



Gender Transformation & Empowerment

SIMPLIFIED COMPEDIUM OF SOME INTERNATIONAL, REGIONAL & NATIONAL LEGAL INSTRUMENTS AGAINST GENDER BASED VIOLENCE

June 2012

The logo of the Uganda Women's Network (UWONET) is a circular emblem. It features a central shield with a crown on top, flanked by two hands holding a globe. The text "Uganda Women's Network" is written in a circular path around the top, and "UWONET" is written at the bottom. The logo is light blue and serves as a background for the title.

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FOREWORD

The Simplified Compendium of some International, Regional and National Instruments against GBV has been developed by UWONET with support from United Nations Fund- Peace Building Fund. Gender Based Violence (GBV) has been found to be a significant social problem in Uganda which manifests itself in a wide range of human rights violations including sexual abuse of children, rape, child abuse, discrimination against girls, child labor, political violence/ discrimination, intimate partner abuse, defilement, incest, domestic violence, sexual assault and harassment, trafficking of women and girls, pornography, forced control over reproductive functions of women. GBV has been found to originate from institutionalized male dominance as opposed to female subordination, leading to unequal power distribution in the home and the society plus resultant GBV violations based on male dominance and male superiority tendencies.

The compendium has been formulated with recognition that, in Uganda, gender concerns are being addressed by many international, regional and national instruments. At global level Uganda has ratified CEDAW (1979), ICPD (1994) DEVAW (1993), the Beijing Platform for Action (1995), the Millennium Declaration (2000) and the Commonwealth Plan of Action on Gender and Development for Advancing the Commonwealth Agenda into the New Millennium (2005-2010). The UN Security Council Resolution 1325, 1820, and the Goma Declaration both of which address the situation on women, peace and security by recognizing that rape and other forms of sexual violence are war crimes which constitute grave breaches of the Geneva Convention. At regional level, Uganda is a signatory to the Protocol of the African Charter on the Rights of Women in Africa, which legally obligates the state of Uganda to respect, promote and fulfill the rights guaranteed to African women and at national level, the compendium recognizes that Uganda's overall legislative framework whose basis is the 1995 Constitution of the Republic of Uganda recognizes the equality of all human beings and prohibiting discrimination.

It is the sincere hope of UWONET that this Compendium will help generate a united front against which Gender Based Violence can be reduced and over time prevented. The compendium is one of the approaches for information sharing on the existing laws on GBV. There is hope that it could in turn build capacities for victims/survivors in seeking retributions from the legal system and create an understanding on bringing national laws, policies and practices into compliance with the ratified international conventions/declarations/agreements/protocols

It is only when GBV is fully contained that optimum potential productivity and full enjoyment of rights by the population, notably women and children who are the main victims can be fully realized.



Rita Aciro Lakor

EXECUTIVE DIRECTOR

Contents

Acknowledgement	ii
Foreword	iii
Acronyms	1
Definition/interpretation of terms	2
Introduction	3
1.0 Gender Based Violence.....	4
1.1. Definition.....	4
1.2. Challenges	6
2.0 Laws & Policies on Gender Based Violence	6
2.1. International instruments on gender based violence	6
2.1.1. Universal Declaration of Human Rights (UDHR)	7
2.1.2 Status of GBV at international level	7
2.2. The UDHR and GBV	9
2.2.1. Challenges.....	9
2.3. The Convention on Elimination of all forms of Discrimination Against Women (CEDAW) & GBV	10
2.3.1 GoU and CEDAW with regard to GBV	11
2.3.2. Violence Against Women and the CEDAW.....	12
2.3.3 Challenges	13
2.4. Beijing Platform for Action	15
2.4.1 Violence Against Women and the Beijing Conference	15
2.4.2. Challenge	16
2.5. The Declaration on the Elimination of Violence Against Women	16
2.5.1. Challenge	17
3.0. Regional Legislation on GBV	18

3.1. Protocol to the african charter on human and people's rights on the rights of women in Africa	18
3.1.1. Challenges	20
3.2. The African Charter on the rights and welfare of the child	20
3.2.1 Challenges	20
4.0 United Nations Security Council Resolutions	21
(UNSCR) 1325, 1820 and the Goma Declaration of the States of the Great Lakes Region	21
4.1. Challenges	22
5.0 National Legislation on GBV	22
5.1. Constitution of the Republic of Uganda	22
5.2. National Legislation on Sexual Violence	24
5.2.1. Rape	24
5.2.2. Defilement.....	25
5.3. Challenges	25
5.4. National Legislation on Domestic Violence-Domestic Violence Act.....	25
5.4.1 Gaps.....	26
5.5. Prevention of Trafficking in Persons Act of Uganda, 2009	27
5.5.1 Challenges	27
Conclusion.....	28
References	30

ACRONYMS

CEDAW	Convention on Elimination of All Forms of Discrimination Against Women
DEVAW	Declaration on the Elimination of Violence Against Women
GBV	Gender Based Violence
GBV	gender-based violence
GoU	Government of Uganda
MoGLSD	Ministry of Gender labour and Social Development
SGBV	Sexual and Gender Based Violence
UDHR	Universal Declaration of Human Rights
UN	United Nations
UN SCR	United Nations Security Council Resolution
UWONET	Uganda Women's Network
VAW	violence against women

DEFINITION/INTERPRETATION OF TERMS

“African Charter” means the African Charter on Human and Peoples’ Rights;

“Child” is a person below 18 years of age (Children Statute 1997).

“CRIME” is an act, omission or attempt in violation of criminal law.

“Discrimination against women” means any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life;

“Domestic Violence” refers to an act or omission of a perpetrator which harms, injures, harasses and endangers the health, safety and life of the victim. It takes various forms and can be economic, emotional, physical or sexual violence.

“Harmful Practices” means all behaviour, attitudes and/or practices which negatively affect the fundamental rights of women and girls, such as their right to life, health, dignity, education and physical integrity;

“Victim” A person who is offended as a result of a criminal act.

“Violence against women” means all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war;

“Women” means persons of female gender, including girls;

INTRODUCTION

Uganda is party to the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW provides the major international framework for women's rights. Uganda ratified CEDAW in 1985. As a signatory to CEDAW, Uganda is required to eliminate gender discrimination. Although CEDAW does not contain an article dealing with domestic violence, two General Recommendations specifically address this issue. Uganda is also party to a number of international declarations like the Universal Declaration of Human Rights (UDHR); the Beijing Platform charter supports international treaties that protect the rights of women, and brings into focus new issues that affect the lives of women. Uganda recognizes the UN Declaration on Elimination of Violence Against Women.

