

**WOMEN AND DOMESTIC VIOLENCE IN UGANDA: A CASE  
STUDY OF REFUGEE WOMEN IN KYAKA II REFUGEE  
SETTLEMENT IN SOUTH WESTERN UGANDA**

**Abstract**

**According to this study, culturally-tolerated acts of domestic violence against women refugees (crimes under the Ugandan Penal Code) are rife in this and, probably, other refugee settlements. Relying on a combination of methodologies, particularly the Women's Law and Grounded Theory Approaches, the researcher collects and interprets a wide range of substantive data that presents the problem from the in-depth point of view of (or from the 'lived realities' of) its desperate victims, most of whom suffer in silence. The few courageous women who dare simply to report their perpetrators to the apparently indifferent authorities find themselves victims of further vindictive attacks, even death. Sound legislative, administrative, social and educational reforms are suggested in order to eradicate this shameful endemic abuse of human rights in terms of Uganda's national and international commitment to Human Rights as contained in various relevant legal instruments.**

**BY**

**PHEONAH NATUKUNDA  
Supervisor: Professor Julie Stewart**

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Women's Law, Faculty of Law,  
University of Zimbabwe**

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### **DEDICATION**

To my lovely son Ainemukama Ryan Katumwehe the only member of the family who attended with me the first semester of the master's in women's law, albeit in the womb; to my beloved husband Andrew Katumwehe, and to all my children Shawn, Rodney, Stacey and all the masters students of 2007/8 for the care, love, support, advice and encouragement especially when pressure was mounting and I felt like abandoning the course. Thank you for being there for me, in the advanced stages of my pregnancy and thereafter. I will remain indebted to you all for ever.

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My dear parents Aloysius Timbyetaho and Florence Baafa for making me what I am today.

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## **LIST OF INTERNATIONAL INSTRUMENTS**

Universal Declaration on Human Rights (UDHR) (1948)

Statute of the UNHCR (1950)

International Convention Relating to the Status of Refugees (ICRSR) (1951)

Protocol relating to the Status of Refugees (1966)

Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (1969)

International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)

International Covenant on Civil and Political Rights (ICCPR) (1966)

International Convention on the Elimination of all forms of Racial Discrimination (CERD) (1965)

OAU Convention (1969)

International Convention on the Elimination of all forms of Discrimination against Women (CEDAW) (1979)

The African Charter on Human and People's Rights (1981)

United Nations Declaration on the Elimination of Violence against Women (DEVAW) (1993)

Beijing Platform of Action (1995)

Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2003) ("The Women's Protocol to the African Charter")

## **LIST OF STATUTES**

The Constitution of the Republic of Uganda 2006

The Refugee Act 2006

The Penal Code Act Cap 106

### **LIST OF MAPS**

Map of Uganda (see APPENDIX 1)

MAP 1: Site of the study showing the routes taken by Refugees to Kyaka II Refugee Settlement (p.15)

### **LIST OF TABLES**

Table 1 Population demographic for May 2007 population statistics for Kyaka II Refugee Settlement (p.11)

Table 11 Showing the Administrative Structure of Kyaka II Refugee Settlement (p. 16)

Table 111 Summary of the research methods (p. 35)

Table 1V Summary of group discussions in relation to the number of persons and setting (p.36)

Table V Statistics on cases reported in Kyaka II refugee settlement, January-September 2007 (p. 41)

### **LIST OF DIAGRAMS**

Diagram 1 Showing the reporting structures in Kyaka II refugee settlement (p. 46)

## ACRONYMS

DV	Domestic Violence
DEVAW	Declaration on elimination of violence against women
CEDAW	Convention on elimination of all forms of discrimination against women
UNHCR	United Nations high commission for refugees
OPM	Office of the Prime Minister
IMC	International Medical Corps
GTZ	German Technical Corporation
SGBV	Sex and Gender Based Violence
RWC	Refugee Welfare Councils
EXCOM	Executive Committee of the United Nations High Commission for Refugees
HIV	Human Immune Virus
AIDS	Acquired Immune Deficiency Syndrome
NGO	Non-Governmental Organization
UDHR	Universal Declaration of Human Rights
WFP	World Food Program me
FRC	Finish Refugee Council
FAL	Functional Adult Literacy
AHH	Action Africa Hilfe

## TABLE OF CONTENTS

Dedication.....	2
Acknowledgements.....	3
List of International Instruments.....	4
List of statutes.....	4
List of maps.....	5
List of tables.....	5
List of diagrams.....	5
Acronyms.....	6
<b>1.0 CHAPTER ONE: INTRODUCTION.....</b>	<b>10</b>
1.1 Historical Background of the study.....	11
1.2 Statement of the Problem.....	12
1.3 Objectives of the study.....	13
1.4 Assumptions.....	13
1.4 Research Questions.....	14
1.6 Site and Demarcation of study.....	15
<b>2.0 CHAPTER TWO: LAW AND LITERATURE REVIEW.....</b>	<b>18</b>
2.1 Definition of terms: What is domestic violence?.....	18
2.2 The existing legal and policy framework relating to domestic violence and refugees and their status in Uganda .....	21
2.3 International Human Rights framework relating to domestic violence and refugees.....	23
2.4 Identifiable gaps between Ugandan law and related international human rights provisions.....	28

<b>3.0 CHAPTER THREE: RESEARCH METHODOLOGICAL APPROACHES AND RESEARCH METHODS.....</b>	<b>30</b>
<b>3.1 Introduction to Methodology.....</b>	<b>30</b>
3.1.1 Women’s Law Approach .....	30
3.1.2 Grounded Theory .....	31
3.1.3 Legal Pluralism and Semi-autonomous social fields.....	32
3.1.4 Human Rights Approach.....	33
3.1.5 Actors and Structures.....	34
3.1.6 Gender perspective.....	34
<b>3.2 Qualitative Research Methods.....</b>	<b>35</b>
3.2.0 In-depth interviews.....	36
3.2.1 Group discussions.....	36
3.2.2 Observation .....	37
3.2.3 Limitations of the study.....	37
 <b>4.0 CHAPTER FOUR: RESEARCH FINDINGS, DISCUSSION AND ANALYSIS.....</b>	 <b>39</b>
<b>4.01 Introduction.....</b>	<b>39</b>
<b>4.1 Prevalence, forms and triggers of domestic violence in Kyaka II refugee settlement: Findings, discussion and analysis of assumption 1(a), (b).....</b>	<b>39</b>
4.1.0 Prevalence of domestic violence.....	39
4.1.1 Forms of domestic violence.....	42
4.1.2 Triggers of domestic violence.....	43



<b>4.2</b>	<b>Management of domestic violence in Kyaka II refugee settlement.....</b>	<b>45</b>
4.2.0	Laws and remedies available for refugee women in cases of domestic violence: findings, discussion and analysis of assumption 2(a), (b), (c)...	45
4.2.1	The reporting of and responses to domestic violence in the settlement: findings, discussion and analysis of assumption 3 (a), (b), (c).....	46
4.2.2	Barriers to reporting and social attitudes towards domestic violence...	49
<b>5.0</b>	<b>CHAPTER FIVE: CONCLUSION AND RECOMMENDATIONS.....</b>	<b>53</b>
<b>5.1</b>	<b>Introduction.....</b>	<b>53</b>
<b>5.2</b>	<b>CONCLUSION.....</b>	<b>53</b>
<b>5.3</b>	<b>RECOMMENDATIONS.....</b>	<b>54</b>
5.3.1	Law reforms.....	54
5.3.1	Administrative reforms.....	55
	<b>BIBLIOGRAPHY.....</b>	<b>58</b>
	<b>Reports.....</b>	<b>59</b>
	<b>APPENDIX</b>	
	Appendix 1: Map of Uganda.....	60
	Appendix 2: Settlement Rules of Kyaka II Resettlement Scheme.....	61

## **CHAPTER ONE: INTRODUCTION**

### **INTRODUCTION**

Chapter one of this study explores the historical background of Kyaka II refugee settlement, the statement of the problem, objectives of this study, assumptions of the study, the research questions arising out of the assumptions, demarcation of the study and the limitations of the study.

This study focuses on the problem of domestic violence encountered by refugee women in their homes in Kyaka II refugee settlement in Kyenjojo District in South Western Uganda. It is an investigation into what laws and procedures refugee women follow while seeking redress for domestic violence. It also seeks to find out where they go for remedies when domestic violence occurs, and the remedies available to them. It further establishes how the refugee women, the refugee community, the police, the courts, the government of Uganda and the UN High Commission for Refugees and its implementing agencies respond to domestic violence.

The study further uncovers barriers to reporting cases of domestic violence and seeks to find out whether the law addressing domestic violence in Uganda is in compliance with the international human rights instruments and, if not, whether there is need for reform.

This study comprises five chapters, the background chapter, the methodology chapter, law and literature review, the findings and discussion chapters, conclusions and recommendations chapter.

## 1.1 HISTORICAL BACKGROUND OF THE STUDY

Kyaka II refugee settlement is located in Kyenjojo District in South Western Uganda on 81.3 square kilometers of land (interview, Magezi, 2007) approximately 70 kilometers by road from the main town of Mubende (see Map of Uganda, Appendix 1). The Kyaka area first hosted refugees in the 1950s following political turmoil in Rwanda that led to the flight of thousands of Tutsi into Uganda (Barongo, 1998:118-122).

The settlement now hosts refugees from different countries and ethnic groups; Rwandese of Hutu and Tutsi origin, Sudanese, Congolese Somalis, Burundians, Kenyans, Central Africa Republic, and Malawians, (OPM half annual report, 2007). There has been an increase in its population from 16326 in December 2006 to 16782 in May 2007 due to family reunions, new births and referrals from other settlements. The current population now stands at 17,376 refugees.

