her daughter and take her for a wife.

5.0 SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Summary

Findings indicate that, causes and of domestic violence majority of the respondents said low pay among the among family heads or those with responsibility of looking after families, poor housing structures which have seen big families being squeezed in one house which is not in good condition. On the challenges corruption has proved as the leading challenge of the mechanisms available for fighting domestic violence, lack of financial support, low levels of awareness domestic violence among community members. On the measure should be development of a mechanism for coping with sexual violence in communities, life training skills, there should be formation of male action groups to counter the high increase of SGBV, there should be mass sensitization on sexual violence enhancing the capacity of anti-sexual violence advocates

5.2 Conclusions

The study offered an overview of police officers' experiences in policing different types of domestic violence. The findings of the study reveal that the types of abuse most frequently handled by police officers are the following in order of frequency: physical abuse, emotional / psychological abuse, damage to property, sexual abuse, economic/financial abuse, intimidation, unauthorized entry, stalking and harassment. In addition emotional abuse, physical abuse, economic abuse, sexual abuse, damage to property and unauthorized entry were the forms of abuse identified as the most challenging to handle.

5.3 Recommendations

Based on the findings the following recommendations are made to equip police officers to deal more effectively with the challenges in addressing domestic violence: Police officers as the first point of contact in reported domestic violence incidents should receive annual refresher training courses in dealing with domestic violence and cultural awareness training to assist them in their investigative roles. An environment should be created that encourages and facilitates continuous training focused on developing skills in tactical thinking, decision-making and optimal performance when confronted with stressful incidents.

The appointment of a suitably trained police officer (at every police station) as a coordinator is imperative for the proper monitoring of all domestic violence related incidents. These appointed police officers should be responsible for dealing with all incidents of domestic violence reported at station level and should facilitate the improvement of service delivery to all domestic violence victims. Counselling and internal support from the management cadre at every station as well as the Employee Health and Wellness (EHW) professionals should be paramount especially for newly trained recruits to ensure emotional readiness as they will be better able to deal with the complexities of handling domestic violence.

Police officers should endeavour to establish more effective partnerships with the community which will require of them to make every effort to understand and respond with more sensitivity to the respective expectations of different cultural groups during each police encounter.

Mass Sensitization on sexual violence: There is need for mass sensitization for all community members both the young and the adults on sexual violence, the forms, causes, risky areas, perpetrators, effects, where to report and the prevention measures. Use of various methods of sensitization should be done but more emphasis put on the captivating documentaries. Efforts should be taken to use the traditional methods of communication such as songs and drama.

Establishment of anti-sexual violence pressure group: There is need to set up Anti Sexual Violence Pressure Groups to work against sexual violence in the community. The pressure group should constitute both male and female with clear and well laid out terms of reference as set by the community. Members of the group need to be trained on the different aspects of sexualized violence.

Enhancing the Capacity of Anti Sexual Violence advocates: These should be trained on the different aspects of sexual violence e.g. causes, forms, effects, measures to prevent, places of service, human rights, pertaining legal framework, gender and violence among others. As such the following sexual violence materials focusing on identification of SV, handling of different cases of SV, causes, effects, places of reporting, perpetrators, referral system will be prepared.

Information, Education and Communication Strategy: There is need to design (IEC) strategy to guide advocacy and sensitization on sexual violence. Such strategies/messages should focus on the following: Forms sexual violence, effect of SV on the household and community, SV and human rights, gender dimensions of SV, SV and the law, issues on access and utilization of services. Relevant sensitization materials covering the above topics should be developed. For instance:

Most important ACFODE should consider the existing SV IEC materials for replication/reproduction and distribution or make additions to fill the gaps. IEC materials by different NGOs and many other stakeholders should be a starting point. **Coordination of SV related interventions by different stakeholders/ networking:** There is need for coordination of SV interventions among all stakeholders particularly the government departments and NGO efforts. Non-governmental organisations such as ACFODE need to conduct consultative meetings with SV stakeholders and spearhead the formation of a network. The network/stakeholders need to develop strategic plans together, develop indicators of success and intervention methodologies. Facilitate networking efforts between the different stakeholders such as police and probation office to ensure the work is done effectively and efficiently.

Strengthening of the Existing Institutions Handling SV: A training module should be designed for the stakeholders. It should be preceded by a mini training needs assessment. For instance the LCs, teachers, senior woman and male teachers, Community Development officers at S/C level, NGOs need training to enhance their capacity to handle SV matters and need counseling and basics of the law. Strengthening and working through the existing friendly systems:

REFERENCES

- Baker, L., Jaffe, G., Berkowitz, S. & Berkman, M. (2002). Children exposed to violence: a handbook for police trainers to increase understanding and improve community responses. London: Centre for Children and Families in the Justice System of the London Family Court Clinic, Inc.
- Berk, S. & Loseke, D. (1981). Handling family violence: situational determinants of police arrest in domestic disturbances. *Law and Society Review*, 18:479.
- Cedaw General Recommendations No. 30 (2013), and No. 19 (1992)
- Corcoran, K., Stephenson, M., Perryman, D. & Allen, S. (2001). Perceptions and utilization of a police - Social Work crisis intervention approach to domestic violence. *Families in Society*, 82(4):393-398.
- Padayachee, A. (1989). Wife abuse: an investigation among South African Indian women. KwaZulu-Natal: University of Durban Westville. (Unpublished DPhil dissertation)
- Sinden, P. & Stephens, B. (1999). Police perceptions of domestic violence: the nexus of victim, perpetrator, event, self and law. *Policing: An International Journal of Policing Strategies and Management*, 22(3):313-327.