The recently formulated Protocol to the African Charter on the Rights of Women in Africa legally demands that States Parties “modify the social and cultural patterns of conduct of women and men... with a view to achieving the elimination of harmful cultural and traditional practices...” and contains several references to the obligation to eradicate violence against women. Uganda is a signatory to the Protocol which serves as evidence of the commitment of the State to address domestic violence one of the facets of gender based violence. Uganda's Constitution in Chapter four protects women's rights to gender equality and dignity, rights not to be subjected to torture, cruel or degrading treatment, the right to life and denounces laws and cultures that undermine the status of women.

Therefore, it can be argued that Uganda has international, regional and national obligations to eradicate violence against women and to create effective legal mechanisms to protect women who experience gender based violence. These obligations among others are acknowledged in the preamble of the Domestic Violence Act and provisions of other laws that protect women from gender based violence including the law that prohibits trafficking in women and Female Genital Mutilation.

This handbook is a simplified compendium of international, regional and national instruments against gender based violence. It summarizes the provisions of these various instruments on gender based violence and highlights the co-relation of the provisions within the instruments. It briefly highlights the gaps in the instruments that need to be addressed to enable victims of gender based violence to get the relief that the laws aim to provide.

1.0 Gender Based Violence

It is important to note that Sexual violence, gender-based violence (GBV), violence against women (VAW) and Sexual and Gender Based Violence (SGBV) are terms that are commonly used interchangeably. All these terms refer to violations of fundamental human rights that perpetuate sex-stereotyped roles which deny human dignity and the self-determination of the individual and hamper human development.

Violence against women is the most pervasive yet under-recognized human rights violation in the world, and a major impediment to achieving gender equality.

Gender Based Violence (GBV)

is defined as the physical, sexual, or psychological violations which are inflicted by man or woman on a member of the opposite sex. Even though both males and females can be victims as well as perpetrators of violence GBV is mainly committed against females.

GBV violations which are experienced by females include wife abuse, sexual assault, dowry related abuse, marital rape, selective malnourishment of female children, forced prostitution, female genital mutilation, and sexual abuse of female children among others.

Gender Based Violence occurs mainly because of women's subordinate status in the society

1.1. Definition

The first definition of violence against women was provided by the UN Declaration on Elimination of Violence against women in 1993.

Article 1 of the Declaration defined Gender Based Violence (GBV) as:

“Any act of GBV which 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 deprivations of liberty whether occurring in public or private life”.

The same declaration expanded the definition to include violence against women promoted/ accepted by the community and the State.

With regard to a community, if it promotes cultural practices that are harmful to women like female genital mutilation, it can be accused of perpetuating/encouraging violence against women. If a State has communities that practice harmful practices like FGM as a culture and it fails to put in place laws that can be used to punish those who promote FGM, it can be accused of being a promoter of violence against women. That is why when Uganda enacted a law on FGM in 2010, it was conforming to the UN Declaration on Elimination of Violence against Women. It is therefore incumbent upon government through the line ministries like Ministry of Gender, Labour and Social Development and others charged with promoting the rights of women together with CSO actors to advocate for enactment of laws against GBV and ensure that they are enforced.

Gender based according to UN Declaration on Elimination of Violence against women includes:

- Battery (severe beating that causes injury) of a woman by her husband or vice-versa;
- Sexual violence including against female children;
- Dowry/bride price related violence. This can arise if a woman is beaten by a husband who claims her as his property with whom he can do what he wants due to the bride price he paid;
- Rape including marital rape;
- Female genital cutting/mutilation and other harmful cultural practices against women;
- Non-spousal violence (violence that is committed by persons who are not married to the person who is battered);
- Sexual violence related to exploitation;
- Sexual harassment and intimidation at work, in school and elsewhere;
- Trafficking in women; and
- Forced prostitution

The 1995 Beijing Platform expanded the definition of gender based violence to include: violations of the rights of women in situations of armed conflicts including systematic rape, sexual slavery and forced pregnancy, forced sterilization, forced abortion, coerced or forced use of contraceptives, prenatal sex selection and infanticide.

The Protocol to the ACHPR adopts the definition of the UN Declaration on Elimination of Violence against women on gender based violence.

As a signatory to international and regional instruments that promote gender equality and protect women from GBV, the definition of GBV in these instruments is used as the standard definition in the discussions in the compendium. It is therefore incumbent on GoU to ensure that instruments to which it is a party are domesticated.

1.2. Challenges

The forms of gender based violence keep evolving. This means that the definition of GBV must continue to be reviewed to ensure that new dimensions of GBV are taken care of in the definition.

It has been proven that more women than men are affected by gender inequalities at international, regional and national level define GBV with only women and girls in mind. At the three levels, some boys and men are victims of GBV. However, since the definitions are silent about them, it may present challenges for addressing GBV where boys and men are victims and therefore affect the strides being made in addressing GBV.

2.0 Laws & Policies on Gender Based Violence

2.1. International instruments on gender based violence

In the last 30 years, international actors have devoted increasing attention to the crisis of gender based violence and particularly Violence Against Women (VAW). Spurred in part by the gaining momentum of the global feminist movement, the United Nations (UN) and numerous Non-Governmental Organizations (NGOs) have developed strategies intended to end violence against women. Most fundamental in these developments is the recognition of women's rights as human rights. It is important to note that before the drafting of these documents, women's rights, in general-and violence against women in particular-had never been considered in any significant manner by the international community. Although none of these four covenants alone have created a fast paced change, together they represent a progression in the treatment of women's interests by international law.

At international level the following instruments and Declarations address the issue of GBV:

1. Universal Declaration of Human Rights (UDHR);
2. Convention on Elimination of all Forms of Discrimination against Women (CEDAW);
3. Beijing Platform for Action
4. Declaration on the Elimination of Violence Against Women (DEVAW)

2.1.1. Universal Declaration of Human Rights (UDHR)

The UDHR like the other international instruments on GBV recognize the fact that GBV has no boundaries and affects women of all nationalities, class, education and economic status albeit in varying degrees. For example, many women are victimized by “relationship abuse,” or as it is more commonly understood, “domestic violence.” Before discussing provisions of GBV at international level, it is relevant to illustrate the status of national level to indicate that it is a universal challenge of gender based violence at international, regional and national level.

2.1.2 Status of GBV at international level

In Bangladesh, for example, murder of wives by husbands accounts for half of all murders nationwide.’ In Scotland, domestic violence is the second most reported crime. In the United States, nearly four million women are victimized by domestic violence annually,’ and wife battering is the most common cause of injuries necessitating medical attention (Armmata, 1997).