**Table 1: Showing population demographic for May 2007 population statistics.**

Age bracket	0-4		5-17		18-59		60+		Subtotal		Total
	M	F	M	F	M	F	M	F	M	F	
Congolese	1611	1903	2517	2209	2894	2838	153	174	7175	7124	14299
Rwandese	279	314	387	370	420	478	29	26	1115	1188	2303
Kenyans	3	0	0	0	7	1	0	0	10	1	11
Burundians	15	19	21	22	29	34	2	1	67	76	143
Somalis		1		2	8	4			8	7	18
Sudanese					4				4		4
Cars			1		2			3	3	3	6
Malawian						1			1		1
	1908	2238	2927	2604	3366	3356	180	201	8383	8399	16782

Statistics have indicated that women refugees form 51% of the refugee population compared to 49% of the men refugees in Kyaka II refugee settlement. Despite women refugees forming a higher percentage, women lag behind in all other rights and

development. The majority of women are not able to make independent decisions within the household level. For those women refugees that are currently married or living with men, the men are the major decision makers. In Kyaka II refugee settlement where men are generally the heads of the households, domestic violence is a serious problem and, unfortunately, this is widely tolerated. In this and many other communities in Uganda domestic violence is not considered a serious crime, even by women's rights activists; wife battery that does not result in serious injury is tolerated and considered a normal part of marriage. (Human Rights Watch 2005).<sup>1</sup> Reasons justifying a husband beating a wife are: if she argues with him, goes out without telling him, burns food, neglects their children, and refuses to have sexual intercourse with him. It is therefore important to note that one of the root causes of domestic violence lies in the unequal power relationships between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement of their human rights (Pima, 2004:1). It is also imperative to note that domestic violence is a violation of human rights and needs to be combated.

## **1.2 STATEMENT OF THE PROBLEM**

Domestic violence is a serious problem in Uganda. Refugee women who have fled their countries of origin due to violence have experienced violence in the refugee settlement. The law in the Uganda Penal Code Act Cap.106 does not specifically provide that domestic violence is an offence. The absence of a specific law protecting women against domestic violence, fear, as well as being ostracized by the society, traditional beliefs and attitudes have made refugee women more vulnerable to domestic violence.

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<sup>1</sup> The presumption that a spouse consents to sex with her partner throughout the marriage relationship means that the act of marital rape is legally impossible and cannot amount to domestic violence.

### **1.3 OBJECTIVES**

The study intends to:

1. Investigate the laws and procedures followed by refugee women who seek remedies against domestic violence.
2. Find out where they go for remedies for domestic violence in the camp.
3. Evaluate whether women refugees seek remedies for domestic violence.
4. Examine whether refugee women access remedies for domestic violence.
5. Assess the constraints or problems that affect refugee women when seeking redress for domestic violence.
6. Analyze how the police, courts, and society treat women refugees who report cases of domestic violence.
7. Suggest improvements in the delivery of justice when adjudicating cases of domestic violence in the camp.

### **1.4 ASSUMPTIONS**

The study was conducted on the basis of the following assumptions;

- 1(a) There is domestic violence in refugee camps/settlements in Uganda.
- 1(b) The law in Uganda does not adequately address domestic violence.
  
- 2(a) Refugee women do not know which laws to use or the remedies available to them in cases of domestic violence in the country of asylum.
- 2(b) Refugee women may not access appropriate remedies against domestic violence in the camp.
- 2(c) Cases of domestic violence may be treated inappropriately by the police, the courts and society at large.
  
- 3(a) Women refugees may not report cases of domestic violence for fear of victimization by their partners and/or ostracism by society.
- 3(b) Women refugees who report cases of domestic violence may be treated inappropriately by the police, the court, and society at large.
- 3(c) Cases of domestic violence may be treated as ‘family matters’ in Kyaka II refugee settlement.

- 4(a) There is a need for law reform to provide a legal framework to address domestic violence against refugee women in the settlement.
- 4(b) There is a need for administrative reforms in respect of enforcement agencies in order to equip them with skills to be gender sensitive in the handling cases of domestic violence.

### **1.5 RESEARCH QUESTIONS**

The assumptions gave rise to the following research questions:

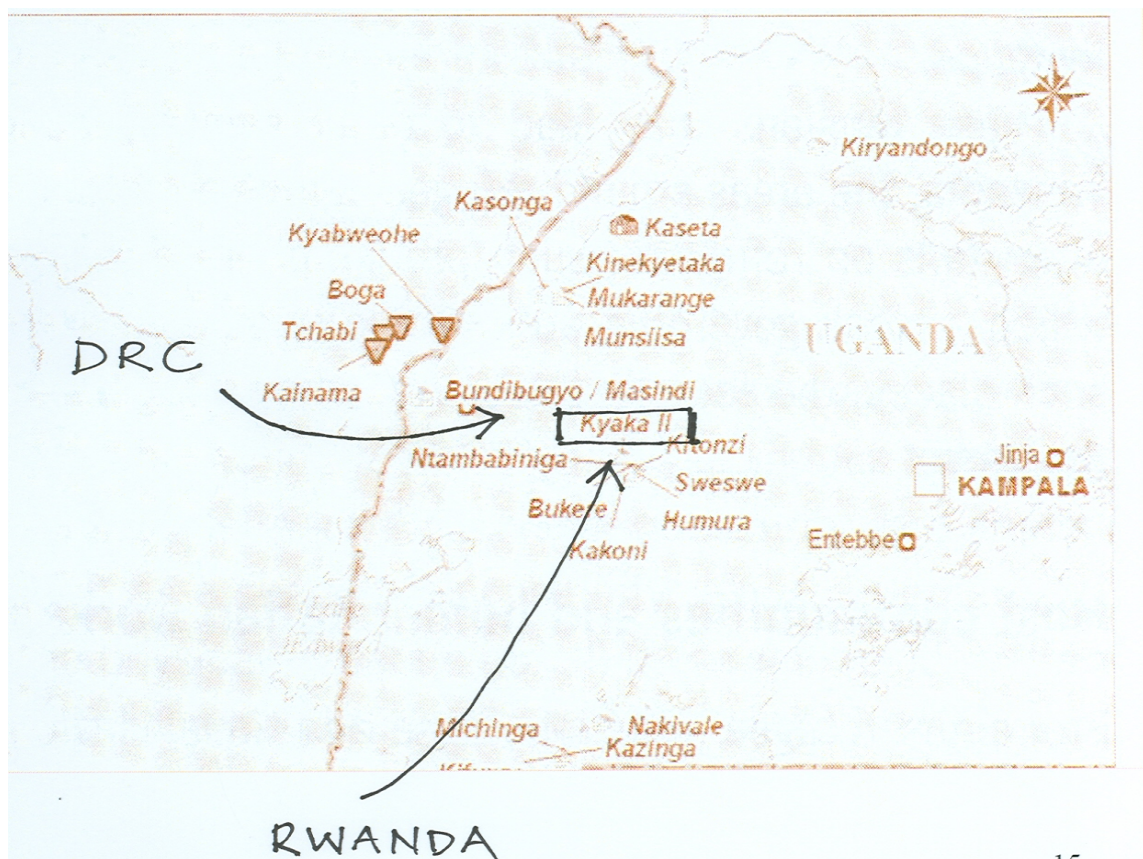
- 1(a) Is there domestic violence in Kyaka II refugee settlement?
- 1(b) Does the Ugandan law address this domestic violence?
  
- 2(a) Do women refugees know which remedies are available to them in cases of domestic violence?
- 2(b) Do they access appropriate remedies?
  
- 3(a) Do women refugees report cases of domestic violence?
- 3(b) Are there reasons why refugee women do not report cases of domestic violence?
- 3(c) What is the attitude of the police, the courts and society to these cases of domestic violence?
  
- 4(a) Is there a need for any law reform to the current laws on domestic violence (e.g., the formulation of a comprehensive law on domestic violence)?
- 4(b) Is there a need for any administrative reforms for agencies dealing with domestic violence (e.g., reforms to make them more gender sensitive when dealing with such cases)?

## 1.6 SITE AND DEMARCATION OF THE STUDY

This study was conducted in Kyaka II refugee settlement in Kyenjojo District in South Western Uganda, approximately 70 kilometers by road from the main town of Mubende. Respondents from various villages were interviewed during the study. Although the focus of the study was about refugee women, men were also interviewed to bring out the gender interface. The research was limited to investigating whether refugee women seek and access appropriate remedies for domestic violence and the nature of the response of various officials to cases of domestic violence.

### MAP 1

Site of the study showing the routes taken by Refugees to Kyaka II Refugee Settlement



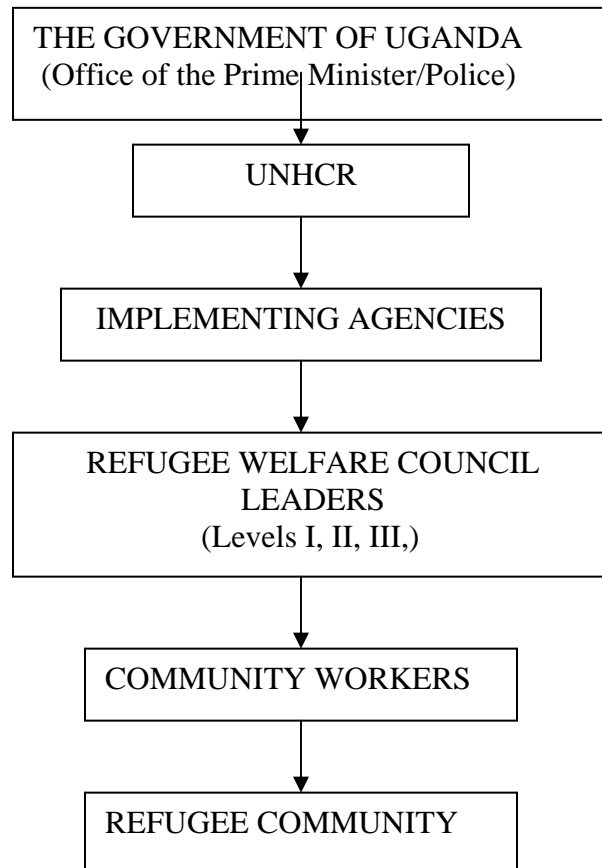
KEY:



## THE MANAGEMENT AND ADMINISRATIVE STRUCTURE OF KYAKA II REFUGEE SETTLEMENT

The administrative structure of Kyaka II refugee settlement is shown below.

**Table 11 Showing the Administrative Structure of Kyaka II refugee Settlement.**



Kyaka II refugee settlement is managed by United Nations High Commission for Refugees (UNHCR) and the Office of Prime Minister (OPM), coordinating and monitoring activities of IPS and OPS and ensuring physical protection of the refugees and all other stakeholders in the settlement together with the Uganda Police. UNHCR monitors and supervises all the activities in the settlement and ensures the welfare of the refugees. There are several implementing agencies/partners working with or implementing UNHCR`s work and these include:- the German Technical Co-operation



(GTZ), Action Africa Hilfe (AHH) also an implementing partner handling food distribution on behalf of World Food Programme. The International Medical Corps (IMC) handles the Sex and Gender Based Violence (SGBV) component by building the managing capacities of the service providers through the continual training of their leaders and IMC also handles issues dealing with HIV/AIDS. The Finish Refugee Council (FRC) is an operational partner which deals with functional adult literacy (FAL). There is also the World Food Programme (WFP) and Save the Children in Uganda traces children (Congolese) and unaccompanied and separated minors and supports Bujubuli secondary vocational training (OPM half annual report, 2007). The Refugee Welfare Councils (RWC levels I, II, III) mediate in minor disputes among refugees, (settlement rules)<sup>2</sup>. Community service workers/community educators work closely with the community in implementing GTZ'S activities as well as the refugee community in general.

The settlement is organized into villages and these villages have local leaders called refugee welfare council leaders (RWC) from levels one to three. They are elected by the refugee community every year. RWC's leaders are equated to the local council leaders (LC) of the national government, at local government administration/village level.<sup>3</sup> These leaders are usually chosen from among the older male refugees. They act as mediators whenever there is a conflict between refugees and they also work in collaboration with the Office of the Prime Minister. When refugees report at the settlement they are registered and issued with ration cards which serve as identification for purposes of food distribution and other basic needs. They are also allocated plots of land to settle on the basis of "right of use for the time they are in exile". The government has attempted to promote self-reliance and local integration by allowing refugees: to grow their own crops on small pieces of land provided; to have access to and to pay for basic services, and to maintain self-sustaining communities. This is all done with a view to ending their dependence on World Food Programme rations. (State of worlds refugees 2006:136) Refugees are now able to sell their produce to improve their standards of living.

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<sup>2</sup> Settlement Rules, R.13 Minor disputes among refugees shall first be referred to refugee elders and leaders. Violation of Uganda Laws shall be referred to the settlement commandant.(Appendix 2)

<sup>3</sup> Local Government Act of 1997.

## **2.0 CHAPTER TWO: LAW AND LITERATURE REVIEW**

This chapter focuses on the law and literature relating to domestic violence both from a national and international perspective in detail and the rights of refugees in the country of asylum.

### **2.1 Definition of terms: What is domestic violence?**

The term domestic violence refers to any and all violence that occurs between members of the same household or family. This also implies boyfriend/girl friend abuse, aggressive and hostile behavior between members of a family that results in injury, harm, and humiliation and sometimes death.<sup>4</sup> In a more detailed sense, domestic violence includes a range of sexually, psychologically and physical coercive acts against adult and adolescent women by a current or former intimate partner, without her consent. Physical violence involves intentionally using physical force, strength or a weapon to harm or injure the woman. Sexual violence includes abusive sexual contact, forcing a woman to engage in a sexual act without her consent, and attempted or complete sex acts with a woman who is ill, disabled, under pressure or under influence of alcohol or other drugs. Psychological violence includes controlling or isolating the woman, and humiliating or embarrassing her. Economic violence includes denying a woman access to and control over basic resources.<sup>5</sup>

In Uganda there is no specific legislation dealing with domestic violence, although there is a continued need for such legislation to equip law enforcement agencies, especially the police, to effectively combat the problem. Domestic violence is such a globally serious issue that even several African countries including Zimbabwe, Malawi, and South Africa have enacted specific domestic violence legislation (Domestic Violence Act).

S.1 of the South African Domestic Violence Act defines domestic violence as physical abuse, sexual abuse, emotional, verbal, psychological abuse, economical abuse, intimidation, harassment, stalking, damage to property, entry into the complaint's

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<sup>4</sup> The chambers world finder (1995).

<sup>5</sup>Just die quietly: domestic violence and women's vulnerability to HIV/AIDS in Uganda, vol 15, No 15(A) August 2003.

residence without consent where the parties do not share a residence or other controlling or abusive behavior towards the complainant where such conduct harms, or may cause imminent harm to, the safety, health or wellbeing of the complainant.<sup>6</sup>

These definitions of domestic violence gave me insights into what the concept is all about and as a result I was able to outline the objectives of this study.

The definition gives a detailed account of different forms of domestic violence which include:

**a) Physical abuse** involves the infliction of pain and injury on the complainant's body. It includes beating, punching, kicking, biting, burning, maiming or killing, with or without weapons.

**b) Sexual abuse** includes any act or conduct that abuses, humiliates, degrades or otherwise violates the sexual integrity of the complainant.

**c) Emotional, verbal and psychological abuse** means a pattern of degrading or humiliating conduct towards a victim such as repeated insults, ridicule or name calling, repeated threats to cause emotional pain, the repeated exhibition of obsessive possession or jealousy to such an extent that it constitutes a serious invasion of the victim's privacy, liberty, integrity or security.

**d) Economic abuse** includes the unreasonable deprivation of economic or financial resources to which a victim is entitled under the law or which the complainant requires out of necessity, including household necessities for the complainant or victim.

It also includes unreasonable disposal of household effects or other property in which the victim/ complainant has an interest.

**e) Harassment** includes engaging in a pattern of conduct that induces a fear of harm to the complainant including repeatedly watching or loitering outside of or near a building or place where the complainant resides, works, carries on business, studies or happens to be. It also includes repeatedly making telephone

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<sup>6</sup> Section 1 (viii) of the South African Domestic Violence Act (1998).

calls, sending delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mails or other objects to the complainant.

**F) Stalking** includes repeatedly following, pursuing or accosting the complainant<sup>7</sup>.

The researcher was able to break the topic up into different themes including the need to investigate the different forms of domestic violence experienced by the women refugees at Kyaka. They tend to believe that domestic violence only means physical violence. As a minimum protective measure it is treated as an assault in the settlement. Uganda, as a country, has ratified the United Nations Declaration on the Elimination of Violence against Women (DEVAW) and it is also a signatory to the Convention of the Elimination of All Forms of Discrimination against Women (CEDAW). Although the Ugandan government has yet to domesticate the conventions in the national constitution, it has an obligation to do so.

In its gender policy the Ugandan government has promised to implement the contents of Article 4.a)-e) of DEVAW which, in part, states;<sup>8</sup> “States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay implement a policy of eliminating violence against women and to this end, should...c) Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetuated by the state or by private persons; d) Develop penal, civil, labor and administrative sanctions in domestic regulations to punish and redress the wrongs caused to women who are subjected to violence; women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered; States should also inform women of their rights in seeking redress through such mechanisms.”

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<sup>7</sup> Section 1 (viii) of the South African Domestic Violence Act (1998).

<sup>8</sup> Declaration on the elimination of violence against women, article 4

Although there is Ugandan legislation called the Refugee Act, 2006 which deals briefly with domestic violence, it does not go far enough and the Act should be amended to embrace a much wider definition of domestic violence (see above) and provide appropriate remedies for its female victims. There is also room for making administrative reforms within the camps to reduce domestic violence and these include improving women refugees' rights to land and their access to food rations under the current ration card system.

## **2.2 The existing legal and policy framework relating to domestic violence, refugees and their status in Uganda.**

Section 2 of the Ugandan Refugee Act mentions "domestic violence" as one of the gender discriminating practices.

"Gender discriminating practices" "include strict and forced adherence to a dress code, obligatory pre-arranged marriages, physically harmful facial or genital mutilation, rape, domestic violence and other gender related negative activities."<sup>9</sup>

Since Ugandan law treats domestic violence primarily as a crime, it is in the area of criminal law that it is developing. In terms of its abovementioned wide international definition, other aspects of or remedies for domestic violence may also be accommodated and developed in other areas of law, such as the law dealing with maintenance. In Uganda domestic violence is prosecuted as an assault under the penal code, and its provisions are used to prosecute intimate partner violence against women whether they take the form of simple or ordinary assaults or assaults occasioning grievous bodily harm (Just die quietly 2003:51). Section 227 of the Ugandan Penal Code Act Cap 106 provides:

"Any person who unlawfully assaults another is guilty of a misdemeanor, and, if the assault is not committed in the circumstances for which a great punishment is provided in this code, is liable to imprisonment for one year."