Like domestic violence, sexual assault and rape are also crises of global proportions. In the United States, for example, it is estimated that a woman is raped every six minutes.” A 1993 Canadian study of 420 women indicated that “more than 54 per cent of them had experienced some form of unwanted or intrusive sexual experience before reaching the age of 16 (United Nations, 1995). According to the United Nations, sexual assault, like domestic violence, is a problem of international significance.

Finally, the widespread problem of sex trafficking, or Sex trafficking, also has global implications, as it affects nearly all cultures. Sexual trafficking involves “any situation where women or girls cannot change the immediate conditions of their existence; where, regardless of how they got into those conditions, they cannot get out; and where they are subject to sexual violence and exploitation (Ulrich, 2000).

In 1993, for example, it was estimated that at least 150 girls were smuggled into China each week for the purpose of sexual exploitation. Asia, however, is not alone in its rampant sexual trafficking. An international smuggling ring involving the sale of women was recently discovered and prosecuted in the state of New York. Consequently, sexual trafficking involves a global dynamic similar to domestic violence and sexual assault (Ulrich, 2000).

Status of GBV at regional level

- **In Zambia**, DHS data indicate that 27 percent of ever-married women reported being beaten by their spouse/partner in the past year; this rate reaches 33 percent of 15-19 year-olds and 35 percent of 20-24 year-olds. 59 percent of Zambian women have ever experienced any violence by anyone since the age of 15 years (Kishor & Johnson, 2004).
- **In South Africa**, 7 percent of 15-19 year-olds had been assaulted in the past 12 months by a current or ex-partner; and 10 percent of 15-19 year-olds were forced or persuaded to have sex against their will (South Africa DHS, 1998).
- **In Kenya**, 43% of 15-49 year old women reported having experienced some form of gender-based violence in their lifetime, with 29% reporting an experience in the previous year; 16% of women reported having ever been sexually abused, and for 13% said this had happened in the last year (Kenya DHS, 2003).
- **In rural Ethiopia**, 49% of ever-partnered women have ever experienced physical violence by an intimate partner, rising to 59% ever experiencing sexual violence (WHO, 2005).
- **In Rural Tanzania**, 47% of ever-partnered women have ever experienced physical violence by an intimate partner, while 31% have ever experienced sexual violence (WHO, 2005)
- **In Uganda**, according to the Uganda Demographic and Health Survey (UDHS) Report (2006), 70% of women have experienced physical and/or sexual violence in their lifetime. Most acts of violence are committed by a spouse or intimate partner.

2.2. The UDHR and GBV

Human rights, loosely defined as those “inherent in our nature and without which we cannot live as human beings,” have been of increasing concern in our societies today. In order to address this concern, the United Nations drafted a basic international treaty to protect fundamental human rights. The Universal Declaration of Human Rights was adopted by the United Nations on December 10, 1948, and has from that day forward provided the standard by which nations can judge the treatment of their citizens’ civil, political, economic, social, and cultural rights.

Women are clearly acknowledged in the Universal Declaration but only in limited ways. Although there was concern for women’s rights at the time of the Universal Declaration’s drafting, there is a striking absence of protections for women, except in their roles as mothers and wives. For example, the few direct references to women appear in Article 16’s protection of the right of men and women to marry and have a family and Article 25’s acknowledgment that motherhood deserves special care and assistance. “The Universal Declaration depicts women as wives and mothers only, in the latter capacity, as particularly vulnerable individuals. The constant references to the family in the Universal Declaration reinforce the restricted image of women. Uganda has similar provisions in its Constitution on marriage (Article 31 (1) and women’s maternal roles (Article 33 (3) but has gone a step further to provide for the rights of women in Article 33 of the Constitution. In comparison to the provisions of GBV in UDHR, Uganda is doing better on the provisions that protect women against GBV through numerous policies, strategies, and legislation enacted although more is desired..

The Universal Declaration reflects a male leaning concept of human rights protection with little consideration for the broad range of concerns for women including GBV.

2.2.1. Challenges

- The United Nations has no way of forcing Governments to change their practices or policy. Persuasion is the only tool available to the UN to bring about improvements in respect for human rights. As a result, GBV in most countries continues to affect the rights of women without any action by the UN except denouncements. Despite this gap, it is incumbent on CSO actors and line ministries responsible for protecting and promoting the rights of women to keep government in check by ensuring that it fulfils its international obligations to bring improvements with regard to the rights of women.

- The broad-based dilemma of enforcing international law also has negative implications for the attempt to eliminate gender-based violence. Some countries consistently fail to meet requirements established in international laws. This failure is partly because of the lack of an international policing force that demands compliance with international treaties. International law cannot be enforced as readily as traditional law;
- The broad-based dilemma of enforcing international law also has negative implications for the attempt to eliminate gender-based violence;
- Since international agreements are between states, international human rights treaties find challenges of attempting to protect a person's human rights without invading the province and sovereignty of individual nations.

2.3. The Convention on Elimination of all forms of Discrimination Against Women (CEDAW) & GBV

CEDAW was the first universal agreement to specify that women's rights are human rights. This instrument set the standard for international women's rights on which many human rights instruments currently rely. In form, CEDAW is a comprehensive and legally binding instrument that requires all states to acknowledge the rights of women worldwide. Notably, the CEDAW originated because the United Nation's policies toward women's issues were fragmentary and somewhat ineffective. The UN drafted the Convention in order to define the international standards by which discrimination against women is to be judged.

CEDAW provides the framework along which discrimination against women should be addressed. On GBV the convention in Article 2 denounces discrimination and urges states to promote equality between men and women in all spheres of political, economic, social and cultural life. Uganda has fulfilled this Article by GoU passing several laws aimed at improving equality for women and their status through law reform and policy formulation. These include the labour laws passed in 2006, Electoral laws and amendments passed in 2005 and 2010 respectively, laws on the Rights of Persons with Disabilities in 2006, the Equal Opportunities Commission Act in 2002, the Domestic Violence Act in 2009, the Prohibition of Trafficking in Persons Act, 2009 and the Law prohibiting Female Genital Mutilation in 2009,. The Maputo Protocol on the Rights of Women in Africa was ratified by Uganda in July 2010 with reservations.

2.3.1 GoU and CEDAW with regard to GBV

Marriage and Divorce Bill

While government has made progress in passing much needed laws that promote and protect the rights and status of women, critical laws identified by CEDAW in 2002 and 2010 are not yet in place. The most notably outstanding law is the Marriage and Divorce Bill, legislating in this area dates back as far as 1965. It has unsuccessfully been tabled before several successive Parliaments, including the current one. The Bill has been plagued by controversy over issues such as marital rape, polygamy and cohabitation to the detriment of women whose personal rights are violated on a daily basis. Property grabbing from widows remains a common phenomenon. Women's property rights during marriage and at divorce are barely recognized as they are dispossessed of property because of their gender and other factors. The lack of a comprehensive law to address women's property rights during marriage and at its dissolution therefore continues to present challenges to the attainment of equality and equity between men and women. This status-quo is in clear contravention Of Article 2 of the CEDAW.