And Section 228 of the Ugandan Penal Code Act Cap 106, states:

"Any person who commits an assault occasioning actual bodily harm is guilty of a misdemeanor and is liable to imprisonment for five years."

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<sup>9</sup> Section 2 of the Ugandan refugee Act, 2006.

Remedies for victims of domestic violence are contained in the penal code which imposes a variety of punishments of their offenders including cautions, fines and imprisonment for between one and five years.

Despite the availability of these punishments, domestic violence remains a hidden problem since it usually occurs in the home, men being the usual perpetrators and women the usual victims (Miranda 1998:2). The presence of violence in the home is normally attributed to power struggles in the family. The gender inequalities between men and women in the family promote violence (Nyirenda 2005:59). Hence the general assault provisions which are used to prosecute domestic violence assaults under the penal code are not designed to cater for the distinctive social, cultural, economic, and political circumstances under which domestic violence unfolds. An assault by a stranger is different from one committed by an intimate partner. In other words, the wide definition of assault under the penal code does not capture the aspects of intimate partner violence which is based on control, power and abuse of trust. The prescribed sentences are also inappropriate. Specific legislation dealing only with domestic violence could not only embrace all forms of domestic violence but also provide more appropriate remedies (as opposed to criminal sentences), such as, compensation of victims, orders for child custody, emergency protection orders and the removal of the offender from the home.

The 1995 Constitution is the supreme law of the Republic of Uganda and all the laws must conform to it. Article 2(1) provides that:

“The Constitution is the supreme law of Uganda and shall have binding force on all authorities and persons through out Uganda.”

And sub-article (2) states that;

“If any other law or custom is inconsistent with any of the provisions of this Constitution, the Constitution shall prevail, and that other law or custom shall, to the extent of the inconsistency, be void.”

Although the Constitution does not have a specific provision dealing with domestic violence issues, it does, however, guarantee a wide range of rights. Article 21<sup>10</sup> confirms the equal status of all Ugandans before the law, provides for the equal protection of the law, and prohibits discrimination on a number of grounds including sex, ethnic origin, tribe, and race. Article 33<sup>11</sup> accords women equality with men and provides that laws, cultures, customs which undermine the status, dignity, wellbeing or interest of women are prohibited by the constitution. However, government policy has failed to translate these lofty constitutional provisions into action. In other words, there has been a distinct failure to implement constitutional provisions to protect women. What is missing is the link between laws contained on the statutes and their effective implementation in society. Uganda has progressive constitutional provisions for women, but they are not operational. The constitution is designed to provide for the Ugandan people's fundamental rights and freedoms, yet women's constitutional rights are literally trampled on every basis. The National Association of Women Judges in conjunction with Law Reform Commission has drafted legislation in respect to domestic violence. Since the early 1990's, local NGO's have unsuccessfully lobbied the government to pass domestic legislation and legislation addressing domestic relations.<sup>12</sup> Fortunately, efforts in Uganda are still continuing to pass the domestic violence legislation and to raise awareness of the problem of domestic violence and to end it through the use of media campaigns, public events, lobbying, and the training of stakeholders.

### **2.3 International human rights framework relating to domestic violence and women refugees**

This section will endeavour to define the term 'refugee' and discuss the legal rights of refugees in the country of asylum from the international instruments perspective.

#### **Who is a refugee?**

According to Article 1 of the 1951 UN Convention on the Status of Refugees, the term "refugee" applies to any person who:

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<sup>10</sup> Article 21 of the Constitution of the Republic of Uganda provides that all persons are equal before the law.

<sup>11</sup> Article 33 of the constitution provides that women shall be accorded full and equal dignity of the person with men .....

<sup>12</sup> Human rights watch 2005

“owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or, owing to such fear, is unwilling to avail himself of the protection of the country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable, or owing to such fear, is unwilling to return to it.”<sup>13</sup>

The African Union borrowed its definition of a refugee from the UN one. Article 1(1) and (2) of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969) defines a “refugee” as “every person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership, of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.” “(2) Refugee shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refugee in another place outside his country of origin or nationality.”<sup>14</sup>

Section 2 of the Uganda Refugee Act of 2006 defines a “refugee” as a person who has qualified to be granted refugee status or is a member of a class of persons declared to be “refugees” under S25 of the Act<sup>15</sup>, which provides that, a minister may, if it is evident that a class of persons qualify to be refugees under section 4 of this Act, declare that class of persons to be “refugees”.

Section 4 of the Act provides that a person qualifies to be a refugee if, owing to a well-founded fear of being persecuted for reasons of race, sex, religion, nationality,

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<sup>13</sup> ICRC, (2004), International Humanitarian Law, Geneva, Switzerland.

<sup>14</sup> Article 1(1) of the OAU Convention Governing the Specifics Aspects of Refugees Problems in Africa (1969/1974).

<sup>15</sup> Section 2 of the Uganda Refugee Act of 2006.



membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable, or, owing to that fear, is unwilling to return or avail himself or herself of the protection of that country.....or that person is a member of a class of persons declared to be refugees under S25 of this Act.

As noted earlier, Uganda has an obligation to protect women refugees from all forms of violence including domestic violence and to ensure that women who are subjected to such violence have full access to the Ugandan legal system as clearly provided as follows. Article 11(3) of the Women's Protocol provides that state parties are required to undertake to protect asylum seeking women, refugees, returnees and internally displaced persons, against all forms of violence, rape and other forms of sexual exploitation.

My study seeks to evaluate the extent to which the government of Uganda has protected its women against domestic violence.

Refugees who have left their countries for fear of being persecuted for various reasons need protection in the country of asylum. It is then the responsibility of that country of refuge and the international community to ensure that their rights are protected and respected. Uganda is a signatory to most of the international instruments such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) (1981), the African Charter on Human and People's Rights (1981), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003) ("The Women's Protocol to the African Charter"), International Convention Relating to the Status of Refugees (ICRSR) (1951), and the Protocol Relating to the Status of Refugees (1967). Since the government of their home country no longer protects the basic rights of refugees, the international community assumes the responsibility of ensuring that the rights of refugees are respected. The conclusion of the UNHCR Executive Committee (Excom)<sup>16</sup> stipulates that the most important protection for refugees in the International Human Rights Law is the principle of non-discrimination

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<sup>16</sup> Although excom conclusions are not legally binding on state in the same way as treaties, they are widely recognized as being the view of the international community and are persuasive.

which ensures that refugees, even though they are not citizens of the asylum country, are entitled to the same fundamental rights and freedoms (as contained in, e.g., the UDHR, ICESCR, ICCPR) as citizens of that country.

Article 2 of the 1951 Refugee Convention provides that every refugee has duties towards the country in which s/he finds himself or herself, which requires in particular that s/he conforms to its laws and regulations as well as to measures taken for the maintenance of public order. In other words, the laws applicable to the refugees in the country of asylum are the same as those applied to the nationals of that host country.

Article 16 of the 1951 Refugee Convention requires the government to ensure that refugees have the same access as nationals to the remedies provided by the country's legal system. It is, therefore, the state's obligation to ensure that women refugees receive protection against any form of violence including domestic violence.

Refugees, as with any other human beings, are entitled to enjoy all the human rights stipulated in the human rights instruments, and they have the same rights as nationals to the country hosting them and the government has the duty and responsibility to protect those rights.

Article 3 of DEVAW stipulates that women are entitled to equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. These rights include inter alia:

- a) The right to life;
- b) The right to equality;
- c) The right to liberty and security of person;
- d) The right to equal protection under the law;
- e) The right to be free from all forms of discrimination;
- h) The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.

The United Nations General Assembly, under Article 1 of the Universal Declaration of Human Rights (1948), *affirmed that all human beings are born free and equal in dignity*

*and rights*<sup>17</sup>(my emphasis). Women are human beings who have an inherent right to life under Article 3 of the same. In the case of *Van Eeden v Minister of Safety and Security* (Judgment of the Supreme Court of Appeal delivered on 22 September 2002 in Case No 176/2001) the Court, following the Constitutional Case of *Carmichele v Minister of Safety and Security and Another* 2001(4)SA938(CC), emphasized that freedom from violence is fundamental to the equal enjoyment of human rights.

The duty of the State to protect women and even third parties from domestic violence is also emphasized in the case of *Minister of Safety and Security v Van Duivenboden* (Judgment of the Supreme Court of Appeal delivered on 22 August 2002 in Case No 209/2001). Here the Minister was held liable in damages for injuries suffered by Mr. Duivenboden who, in the process of attempting to protect a woman from an assault by her husband, was injured by a firearm which the Police had wrongfully failed to confiscate from him. The fact that his wife had previously withdrawn charges against her husband in a bid to save their marriage did not detract from the Police's duty to confiscate the weapon from him in order to afford her and other innocent third parties, including Mr Duivenboden, maximum protection from harm.

The right to be free from domestic violence is a fundamental and universal right and the right to access appropriate remedies is stipulated under Article 25 of the Women's Protocol, wherein states parties shall undertake to:

“...provide for appropriate remedies to any women whose rights of freedom, as herein recognized, have been violated;...and ensure that such remedies are determined by competent judicial, administrative or legislative authorities, or by any other any other authority provided by law.”

It is also stipulated in the international human rights instruments that refugee victims of sexual violence and their families be provided with adequate medical and psycho-social care, including culturally appropriate counseling facilities, and generally be considered as persons of special concern to states and to the UNHCR with respect to assistance and the search for durable solutions. Support should also be given to the UN High

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<sup>17</sup>The Universal Declaration of Human Rights 1948

Commissioner's efforts in coordination with other intergovernmental and non-governmental organizations competent in this area, to develop and organize training courses for authorities, including camp officials, eligibility officers, and other dealings with refugees on practical protection measures for preventing and responding to sexual violence.<sup>18</sup>

#### **2.4 Identifiable gaps between Ugandan law and related international human rights provisions.**

As discussed earlier, although there is no specific law in Uganda that provides women with meaningful protection from domestic violence, it is an international obligation for states parties under Article 2(1) of the Women's Protocol to the African Charter, to "combat all forms of discrimination against women through appropriate legislative, institutional and other measures." And Article 2(1)(b) proceeds: "In this regard they shall (b) enact and effectively implement appropriate legislative or regulatory measures, including those prohibiting and curbing all forms of discrimination particularly those harmful practices which endanger the health and general well-being of women." Domestic violence is one of those "harmful practices".

General recommendation 19 of CEDAW calls on state parties to enact specific domestic violence legislation as soon as possible. In 2002 the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee)<sup>19</sup> expressed concern at the high incidences of violence against women, including domestic violence, and the absence of a legal measure to address such violence in Uganda. In the absence of a specific domestic violence law, the police and courts rely on assorted, non-specific provisions in the penal code that cover assault and homicide.

The existing criminal laws do not provide appropriate remedies and the punishments are often very lenient, with the accused being warned or fined or imprisoned for between one to five years. S 2 of the Refugee Act does not provide remedies specifically for domestic

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<sup>18</sup> UNHCR General Conclusion 73: Refugee Protection and Sexual violence(1993)

<sup>19</sup>Established by the UN to monitor compliance with the Convention on the Elimination of all forms of Discrimination against Women (CEDAW).

violence. Once again, the duty is upon the Government of Uganda to enact specific legislation on domestic violence that will offer remedies and protection which is more appropriate than those provided under the penal code, such as orders of payment for the compensation of victims, orders for child custody and maintenance, emergency protection orders and orders for the removal of the offenders from the home.

### **3.0 CHAPTER THREE: RESEARCH METHODOLOGIES AND METHODS.**

#### **3.1 Introduction to methodology**

This chapter shows the significance of the various research methodologies and methods employed to conduct this research. This research employed different methodologies and methods to collect data. These included: women's law approach, grounded theory, legal pluralism, semi-autonomous social fields, human rights approach and actors and structures.

##### **3.1.1 WOMEN'S LAW APPROACH**

This methodological approach was used to explore women's live realities as a starting point because it engages empirical data of these lived realities to explain the position of women in relation to the law and society. This approach revealed the deep experiential reasons why women refugees do seek or access remedies for domestic violence despite their existence. In other words it is a multi-disciplinary and grounded approach. As Professor Tove Stang Dahl (1988:10) wrote:

Methodology of women's law is cross-disciplinary and pluralist.... it is done from the perspective of one looking upwards from below.... it implies the wish to see both law and reality and morality from women's point of view and calls for a rather free use of the available material where it can be found.

This approach brought out the legal, social, economic and cultural barriers, women refugees encounter when seeking redress for domestic violence. In other words I was able to get deep insights into women's lived realities in relation to what dissuades women refugees from not using the law when seeking remedies for domestic violence. The approach also helped me to find out how the law is a stumbling block to the lives of refugee women. For example the Penal Code Act Cap 106 of Uganda does not specifically provide for domestic violence as a crime. Rather, it is considered an assault and the penalty for committing is usually lenient. Using this approach I discovered from refugee women that law enforcement officials consider domestic violence a 'family or domestic matter' which they typically resolve by recommending counseling aimed at the reconciliation of the parties. The final advantage of this approach is that it uncovers the nature of women's problems and encourages the researcher to analyze the law critically.

### **3.1.2 GROUNDED THEORY**

The grounded theory can be compared to the activity of the African “dung beetle” which constantly makes balls of animal dung in which to lay its eggs and which grows in size as more material is collected as it is pushed around (Bentzon, et al 1998:18). The dung beetle approach is a grounded research process which showed me (1) how to collect data (which I believed was material and relevant to helping refugee women suffering from domestic violence); (2) how to sift and analyze it; (3) how to consider the implications of the findings and then (4) how to determine the kind of data to collect next. And so the cycle would start again (Bentzon, et al 1998:18).

Using my assumptions the grounded theory approach helped me to check on the realities of women’s lives on the ground. One of my assumptions was that the law in Uganda does not adequately address domestic violence and, as a result, this dissuaded women refugees from reporting such cases. For example, the law treats domestic violence lightly and, unless a domestic violence assault is serious, criminal penalties are lenient. I discovered when interviewing the women that, in reality, this legal obstacle was one of the last inhibiting factors on their minds. They were far more concerned about more immediate threats if they reported domestic violence assault. They feared, for instance, the threat of being further assaulted or killed by the offender, separated from or divorced by the offender and being ostracized by the community.

With this approach I was able to make adjustments when new issues arose that were not part of my assumptions. As a result, theory building took place. For example, one refugee woman I interviewed said women do not report cases of domestic violence, especially since one woman had been killed by her husband after reporting his assault on her. Although he went to jail, he was released after two weeks because he is an influential member of the community and bribed the police. I concluded that I should pursue the matter since it was a serious one. The government of Uganda should prosecute the accused and any officials if they are guilty of corruption. In other words, using this approach I took these facts into account, incorporated them into and let them shape my continuing research efforts.

This approach also enabled me to adjust the number of respondents and the data to be collected. It set boundaries for deeper probing into some issues with some respondents. On other occasions probing into issues with some respondents had to be postponed until certain information had been obtained from other respondents. For instance, after receiving the common response (i.e., opinion) from all the staff in the settlement that domestic violence was properly managed, I probed to find out exactly how it is managed (i.e., I probed into the factual basis of this opinion) and then I triangulated the information or tested the results on the refugee community (i.e., I asked the refugees whether they agreed with the response of the officials). I found this very useful because it enabled me to compare findings from the officials in the settlement with the refugee community. In other words, according to this research process, one compares and contrasts data about an issue collected from different sources. Then, relying on these results one constantly reviews and often modifies the original research plan or assumptions.

### **3.1.3 LEGAL PLURALISM AND SEMI- AUTONOMOUS SOCIAL FIELDS**

Legal pluralism is an analytical tool which provides different understandings of the position of women in the context of multicultural societies and plural systems of law. The legal pluralist's methodology emphasizes the fact that women's patterns of behaviour can be adequately explained by sets of laws, including state law and international laws. This approach enabled me to confirm that most breaches of the rights of refugee women are resolved in out-of-court arrangements or at administrative levels within the settlement. It should therefore be kept in mind that a wide range of normative orders shape a woman's legal and social position and refugee women are no exception.

In other words, I recognized that employing a methodology that simply looks at women refugees simply in the context of the law of the state of Uganda would be naïve, as the true picture of the real position of refugee women goes beyond any formal system of law. Therefore, in order to reveal a new holistic picture of the lived realities of these women and the gender relationships which impact upon the management of domestic violence



against them, I realized that I could not restrict the study simply to analyzing the set of rules enforceable through available formal court procedures, but had to include an analysis of customs and practices.

Finally, legal pluralism gave me another way of looking at theory and the law from an internal and external point of view (Emmanuel Melissaris: 2004:57). Legal pluralism is attentive to both plurality of norms and the ways the norms are organized in and around practices and this diversity offered me a better appreciation of the legal issues at stake and new ways of thinking about and making sense of them.

The concept of the semi-autonomous social field (SASFS) was applied to describe and analyze the rule-generating and rule-upholding process that affects the position of women and the gender relations dynamic they encounter in the process of their attempting to access remedies for domestic violence (Bentzon A. W. et al: 1998:41). This methodology brought home to me the frustrations faced by refugee women in their struggle for justice against domestic violence. This will be demonstrated in the findings chapter where it will be seen that the rule-generating or rule-upholding entities within the settlement do not function in isolation but through the interaction which takes place between the parties (Moore F.S, 1973 7:719-46.) The unwritten norms generated within social entities such as family, church, and local leaders and the refugee community were analyzed as entities influencing the capacity of the women to seek remedies for domestic violence.

#### **3.1.4 THE HUMAN RIGHTS APPROACH**

This approach was used in view of the fact that the Uganda Government is a signatory to most of the international instruments that specifically protect the rights of women and refugees such as: the Convention on Elimination of all Forms of Discrimination against Women (CEDAW) (1979), the African Charter on Human and People's Rights (1981), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003), International Convention Relating to the Status of Refugees (ICRSR) (1951) and the Protocol Relating to the Status of Refugees (1969). In other words, I used this approach as an analytical tool to determine the extent to which refugee women are discriminated against by different levels of the settlement administration in

their struggle against domestic violence. The use of this approach helped me to assess the extent to which Ugandan law complies with international HR instruments, especially the Convention on the Elimination of Violence against Women (CEDAW), the International Convention Relating to the Status of Refugees (ICRSR) (1951), and the Protocol Relating to the Status of Refugees (1969).

### **3.1.5 ACTORS AND STRUCTURES APPROACH**

The actors and structures approach draws on interdisciplinary development studies which, since the 1980s, have paid increasing attention to the interaction between the external and internal factors which constantly inform the process of legal change and administrative measures (Bentzon et al, 1998). This approach helped me understand the roles played by different officials in Kyaka II refugee settlement in the resolution of cases of domestic violence. A lot of data was collected since most of the officials dealt with the victims of domestic violence directly. I was able to find out how the general law interplays with other normative orders. The influence of the structures on the actors was investigated in order to establish its impact on the actors in their daily work. This impact was felt during counseling, mediation and even during the process of giving advice.