Cultures that promote discrimination against women and harmful practices

Article 2(f) urges states to eliminate/end cultures that promote discrimination against women including harmful practices. The Constitution of Uganda in Article 2(2) denounces cultures that are in contravention of the constitution and in Article 33(6) it prohibits laws, customs and cultures which are against the dignity , welfare and interests of women or undermine their status. In terms of subsidiary legislation, GoU enacted the FGM Act in 2010, however as the Act faces challenges in terms of implementation as discussed in Section 3.1.1.

Trafficking in Persons

The convention in Article 6 demands that states do their part in ending trafficking of women and prostitution. In 2009 a law prohibiting trafficking in persons was enacted. Despite this, to date no convictions or prosecutions arising out of this offence have been made. The Ministry of Internal Affairs which is responsible for implementing the Act is mandated to make regulations for purposes of effecting implementation. It is also mandated to designate an office to oversee implementation of the Act. To date, no regulations have been made and no department to coordinate, monitor and oversee implementation of the Act has been set up. These gaps defeat the purpose of the TIP Act and are areas for advocacy for both MoGLSD and NGOs that promote the rights of women.

Women in political and public life

It further urges states to end discrimination against women in political and public life in Article 7. Uganda has fulfilled its mandate under CEDAW for women in political life by adopting affirmative action in its Constitution and practically electing more than 30% of its Parliamentarians as women. At local council level 1/3 of all positions should be occupied by women in accordance with Uganda's Constitution and the Local Government Act. The provisions of women's participation in political and public life is important because women's participation in decision making enables them to raise issues that affect women with regard to violence and advocate for laws to protect women from violence. Uganda now has a Domestic Violence Act which became law in 2010. Women MPs, women NGOs and other partners played a big role in influencing the passage of the Act. The Domestic Violence Act aims to provide protection and relief for victims of domestic violence. However, there are still laws that would further reduce GBV that have not been passed including: The HIV Prevention and Control Bill, The Sexual Offences Bill and the Marriage and Divorce Bill. These laws are pertinent in addressing GBV and should be passed by Parliament in conformity with CEDAW.

2.3.2. Violence Against Women and the CEDAW

CEDAW requires all states to end all forms of discrimination against women universally. One of the ways in which discrimination against women manifests itself is through GBV. The convention implicitly therefore denounces GBV without explicitly stating it.

The universal nature of CEDAW's definition of discrimination does not permit individual nations to establish their own standards for gender equality. This universality creates the potential for achieving an international solution to the problem of gender-based violence. Uganda's laws like the Equal Opportunities Act, 2007 have generally conformed to CEDAW definitions of discrimination. However, no study has been undertaken on all the laws in Uganda to ensure that they are gender sensitive. In addition, Impunity by actors particularly the community and private sphere has played a major role in frustrating the programs aimed at addressing discrimination. Cultural and religious beliefs, ignorance of the law, attitudinal and weak enforcement of legislation have all exacerbated initiatives by government and non state actors against discrimination of women and girls.

For particularly states that have ratified the optional protocol to CEDAW most importantly, the Convention gives women who have suffered rights abuses and discrimination and have failed to get justice in their national courts to pursue legal recourse at international level.

Although CEDAW was recognized for its unusually broad consideration of women's rights, it nonetheless failed to address specifically the presently wide spread violence against women. It was not until 1992 that CEDAW made a recommendation regarding violence against women.

The recommendation, known as General Recommendation Number 19, states that:

“Gender-based violence which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under specific human rights conventions is discrimination within the meaning of Article 1 of the Convention.”

Thus, although there is no specific provision in the Convention that guarantees women protection from violence, CEDAW chose to include it within the province of prohibited activity. The Committee ultimately recognized that gender-based violence impedes upon/interferes with the basic human liberties of women (including the right to life, liberty, and the right to be free from torture), and thus constitutes discrimination against women. Uganda's Constitution has conformed to the General Recommendation Number 19 by including the provisions on GBV under it.

General Recommendation Number 19 also states that a nation's involvement in failing to sanction private acts of violence against women will constitute discrimination in violation of the Convention. This recommendation is important in holding states accountable for protecting women against GBV. In this regard Uganda still falls short in legislation and actions in actualizing the recommendation as seen in section 2.3.3.

2.3.3 Challenges

Although the CEDAW does provide some enforcement mechanism, it has been largely ineffective. Before one seeks redress through the CEDAW committee, she should have exhausted all national justice mechanisms. Most people in countries like Uganda are not informed about the availability of seeking justice through the CEDAW committee. This therefore limits possibilities for its usage. For instance there are some laws like the Marriage and Divorce Bill that have been in Parliament since 1965 and have to date not been passed into law. Some of the provisions under the Marriage and Divorce Bill protect women from GBV. The committee of CEDAW has regularly made recommendations to the effect that the bill should be passed into law to no avail. It may be necessary to pursue international options to compel the GoU to pass the Marriage and Divorce Bill.

Although CEDAW requires only that States submit reports within one year after their ratification and every four years thereafter, because CEDAW meets only rarely, there has been significant backlog in evaluating the reports of the countries who have complied with the order. A number of states default with no action taken against them except reminders. This affects the oversight role of the committee and also makes the committee seem powerless in reinforcing its position in this regard. GoU in 2010 submitted four reports to the CEDAW committee following a backlog for three reports. It is important for the GoU not to default in submitting reports on the progress that it is making in as far as women's rights are concerned. CSOs should work with the line ministry of GLSD to ensure that future reports to the CEDAW committee are prepared and submitted on a timely basis so that the necessary interventions are made to address issues that continue to affect women's rights in Uganda.

Although the Convention would have been a powerful potential with the appropriate enforcement mechanisms, in reality, nations are left with little external force to compel change in discriminatory laws, cultures and practices rather than self commitment. This affects the pace of addressing women's rights issues like protection against GBV. To date, GoU has not outlawed all cultures and practices that promote violence against women as mandated by Uganda's Constitution. Early marriages are still prevalent particularly in rural areas, widow inheritance, payment of bride price and its implications on women's rights continue unabated in Uganda.