### **3.1.6 GENDER PERSPECTIVE**

This perspective enabled me to look at the gendered nature of life which places men and women in different roles and expectations. The expectations and the different roles create an imbalance of power between men and women in which men are perceived as being superior to women and women are perceived as being subordinate to and dependent on men (WLSA, Zimbabwe 1994). These socially-construed roles prejudice women and legitimize the perpetuation of male-on-female domestic violence which is endemic in all refugee camps (Pima 2004:10). As a result, refugee women are socialized to believe that domestic violence is a private or family matter which is not supposed to be made public through the public reporting of complaints to settlement authorities. Over time they have been forced to believe that such issues should be resolved at the family or clan level. This has affected the way societies perceive domestic violence and why they see it as a private/family matter.

### 3.2 QUALITATIVE RESEARCH METHODS USED

This study employed different methods such as in-depth individual interviews with key informants, group discussions, and personal observation as method to collect data. The interviews were conducted with individual respondents and key informants, who include the camp commandant, assistant camp commandant, programme officers, police officers, refugee welfare council leaders, national community leaders, community workers, church leaders, nurses, men and women refugees. These methods were useful in bringing out the lived realities of the refugee women which is the starting point of the research. Women readily shared their experiences on domestic violence in their homes. With these methods I was also able to gain a deeper understanding of the everyday experiences of the participants/community leaders when dealing with cases of domestic violence. This was enhanced when I attended a workshop on sex and gender based violence organized by International Medical Corps (IMC).

Data was collected from a total of 55 respondents and they were selected randomly from the refugee community. I had 34 in-depth individual interviews, 4 group discussions of 20 participants and one observational opportunity as clearly presented in the table below;

***Table 111: Summary of the research methods***

Setting	Kyaka refugee Settlement offices	II Bulit village	Bujubuli village	Bukere village	Sub county headquarters' hall
In-depth individual interviews	10	08	11	05	-
Group discussions	-	-	-	-	4x5
Observation		-	-	-	1

### 3.2.0 In-depth individual interviews

These comprised both key informants and refugee women from the settlement, Kyaka II trading centre, Bujubuli, and Bulit villages. A total of 34 key informants were interviewed: 10 from the settlement offices, 5 from Kyaka II trading centre and 8 from Bulit, 11 Bujubuli villages.

### 3.2.1 Group discussions

The group discussions were carried out at the sub county headquarters Kyegegwa with the community development officers (CDO`s), women representatives after a training workshop on sex and gender based violence (SGBV) organized by the international medical corps (IMC), one of the implementing partners in the settlement. A total of 4 focus group discussions were conducted. Groups were assembled with the assistance of the programme officer at IMC after the workshop. I led the discussions asking questions that were specifically about domestic violence, SGBV. I encountered some resistance since the workshop was on SGBV and not domestic violence. With the help of the programme officer I managed to make headway. This method was good because I was able to elicit information from men and women at different levels of leadership. These group discussions provided an opportunity to engage leaders based on their own opinions of the problem of domestic violence and generate discussions on how best they should respond to domestic violence. See table below:

***Table IV: Summary of group discussions in relation to the number of persons and setting***

No. of participants	Sub county Headquarters' Hall	Settlement offices	Bulit village	Bujubuli village
0-4	-	-	-	-
5-10	4	-	-	-
11-20	-	-	-	-

### **3.2.2 Observation**

This was mainly done during the training workshop on SGBV for sub-country officials. As I observed the proceedings I noted the participants' practices and responses and their attitudes about and the importance attached by them to addressing violence against women in all spheres. In this way I gained a deeper understanding of their every day experiences to which I have already referred. Participants were able to suggest strategies, such as integrating the issues of gender based violence into their district budgets and using a multi-sectoral dimensional approach in response to and in order to prevent sex and gender based violence.

### **3.2.3 LIMITATIONS OF THE STUDY**

Some of the challenges I faced when conducting this study include the following:

#### **Securing Permission**

Before any one can carry out research in Uganda one must first seek permission from the Uganda National Council for Science and Technology. Following this requirement I proceeded to that office and I was advised to formally apply and submit a copy of my proposal for this research which required a signature and stamp of the university authorizing the research. This appeared cumbersome and time-consuming because it involved faxing back a copy of the proposal for the same. I thought, however, of approaching the Office of the Prime Minister for advice. Fortunately, I was able to secure permission although this took quite some time.

#### **Transport**

This was a big challenge because Kyaka II refugee settlement is 30kms off the main road to Mubende town. Because of the conditions of the roads I would have had to hire a four wheel drive vehicle or a motor bike. Hiring them would not have been easy in view of the location of the settlement. Therefore I used to make arrangements for transport with the camp commandant who allowed me to take lifts with official settlement vehicles which traveled between Kampala and the settlement.

### **Language barrier**

As mentioned above, the settlement hosts refugees from a number of different countries and therefore they speak different languages. As a result language became a challenge in the field. I managed to overcome this by engaging a male refugee interpreter who was attending university and who was very conversant with most of the languages in the settlement. He was the best interpreter I could find. I must admit that this was not an ideal choice because he came from the very group of people which the research indicated committed domestic violence against women refugees. In view of the sensitive nature of the research, I would have preferred using the services of a woman interpreter with a more independent background.

### **Time**

The five months allowed for the research was too short to cover adequately cover all the villages in Kyaka II refugee settlement and triangulate their information with the lived realities of the women refugees. Initially I had planned to conduct my research in six villages of Kyaka II refugee settlement. Kyaka II settlement has 9 zones and 26 villages. Because of the limited time, I managed to sample three villages only. Considering the many villages in Kyaka II settlement, it would have been better for me to sample at least a quarter of the villages to deal properly with the problem of domestic violence in the settlement.

### **Outbreak of Ebola**

My collection of data came to a standstill because of the outbreak of the Ebola<sup>20</sup> virus during the month of December 2007 and early January 2008. I did not enter the district until it was declared free of Ebola in mid-January. As a result I failed to interview most of my respondents, especially those who would have been involved in the group discussions I had arranged through the assistance of the programme officer IMC in Sweswe village. This, therefore, limited my collection of data. However the programme officer invited me to a workshop where I tried to extract some data through observation.

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<sup>20</sup> Ebola is a deadly disease that broke out in Western Uganda, especially in the districts of Kyenjojo, Mubende, Kasese and other areas. Entry into and exit from these districts were severely restricted because Ebola was killing people within a few hours of their coming into contact with its victims.

## **4.0 CHAPTER FOUR: RESEARCH FINDINGS, DISCUSSION AND ANALYSIS**

### **4.0.1 INTRODUCTION**

This chapter attempts to bring out the real lived realities of women refugees who are subject to domestic violence (“DV”) in the Kyaka II refugee settlement. The topics covered include the prevalence of DV, its forms and triggers and how it is managed in the settlement. The chapter starts by presenting data gathered from the field on the existence and prevalence of domestic violence, its forms and triggers, and goes on to reveal the remedies available to refugee women who suffer domestic violence. The data also includes the responses of various officials in the settlement to domestic violence and the social, legal and administrative barriers women refugees face when seeking remedies for domestic violence at the different levels of administration in the settlement. This is followed by a discussion on these findings. There is also a discussion of the impact of structures and actors on the remedies available to women refugees who report domestic violence. The fear of women refugees reporting domestic violence is also highlighted, as well as why they are reluctant to seek remedies through the courts. Social, legal and administrative barriers that inhibit refugee women from pursuing their right to be protected from all forms of violence in the refuge country are finally brought under the spotlight.

#### **4.1 The prevalence, forms and triggers of domestic violence in Kyaka II refugee settlement.**

This section of the study will explore the prevalence of the incidences of DV experienced by refugee women in Kyaka refugee settlement. Later, in the section dealing with the management of DV, I will also explore the laws and remedies available to victims of domestic violence.

##### **4.1.0 The prevalence of domestic violence**

My first assumption that guided this research is that there is domestic violence in refugee camps/settlements in Uganda (1(a)). On testing this assumption in the field the study revealed that there is indeed domestic violence and the cases of women refugees

suffering domestic violence are prevalent in Kyaka II refugee settlement. Domestic violence takes different forms, including physical, economical, social, and sexual in the settlement. Out of the fifty five respondents interviewed, thirty five of them confirmed high incidences of domestic violence in the settlement. In support of the prevalence of domestic violence one coordinator at IMC,<sup>21</sup> said that:

“These misunderstandings do happen in this community because of various factors like the influence of alcohol causes a man to beat his wife, also marrying so many women, poverty, and food ration cards.”<sup>22</sup>

The cases of women who are abused by drunken men are still rampant in the refugee settlement of Kyaka II. This demonstrates the ineffectiveness of the authorities’ efforts to bring the culprits to book. This might be as a result of negligence on the part of the government to enact specific legislation on domestic violence.

This position was reiterated by another community worker employed by GTZ. She commented: “Cases of domestic violence in the community of Kyaka II refugee settlement are high especially during food harvesting and food distribution seasons.”<sup>23</sup> This is the case given the process which takes place when refugees enter the settlement. They are registered and issued with ration cards which are also used as identification cards and for purposes of food distribution. Food is distributed when refugees first enter the settlement and then from January until about April. After receiving a ration card she /he is allocated land to occupy and cultivate. Food harvesting falls in the months of march/April and November /December.

One refugee woman accounted her experience and said:

“My husband beat me and threw me out of the house, he married another woman, infact he has four women now, I feel am not safe because am scared of talking to any man and he finds me, because he promised to kill me.”<sup>24</sup>

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<sup>21</sup> For reasons of privacy, confidentiality and respect and at their request, all interviewees’ names have been changed or withheld.

<sup>22</sup> In-depth interview with a field coordinator at (IMC) on 22<sup>nd</sup> November, 2007.

<sup>23</sup> In-depth interview with a community service worker from (GTZ) on 1<sup>st</sup> November, 2007,

<sup>24</sup> Interview with a woman refugee on 25<sup>th</sup> November , 2007



This view was shared by the assistant camp commandant from the Office of the Prime Minister who confirmed that there is domestic violence in the camp. He gave examples of the different types of the domestic violence cases including assault, rape and defilement. Upon being probing further to find out how these cases are being handled, the officer said that the Office of the Prime Minister refers most of the cases to the refugee welfare council or police.

My findings affirm the assumption that there is domestic violence in Kyaka II refugee settlement and the incidences are on the increase. In an interview with the community worker at GTZ, she said that cases of domestic violence are on the increase because in one year women refugees have repeatedly reported acts of domestic violence. Unfortunately, less attention is being given to addressing domestic violence cases because the direct funding which is received specifically for sex and gender based violence (“SGBV”) and HIV/AIDS programmes does not stretch to efforts to deal with domestic violence. The table below provides statistics on cases reported January to September 2007 which shows the high incidences of domestic violence in the settlement.

**Table V statistics on cases reported in Kyaka II refugee settlement, Jan-Sept 2007**

Offence	January	February	March	April	May	June	July	August	Sept
Assault	09	06	06	26	03	06	14	04	09
Rape	00	02	00	02	00	00	00	02	00
Defilement	00	02	00	00	00	00	01	01	03
Others (grouped as attempted murder, home violence and abortion)	02	02	03	01	01	00	01	01	01
Total	11	12	9	29	4	6	12	8	13

**Source: GTZ kyaka II refugee settlement end of year report, 2007**

Although GTZ has the mandate to respond only to cases of gender based violence in Kyaka II refugee settlement, this research found that even cases of domestic violence are also reported to GTZ because of the preconceived belief that domestic violence falls under the ambit of gender based violence. When interviewed, respondents within the settlement administration were quick to explain that gender based violence is an umbrella term for violence that occurs in society. Yet domestic violence is the more specific term used specifically to describe violence that happens in the domestic arena or home. In my view this official view creates a problem when it comes to determining the exact number of domestic violence cases reported in the settlement, especially where all the cases of a violence nature are reported to GZT and categorized as “others”. Despite this, domestic violence is also considered as an assault and categorized as “assault.”

#### **4.1.1 Forms of domestic violence**

Domestic violence takes many different forms and these include physical, economic abuse.

##### **Physical violence**

Physical domestic violence involves harming or injuring a woman’s body forcefully and intentionally through the use of force using strength or a weapon. The study revealed that this was one of the most common forms of violence in this settlement. Out of the twenty women I interviewed, ten had experienced physical violence from their husbands and had even sustained severe injuries as could be easily seen from their appearance. There was one refugee woman I interviewed who desperately wanted to talk to me. She saw me interviewing one of her neighbors. After the interview she shouted to us in a voice that drew our attention. I went and talked to her and made an appointment to return and interview her so that I could hear her whole story. When I went back to interview her I saw her face was full of bruises that had been inflicted on her by her husband because he suspected her of sleeping around with a certain young man in the neighborhood.

## **Economic violence**

This includes denying a woman access to and control over basic resources. As mentioned earlier, refugees depend largely upon international assistance for basic needs such as food, shelter and health care. The settlement authorities put the men refugees in charge of collecting food for the settlement. Since they are denied the right to work in the country of asylum, they earn money by selling food handouts and the food grown in the settlements (on land allocated to the refugees in an attempt to make them increasingly self-sufficient, see below). The study revealed that refugee men have sold food rations and food grown on settlement allotments to buy alcohol instead of basic necessities for the families. This has resulted in DV against women refugees (who largely cultivate their plots of land) who complain against their husbands when they discover that their husbands have used the proceeds from the sale of excess produce on themselves instead of returning to their homes and sharing it with their families. See also Pima, (2004).

### **4.1.2 Triggers of domestic violence**

This study revealed that there are many causes of domestic violence in the settlement which include the following:

#### **Harvest Time**

Refugees flee their home countries usually without material resources. When refugees arrive in the country of asylum, they are totally dependent on international assistance for the basic needs. The study revealed that in Kyaka II refugee settlement, refugees are allocated land after they have been registered and issued with ration cards. In accordance with government policy to encourage refugee self-reliance, refugees in Kyaka II refugee settlement depend primarily on agriculture to supplement the food handouts they receive from World Food Programme. Women refugees have taken up this challenge and have successfully engaged in agriculture which has turned out to be the main source of income and livelihood for most refugees in the settlement. It was found, however, that most men sell off the food produce after harvest and use the money for their own needs as opposed

to meeting the basic needs of their own families and this has, not surprisingly, resulted in violence in many families. One respondent who was a domestic violence survivor said that she and her husband planted their crops together but after harvesting them he sold them, used the money to build a house and married another woman. When the respondent questioned his conduct he told her to leave the home and go back to her parents who are in Rwanda.

## **Food**

As mentioned earlier, when refugees arrive in the settlement they are issued with ration cards which serve as identification cards, especially when food is being distributed. This study revealed that a ration card is issued to a male member of the family and the rest of the family members are registered on the same card. Women refugees are only issued with ration cards if there is no male member of the family or if she is unaccompanied or single. The study showed that most of the refugee men have used this opportunity to oppress or exploit their wives. The study revealed that most of the women refugees who have questioned their husbands about the food rations have been beaten for questioning him. This is also confirmed by Pima (2004).

## **Alcohol**

The study has also revealed that government policies restrict refugees from seeking employment in the country of asylum and due to their ensuing idleness, refugee men have resorted to drinking alcohol. One woman refugee revealed that her husband leaves home in the morning everyday and comes back in the evening when he is very drunk and demands to be fed. If she serves him food without sauce (because there is none in the house), he beats me for giving him dry food.<sup>25</sup>

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<sup>25</sup> Rule 8 of the Settlement Rules provides that the sale of alcohol drinks, grabbing, trafficking, sale and consumption of illicit drugs are strictly prohibited. (Appendix 2)

## **4.2 The Management of domestic violence in Kyaka II refugee settlement**

### **4.2.0 Laws and remedies available for refugee women in cases of domestic violence**

Another assumption was that women refugees do not know which laws to use or what remedies are available to them in cases of domestic violence in the country of asylum (2(a)). This assumption was tested in the field and I found out that refugee women are not aware of either the laws relating to domestic violence nor the remedies available to them. Of the respondents interviewed nineteen respondents had their issues resolved at the settlement level. This was affirmed by the camp commandant, who said,

“When a victim of domestic violence reports to my office I invite the parties, the victim and the perpetrator together with the community leader to my office for mediation so that the case can be resolved at this level and I always encourage reconciliation considering the causes. So we deal with the causes of domestic violence most times. But if the parties fail to reconcile I refer the case to police for further action.”<sup>26</sup>

Another refugee woman recounted her experience and said that:

“I reported my husband to the community development officer (CDA), for his deserting me and my children, my husband bribed him and nothing happened. I did not give up, I reported to the parish chief who advised me to go back to my home and behave well”.

According to one key official in the settlement or in the Office of the Prime Minister, cases of domestic violence are well managed by the camp officials. She added that cases of domestic violence have decreased due to the sensitization programmes that are being conducted in the community. She also believed that the punishments that are given to the offenders inhibit the commission of the offence. When I interviewed two women refugees from Bulit village they revealed to me that they had in fact been to her office a number of times and she proved to be “rude and harsh” to them, telling them to go and deal with their issues at their homes. She chased them away from her office. The women refugees I interviewed were very desperate and needed to talk to me about the experiences they had with their husbands in their homes. When they saw me interviewing one of their refugee welfare council leaders, the leader even confirmed that they were suffering from domestic violence, and that the settlement authorities had

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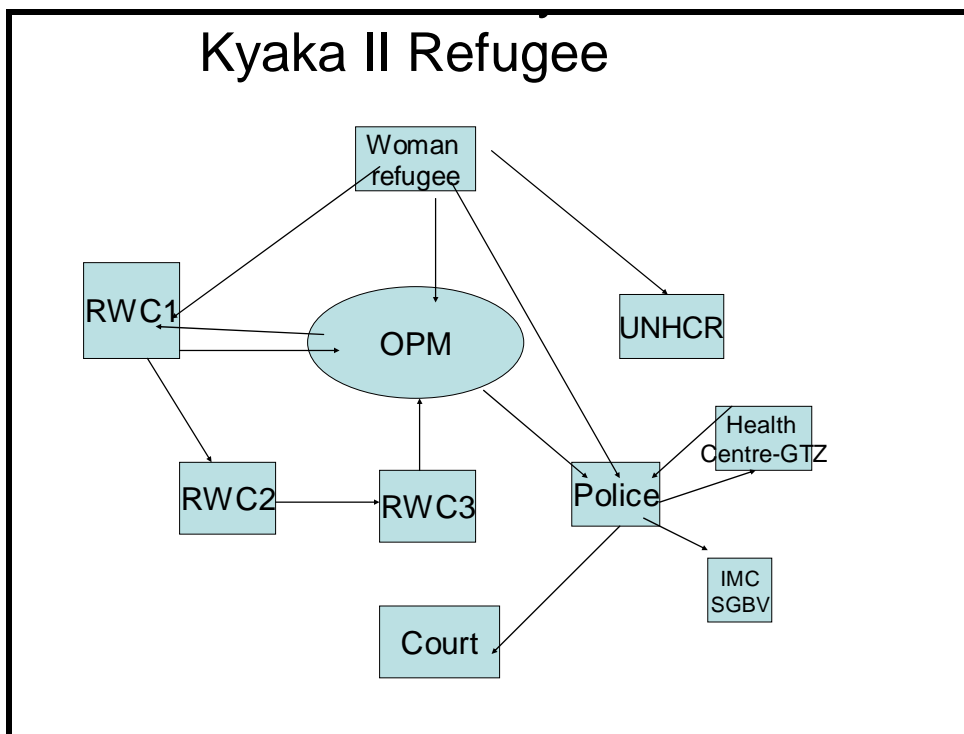
<sup>26</sup>In-depth interview with camp commandant on 26<sup>th</sup> November, 2007

failed to curb it using informal counseling procedures which are encouraged in terms of the prevailing Kinyarwanda culture which holds that a woman should not question her husband in family matters because he is the head of the family and decision maker. Often counselling does not solve the problem and the violence continues especially when refugee women continue to challenge their husbands about the fate of the families' food rations. The leader actually asked for information about the law and other remedies available (apart from counselling) which could assist him to do his work in the community more efficiently.