Similar to most international treaties, the goals of CEDAW are hindered by enforcement problems with more severe constraints for the convention. For example, the Convention is monitored only through a reporting system while conventions like the one against torture offer reporting as well as individual and State complaint mechanisms. At national level, the challenge is not any different. Enforcement of laws that protect women from GBV present a major challenge for realizing progress in addressing GBV. Logistical challenges are a hindrance to enforcement of GBV related laws, lack of regulations to operationalize some laws against GBV like the TIP Act, lack of sensitization of communities to enable them appreciate the importance of outlawing harmful cultural practices and poverty among others affects access to justice and use of the legal system to get justice.

Additionally, CEDAW receives less funding for supervising the observance of women's rights than comparable enforcement agencies and meets for considerably less time than other human rights monitoring committees. For example, the UN Human Rights Committee meets three times per year for three week periods, while CEDAW must address all of its member States' reports in one two-week

session per year. The situation is not better in Uganda. In 2010, one of the main hindrances to the work of the Equal Opportunities Commission was inadequate funding.

“According to the Chairperson of the EOC, 600 million shillings was allocated to it in the financial year 2010/2011 and the shortfall is 648.4 million shillings. By 2010, no single case had been handled by the EOC since its formation”.

CEDAW has also been subject to an unusually high number of reservations, making it one of the most reserved human rights treaties in history. Although Uganda ratified CEDAW in 1985, it has not ratified the protocol to CEDAW thereby disempowering usage of the committee on cases related to contravention of the convention.

2.4. Beijing Platform for Action

The United Nations has sponsored four world conferences to address women's issues; they have been held in Mexico City, Copenhagen, Nairobi, and most recently, Beijing.” These conventions were designed to encourage international uniformity and agreement on women's issues through union rather than to produce legally binding documents. Nonetheless, conference charters serve two significant purposes: they support international treaties that protect the rights of women, and they bring into focus new issues that affect the lives of women.

The Beijing Conference was held in September, 1995, and was attended by thousands of women from various parts of the globe. The Conference goals were broad and most significantly included violence against women apart from other issues.

2.4.1 Violence Against Women and the Beijing Conference

The Beijing declaration recognized the international significance of violence against women thereby creating room for discussion and action on the issue of GBV. It therefore represented an advance in this area.

The platform crafted international and worldwide standards by which violence against women can be judged. “The Platform recognizes that violence against women represents an impediment to the achievement of equality.

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.”

Like CEDAW, the Platform employs a more modern conception of international law that would hold nations responsible for their failure to eliminate private acts of violence against women. Thus, the Platform assumes a relatively progressive conception of the issue of violence against women. It suggests a variety of commendable measures to prevent and eradicate violence, including adopting legislation, creating institutional mechanisms that will allow women to report their experiences, and providing shelters and relief. Although these suggestions are certainly a positive step toward eliminating violence, none of them adequately challenge the fundamental problem of gender hierarchy.

2.4.2. Challenge

Although the Platform recognizes the inequalities from which women suffer on an international scale, it does little to challenge the patriarchal structure from which those inequalities originate.

When attempting to create substantive change in international practices, an enforcement mechanism should be adopted. To ensure that the Platform is able to achieve its laudable goals, it is crucial that it be permitted to administer its ambitions. Like CEDAW, without a mechanism for enforcing the Platform’s provisions, the goals of the Beijing Conference serve as little more than a template for action in addressing women’s interests.

2.5. The Declaration on the Elimination of Violence Against Women

Like the Beijing Conference, the Declaration on the Elimination of Violence Against Women (DEVAW) is a more recent development in the international community’s consideration of women’s rights. DEVAW, which was adopted by the United Nations General Assembly in December, 1993, represents a significant step in the legitimization of the importance of violence against women as a human rights issue. The adoption of DEVAW indicates that at least some international progress has been made in eradicating violence against women.

DEVAW is one of the first women’s rights instruments to recognize that the act of forcing women into submission (and gender-based violence in particular) are products of unequal power distribution

between men and women.

DEVAW effectively questions the culture upon which women's forced submission has rested. It rejects any notion that "cultural relativism" (application of international treaties like CEDAW within the context of one's cultures and traditions) should permit violence against women and prohibits States from utilizing tradition to escape compliance. Similar to the previously addressed instruments like CEDAW, DEVAW permits individual States to be held accountable for their own inaction in protecting its female citizens from violence.

Because of the substantial innovations contained within the instrument, DEVAW may possess enough political force as evidence of a growing international trend to transform the actions of individual nations. It is important to make use of DEVAW together with binding instruments like CEDAW to address patriarchy that is a major contributor to GBV.

2.5.1. Challenge

- In general, because United Nations declarations are not signed and upheld by nations, they have no legally binding authority. Consequently, States have no tangible outside pressure to conform to the terms of DEVAW.
- At some points, DEVAW suffers from imprecise drafting, which could lead to confusion among nations who elect to comply. For example, DEVAW limits State obligations in eradicating violence against women by giving way to national legislation or allowing it to take precedence. In technical terms, this qualification may permit nations to define their level of compliance with DEVAW by establishing individual legislation and could create significant dangers of inadequate protection of women.
- Since declarations do not possess a legally binding nature, the positive aspects of DEVAW must ultimately serve only as a tool in advancing women's interests in the eradication of gender-based violence.

3.0. Regional Legislation on GBV

Apart from international instruments on GBV, regional state parties are recognizing the importance of addressing violence against women.

3.1. Protocol to the african charter on human and people's rights on the rights of women in Africa

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa provides for strong protections against gender-based violence and incorporates its elimination under the scope of women's rights to life, integrity and security of the person and the right to dignity.

Article 3 of the protocol recognizes women's rights to dignity and protection from all forms violence particularly sexual violence. Uganda which is party to the protocol has not passed the Sexual Offences Bill. This remains a major hindrance to addressing sexual violence and is an area for advocacy by actors working to reduce sexual violence against women.

Article 4 recognizes the rights of women to life, integrity and security of person. It prohibits all forms of exploitation, cruel, inhuman or degrading punishment and treatment. This Article is comparable with Article 24 of Uganda's Constitution. Despite its good intentions the rights of women to life, integrity and security of person remain wanting. According to the annual Uganda Police Force report, 2010, common assaults ranked highest at (20,578 cases) and defilement ranked third with 7,564 cases reported to Police. Data in the case of common assault was not segregated by sex. There is need to advocate for segregation of data on crimes of GBV so as to inform interventions that need to be made. Despite the lack of segregated data on common assaults, the ranking shows that GBV and sexual violence crime rates in Uganda are high and in need of urgent interventions to realize progress in fulfilling the Protocol to ACHPR, CEDAW and national legislation on GBV.

Article 4(2) of the protocol mandates states to take action to protect women from violence by adopting legal, administrative, social and economic measures and promote peace education to protect women for violence. The Article unlike the provisions of CEDAW and the UN Declaration on Elimination of violence are more detailed and provide concrete steps that state parties should take to protect women from violence. Uganda has passed some legislation to protect women from violence. The Domestic Violence Act was passed in 2010, the Prohibition of Trafficking in Persons was passed in 2009 and

the FGM Act was passed in 2010. Despite this, few measures have been taken to operationalize the laws as explained in Section 3.1.1.

Funding is a major hindrance to the implementation of the laws on GBV. It is important that GoU prioritizes budget allocation to implementers of the laws including the MoGLSD, EOC and departments in the Ministry of Internal affairs responsible for implementing the TIP Act, 2009. In 2010, EOC and MoGLSD in the government report to the CEDAW committee and the CSO Alternative Report to the same committee reported shortfalls in funding. They noted that this affected their activities and outputs in operationalizing the laws and regulations that are geared towards fulfilling GoU' s international and national obligations towards protection and promotion of women's rights including the right to be free from GBV. Increased funding to the said bodies therefore remains an area for advocacy from CSOs and concerned stakeholders.

The protocol in Article 5 like Uganda's Constitution, UN Declaration on Elimination of Violence and Beijing Platform for Action prohibit harmful practices against women. The protocol urges states to put in place legislative measures to address the issue. Uganda has passed a law prohibiting FGM one of the most harmful practices that undermine women's health rights. According to REACH an NGO that is leading the fight against FGM in Sebei region, the prevalence rate of FGM is at 50% with Amudat district at 95%. The practice is now carried out throughout the year and at night to avoid being caught since the coming into force of the law. However, as indicated in section 3.1.1 a number of gaps are identified in operationalizing the law.

Article 6 provides for equality of men and women in marriage and calls upon states to enact laws on marriage. Uganda has not passed the Marriage and Divorce Bill despite the various gender related forms of violence women suffer as a result of lack of appropriate laws to protect their rights during marriage and at its dissolution. For instance widow inheritance is still practiced in some cultures in Uganda, women are still denied property upon the death of their husbands. Girls of below 18 years remain victims of forced marriages in Uganda albeit the constitutional provisions on marriage to be between adults of 18 years of age and above. These are gaps that need to be addressed as Uganda attempts to fulfil its national, regional and international obligations towards addressing GBV.

3.1.1. Challenges

Despite good intentions of Article 5, enforcement of the law remains a challenge due to logistics, limited sensitization of locals and lack of alternative livelihoods for the people who carry out the circumcision. In addition mechanisms to protect girls and women who are under the threat of FGM are lacking. The health system in Uganda is poor and does not offer specific facilities to support victims of FGM.

Just like Article 4's good intentions, legal and judicial support is not readily available especially for poor women who cannot afford judicial services in cases where they are victims of cruel, inhuman and degrading treatment, FGM and exploitation in all its forms.

Enforcement of laws remains a major challenge in Uganda. The limited regard for women's rights as human rights, logistical challenges of Police; low economic status of women who at times protect perpetrators of violence including their husbands due to their low status; limited knowledge within communities of the procedures for bringing perpetrators of GBV crimes to justice are some of the factors that affect enforcement of laws in this regard.

In addition offences under the GBV can be brought before a Magistrate and in Family Courts. In rural areas, these courts are lacking and where LCs could be used, some are non-existent thereby denying justice to victims of GBV.

3.2. The African Charter on the rights and welfare of the child

The African Charter on the Rights and Welfare of the Child includes protection from sexual abuse under the scope of "torture, inhuman or degrading treatment." Each of these Instruments places affirmative duties on the States parties to take affirmative action to eradicate violence, including by means of legislative, social and educational measures.

3.2.1 Challenges

Uganda has not put in place adequate social systems to protect children from sexual abuse. In other countries, sexual offenders are marked for life even where they have served sentences for the crimes. This enables the community to know the sexual offenders and protect children from repeat offenders.

Support mechanisms for children who are victims of sexual violence are inadequate. As a result victims of sexual violence suffer from trauma with limited psychological assistance from experts.

Despite the existence of a legal system to punish perpetrators of sexual violence against children, the legal system is complex. Most citizens do not understand it and fear the use the processes. Some families of victims of sexual violence are too poor to pursue cases against their children in courts of law. Others fail to pursue the cases to their logical conclusion.

Some families collude with perpetrators of sexual violence with total disregard for the physical and emotional harm done to their children.

The numbers of police surgeons to examine victims of defilement are few.

4.0 United Nations Security Council Resolutions

(UNSCR) 1325, 1820 and the Goma Declaration of the States of the Great Lakes

Region

The UNSCR 1325 and 1820, are designed to address gender-specific threats to women and girls prior to, during and after armed conflict. The principles of these instruments form the bed rock of interventions designed to prevent sexual exploitation, physical abuse and other violations of women's human rights. In 2000, Uganda adopted United Nations Security Council Resolution 1325 on *Women, Peace and Security*, and in 2008 UN SCR 1820. UN SCR 1325 was adopted by the Security Council with the aim of promoting women's full and equal participation in peace processes and gender sensitive peace and security initiatives. UN SCR 1820 recognizes sexual violence as a 'weapon' of war and underpins its centrality in the maintenance of international peace and security. The resolution notes that sexual violence can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide and stresses the need to increase women's participation in conflict prevention and resolution processes. In 2008 Uganda endorsed the Goma Declaration on Eradicating Sexual Violence and Ending Impunity in the Great Lakes Region.

By agreeing to undertake the obligations of these international and regional instruments and declarations, the government committed itself to protecting and ensuring women's and children's rights and in so doing it subscribes to being held accountable for this commitment before the international, regional and national / local community. The government, therefore, is obliged to develop national policies and laws and to undertake necessary actions that advance the protection of these rights.

4.1. Challenges

- Technical, human and financial resources for the actual implementation of these policies and pieces of legislation at the national and sub-national level have been and continue to be a challenge.
- Knowledge of the UN SCR 1325 and 1820 as well as the Goma Declaration is limited not only among policy makers and policy implementers but also among the general public whose responsibility it is to hold duty bearers to account. Despite the NAP, there is limited mention of these instruments in most government plans and programmes. Many agencies and organisations are not informed on actions that need to be taken to prevent sexual and gender-based violence in the private and public sphere and this has direct implications for effective delivery of services to women and girls.
- The integration of UN SCR 1325 and 1820 and the Goma Declaration in plans and budget framework papers, adequate resourcing of related activities and actual implementation, monitoring and evaluation of identified activities at all levels – remains inadequate.
- Funding for women focused programmes on peace-building and reconciliation, psycho-social support, mental healthcare, and sexual and reproductive health and rights under the PRDP need to be enhanced.
- Most NGOs do not have the capacity building to monitor government compliance to its commitments to UN SCR 1325, 1820 and the Goma Declaration.

5.0 National Legislation on GBV

5.1. Constitution of the Republic of Uganda

In light of the variety of fundamental rights encroached upon in any instance of gender-based violence, many constitutional provisions are relevant to a consideration of national legislation pertaining to such violence.

Human dignity: The most general provision of relevance, included in many constitutions including Uganda's, is a reference to the right to human dignity. For example, the Constitution of Uganda in Article 24 inter-alia provides that "[e]veryone has inherent dignity and the right to have their dignity respected and protected. In Article 33 (1) of Uganda's Constitution, women shall be accorded full an equal dignity of the person with men.

Prohibition of torture and degrading treatment: Uganda's constitution in Article 24 specifically provides that no person shall be subject to torture or to inhuman or degrading treatment. These constitutional provisions are particularly relevant in the context of gender based violence committed by government actors, such as rape by members of the armed forces or by police officers while the victim is in detention.

Right to life: In situations where gender-based violence results in death – whether directly or indirectly through the transmission of life-threatening infections such as HIV – the victim's right to life is contravened. The provision guaranteeing the right to life is found in Article 21 of Uganda's constitution.

Right to health: Considering the significant direct and indirect effects gender-based violence has on the physical and psychological health of victims, Uganda's constitution in the National Objectives and Directive Principles of State Policy Clause XX provides for a duty of the state to take all practical measures to ensure the provision of basic medical services to the population. This provision is relevant in establishing the duty of the state to prevent gender-based violence.

Right to equal treatment and non-discrimination: Gender-based or sexual violence can be viewed as having patriarchal origins and can still be understood as an offence of power, domination and force, as the Constitutional Court of South Africa recently showed. Since the vast majority of victims of gender-based violence are women, provisions on equal treatment and non-discrimination in all constitutions place a clear duty on States to protect women from such violence. Uganda's Constitution in Article 21 provides for the right to equal treatment for all men and women and non-discrimination in line with CEDAW.

Repugnant cultures: The constitution of Uganda in Article 2(2) makes all cultures that are in contravention of the Constitution void to the extent to which they conflict with the constitution. Uganda has moved a step further to outlaw cultures that contravene the constitution by enacting laws to prevent harmful cultures to protect women against such cultures. In 2010, for instance, Parliament of Uganda enacted the law against FGM. This and other cultures that are against the dignity and welfare and interests of women and undermine their status are not allowed. The provisions are in line with Article 5 of the Protocol to the ACHPR.

Challenges

Despite the good intentions of Uganda's constitution as far as protecting women and girls from GBV is concerned, some of the provisions have not been translated into practical steps to address violence against women. Currently, GoU has not developed a list of cultures that should be outlawed due to the role they play in undermining the dignity and human rights of women. As a result some cultures continue to be practiced with total disregard for the Constitution. For instance widow inheritance is not outlawed in Uganda's Constitution despite the fact that it continues to contribute to HIV/AIDs spread.

The right to equal treatment and non-discrimination though provided for in Uganda's constitution is one of the least respected constitutional provisions particularly in rural areas. The failure by institutions like the Equal Opportunities Commission to adequately function makes it impossible to implement most of the provisions in Article 21.

Discussions on how to address patriarchy in the fight against GBV is limited thereby affecting faster progress in this regard.

5.2. National Legislation on Sexual Violence

5.2.1. Rape

As a form of sexual violence, rape is outlawed in the domestic law of the vast majority of States in the world including the Penal Code of Uganda. The universality of this prohibition demonstrates the existence of a shared understanding ingrained in the legal conscience of the international community to punish violations of a person's bodily and sexual integrity. But this agreement does not translate directly into a shared understanding of what constitutes rape.

In many countries, the very definition of rape set out in law precludes its acknowledgement and punishment by the judiciary, leaving the victims of the most egregious form of sexual violence without recourse to justice. For example, rape within marriage is often not taken account of in existing laws. In other States, victims face an uphill battle in establishing that all the elements of rape were, in fact, present in a particular instance of violence. In sub-Saharan Africa, as elsewhere, there is a generally accepted notion that rape is associated with force and an absence of consent to sexual intercourse, for example.

5.2.2. Defilement

Defilement like rape is one of the most hideous crimes against the boy and girl child and punishable under the Penal Code of Uganda. Its incidence in Uganda is high and it is one of the top five most committed offences according to the most current statistics from the Uganda Police Force. In 2010, defilement was rated as the third most committed crime reported to the police in Uganda. 7,564 cases investigated in the year 2010 compared to 7,360 cases in 2009, thus giving an increase of 2.7%. A total of 3,401 suspects were arrested and taken to Court.

In 2010, 709 cases of rape were investigated compared to 619 cases in 2009 hence an increase by 14.5%. A total of 252 suspects of rape were arrested and charged in Court. The figures do not show the true picture with regard to rape because most of the victims do not report for various reasons including stigma associated with the crime following reporting, shame and self loathe by victims among other reasons.

5.3. Challenges

- The failure of the laws of Uganda to recognize rape in marriage is a gap in addressing the offense in domestic relationships. In Uganda consent to marriage also implies consent to sexual activity under customary law. This is one of the challenges that will have to be addressed in the struggle to make marital rape an offence.
- The limited information shared on the amendment of police form 3 which allows a clinical officer remains a challenge
- The connivance between some parents of victims and perpetrators continues to affect justice for the victims.
- The law does not clearly stipulate that a victim of defilement or rape cannot be coerced to marry the perpetrator and in some cases parents have forced their daughters to marry the perpetrators who violated them.
- Poverty and lack of funds to pursue justice is a gap that needs to be addressed

5.4. National Legislation on Domestic Violence-Domestic Violence Act

Parliament of Uganda passed the Domestic Violence Act in 2010. The Act aims to provide protection and relief of victims of domestic violence and punishment for those who commit crimes of domestic violence. Domestic violence endangers the health, safety and life of victims of the violence. Domestic

violence occurs in the most intimate of relationships, and “violence” often extends beyond physical acts, encompassing economic and social forms of abuse that may be less obvious than “stranger violence” to police officers, judges, social workers, or even family members and friends.

Unlike in previous years where domestic violence was considered a private matter, in 2010 the Uganda Police Force report indicated that incidences of death through domestic violence reported to the police were 159 compared to 165 Cases in 2009; a decrease of 3.6%. The figures are small compared to what is seen as a daily occurrence in Uganda through media and research by various government institutions and NGOs. According to a report by the Uganda Bureau of Statistics in 2007, 68% of ever-married women between the ages of 15-49 years had experienced some form of violence inflicted by their spouse or intimate partner.

5.4.1 Gaps

- Some of the victims are unwilling to report cases of domestic violence to relevant authorities like the police for various reasons including the fact that domestic violence is still seen as a private matter that should be addressed between the conflicting parties and not in the realms of law;
- In a report by UNICEF in 2008 on attitudes towards domestic violence, 77% of women aged between the ages of 15-49 years believed that spousal violence is justified if a woman burns food or refuses to consent to sexual relations with her spouse or intimate partner. This attitude still shows a major challenge for GoU, CSOs and other partners in addressing attitudinal change through continuous sensitization.
- The inclusion of LC I courts in administration of justice in cases of domestic violence without adequate legal training and addressing corruption in the system is affecting outcomes of reported cases. In addition some LCIs are none existent for various reasons including death, outlawing of the LCI by court due to the failure by Electoral Commission to hold elections under the new multiparty dispensation;
- Facilities like shelters to house victims of domestic violence are minimal thereby leading some victims to remain in abusive homes due to lack of alternative shelter and lack of an income to meet their needs and those of their children
- The definition of domestic violence is not broad enough. In South Africa and Zimbabwe both include “stalking” in their definitions of domestic abuse, defined as repeatedly following, pursuing or accosting the complainant. Uganda’s law on domestic violence does not include this as a

component in its definition and yet there are cases of victims of this offence.

5.5. Prevention of Trafficking in Persons Act of Uganda, 2009

Uganda is a source and destination country for women, men and children subjected to forced labour and sex trafficking. The law against trafficking in Persons creates the offence and provides for the prosecution and punishment of offenders, prevention of the vice of trafficking in persons and protection of the victims of trafficking.

5.5.1 Challenges

- GoU does not fully comply with the minimum standards required to combat trafficking.
- The implementation of the law is dependent on funding which is inadequate thereby crippling its work.
- The re-issuing of licenses by GoU to some organizations that have in the past been accused of trafficking persons to Iraq sends a wrong signal for enforcement of the Prevention of Trafficking in Persons (TIP) Act, 2009.
- GoU has not finalized the regulations to operationalize the TIP Act, 2009.
- The system to identify and re-settle victims of trafficking is not in place. This leaves traffickers with a lot of leeway in abrogating the TIP, 2009.
- High poverty levels and the search for better standards of living has influenced trafficking in persons. Poverty and high unemployment levels in Uganda require urgent attention.
- Prostitution is an offence in Uganda. Some victims of trafficking who have been forced into prostitution or those who were already prostitutes fear to report to Police as they may be arrested for engaging in unlawful acts.

CONCLUSION

Consideration of the issue of women's rights as human rights represents a relatively novel growth in the field of international, regional and national laws. The mere existence of the four artfully drafted and relatively forceful instruments-the Universal Declaration, the CEDAW, the Beijing Platform, and DEVAW-indicate that substantial progress has been made over the course of the last century. The result of these four documents is a distinct fusion of the traditional and the radical. Policymakers have succeeded in evolving the discourse surrounding women's rights by using what is commonly regarded as the conservative and orthodox vehicle of international law. Thus, the four instruments act in symbiosis to create a new vision for addressing women's rights that is simultaneously progressive and conventional. Yet, there is still a significant amount of work to be done to ensure that women do not suffer the tremendously debilitating effects of gender-based violence as they have in the past.

As evidenced by the drafting of the DEVAW, the international community is moving toward the recognition that in order to end violence against women, the social, economic, and cultural power structures that have kept women dominated for centuries must be demolished and reassembled. Although addressing the ultimate repercussions of violence is important and necessary, ending violence requires more than mere patchwork and wordplay. Substantial social reconstruction is necessary to eliminate these international crimes against women. In addition, funding must be allocated to operationalize laws on GBV, implementers must be trained to understand its dimensions and how to implement the laws in this regard. Education must be done to make people understand the crimes and repercussions for committing them.

At international, regional and national levels, the addressed instruments and those to be drafted in the future must be granted the power to implement their goals. Without this power, the instruments remain nothing more than a political expression with only moderately powerful weight. In other words, without the power to create external pressure on nations to conform to the goals of re-establishing power structures, the world can expect little substantive change from offending nations. Violence against women can only be effectively eliminated by compelling signatory nations to address the problem through some mechanism of outside pressure. Although this may appear to be a radical solution, in comparison to the suffering endured by women worldwide, it is both a necessary and unavoidable process.

NGOs, Ministries concerned with promoting women's rights, police and other actors should continuously work to identify the gaps in the laws and their implementation on a regular basis to ensure that GBV continues to remain a priority area for Uganda in planning, budgeting and implementation of government programs.

Pending laws like the Sexual Offences Bill, Marriage and Divorce Bill, HIV/AIDs Prevention and Control Bill should be passed into law. In addition a policy on SGBV is required.

REFERENCES

Constitution of the Republic of Uganda, 1995, printed by UPPC, Entebbe, by order of Government

Convention on Elimination of all Forms of Discrimination against Women

CSO Alternative Report to Uganda's 4-7, Reports on CEDAW

Domestic Violence Act, 2010

Jennifer L. Ulrich (2000) Confronting Gender-Based Violence with International Instruments: Is a Solution to the Pandemic Within Reach? Indiana Journal of Global Legal Studies: Vol. 7: Iss. 2, Article 11. Available at: <http://www.repository.law.indiana.edu/ijgls/vol7/iss2/11>

Making UNSCR 1325, 1820 and the Goma Declaration a Reality for Women and Girls in Uganda

Policy Brief 2010

Trafficking in Persons Act (2009)

Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa

Uganda Demographic Health Survey (UDHS) 2006

United States Department of State, Trafficking in Persons Report-Uganda, 27 June 2011, available at <http://www.unhcr.org/refworld/docid/4e12ee3c8.html> (accessed 9 June, 2012)

United States Department of State Country Reports on Human Rights Practices (2007)

United National International Children's Emergency Fund Report (2008)

UN Declaration on Elimination of Violence Against Women, 1993

About UWONET

Uganda Women's Network-UWONET, is an advocacy and lobby network comprising of 16 national women's organizations, institutions and 9 individuals. It was established in 1993 to provide space for collective engagement of organizations advocating for women's rights especially the eradication of gender based discrimination.

Vision

A Ugandan society free of all forms of gender based discrimination

Mission

To coordinate collective action among members and other stakeholders through networking, capacity building, resource mobilization, policy research and advocacy for the attainment of gender equality in Uganda

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