#### 4.2.1 The reporting of and responses to domestic violence

The study further revealed the options available to women refugees who report domestic violence.

**Diagram 1: Showing the Reporting Structures in the Settlement**



The above diagram reveals that there are structures and actors in place to deal with domestic violence and give appropriate remedies to victims of domestic violence. It was found that the Office of the Prime Minister (OPM) is at the nerve centre of all structures in the settlement, meaning that this office plays the central role in coordinating all the activities of the settlement and all the other structures in the settlement. These structures and actors have a lot of influence over the remedies these refugee women may realistically access. These structures are reflected in the abovementioned diagram and they include: the office of the prime minister, the police, refugee welfare council (RWC) leadership, the court and the UNHCR whose implementing agencies are in the refugee settlement to deal with domestic violence. Although, in theory, domestic violence should be easy to combat because of the existence of these various officials and organizations that are apparently in place to deal with it, the fact is that this does not occur because of the various barriers encountered by the women when they try to report the crime to these very authorities. This will be explained in the following section.

When a refugee woman suffers domestic violence from her husband within the settlement, she is required to report to the refugee welfare council one leadership of her community (as indicated in the diagram above). The council leader will invite the victim and her husband to his home for a meeting where he will sit and counsel the couple and urge the husband to stop beating his wife. If the violence still persists, she is required to report the matter to refugee welfare council two, whose council leader also invites both parties for counseling. If the beatings do not stop, the victim is obliged to report to the refugee welfare council three, where the couple is once again offered counseling as a remedy.

After all has failed at the community level she is referred to the office of the prime minister, or the camp commandant for his intervention.<sup>27</sup> At this level a refugee woman is still advised to reconcile with her husband through mediation. This was confirmed by the camp commandant who said that:

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<sup>27</sup> At the end of the last page of the Settlement Rules the following point is noted: the settlement commandant will take action consistent with national laws against any one violating any of the above settlement rules. (Appendix 2)

“When a victim of domestic violence reports to my office I invite both parties, the victim and perpetrator together with the community leader to my office for mediation so that the case can be resolved at this level and I always encourage reconciliation considering the causes. So we deal with the causes most times. But if the parties fail to reconcile I refer the case to police for further action.”<sup>28</sup>

Victims of domestic violence who report to this office most times do not normally go beyond this level. This finding was affirmed by the camp commandant who said that: “If the matter fails at my level I normally refer the matter back to the refugee welfare council leaders or police or UNHCR.”

And she is again sent back to the prime minister’s office by the refugee welfare council leader one. At the end of the day the victim, who is pushed from pillar to post, receives no solution apart from counseling and, exhausted, usually gives up trying to pursue any further remedy.

Another option is for a refugee woman to report the violence to UNHCR directly for its intervention in the matter. The study revealed that UNHCR and the implementing agencies offer victims of sex and gender based violence quite a number of remedies ranging from: psycho-social counseling, safe custody in a safe house and food. Victims of domestic violence, however, face only the remedy of reconciliation through mediation.

Alternatively, a refugee woman victim may report domestic violence directly to the police who refer her to the health centre (run by GTZ) for treatment and assessment of the injury with a police form (form 3) if required. If she is so referred, the medical officer examines the victim, assesses her injuries and completes the form. It is then signed by the doctor on duty. Then the victim returns the form to the police who decides whether to prefer charges of assault against the perpetrator.

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<sup>28</sup>In-depth interview with camp commandant on 26<sup>th</sup> November, 2007



#### **4.2.2 Barriers to reporting and social attitudes towards domestic violence**

The other assumptions (2(c), 3(a),(b)) that guided this research are that refugee women may not report cases of domestic violence for fear of their partner's reaction or ostracism, and those who report them may be treated inappropriately by officials, the police, the courts and society at large. These assumptions were tested and I found that in most cases women refugees do not report domestic violence because out of fear for their partner's retaliation. In other words, they suffer more violence from their aggressors as a punishment for having reported them. One refugee woman recounted her experience and said:

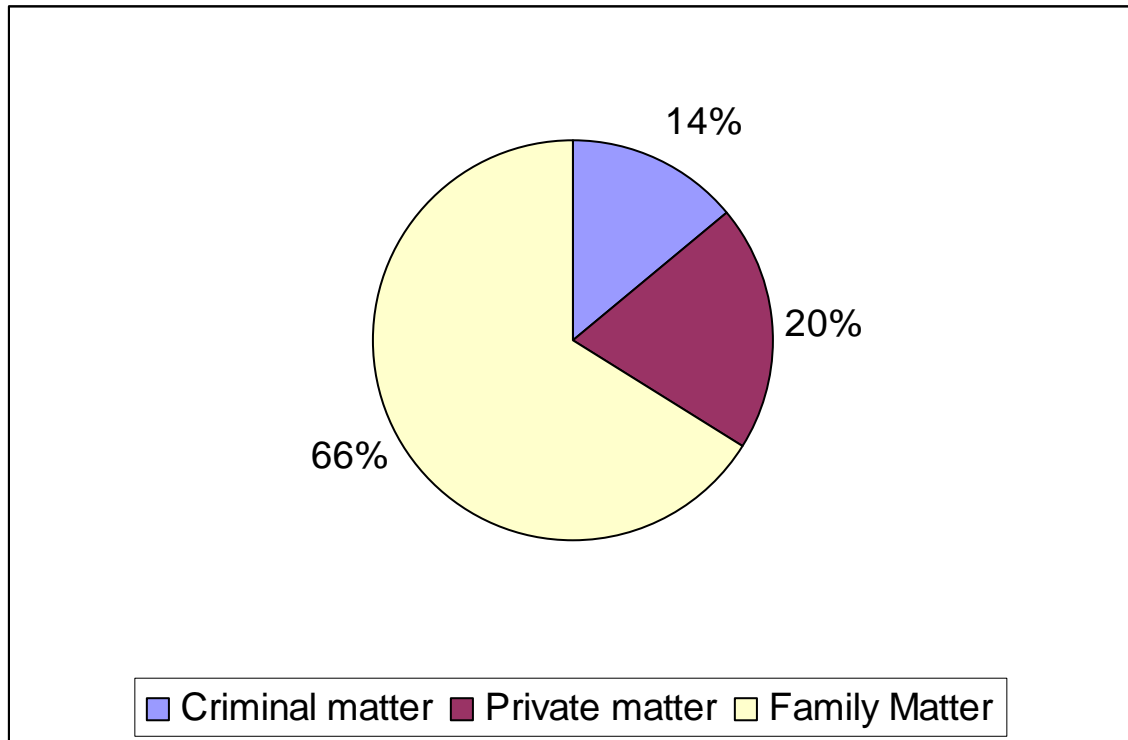
“I reported my husband to the camp commandant for beating me and chasing me out of our house. My husband rebuked me for making the issue public and since then my neighbors tell me that every night he goes around my house to find out where whether there is any man in my house.”

I found that most women refugees do not report cases of domestic violence because of cultural and traditional beliefs, fear that they will lose their marriage or possibly their own lives. The community believes domestic violence is a family matter and therefore should be resolved at the family or community level. I found that the Office of the Prime Minister follow a set of Settlement Rules which provide for the day-to-day running of the activities of the settlement. The rules treat domestic violence as a minor crime in the community which should be resolved at the community level.<sup>29</sup> In an interview with one of the clerks in the Office of the Prime Minister he confirmed that domestic violence is indeed considered a minor crime and is resolved at the community level. The study further revealed that these community leaders or refugee welfare council leaders are almost completely guided by culture and, if studied objectively, culture, as far as domestic violence is concerned, supports the so-called right of men to violate their women victims. This is evident in the different views shown in the pie-chart below.

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<sup>29</sup> Settlement Rules, R.13 Minor disputes among refugees shall first be referred to refugee elders and leaders. Violation of Uganda laws shall be referred to the settlement commandant.(Appendix 2)

**Chart 1: Attitude towards domestic violence in Kyaka II refugee settlement.**



Generally speaking, 86% of all the people who were asked (i.e., the refugee men and women, Refugee Council Leaders I, II and III, the Prime Minister's Office and the Police), 77% of them considered domestic violence to be more of a family than a private matter and 23% considered it to be more of a private than a family. The remaining 14% of respondents (i.e., other implementing partners) considered it to be a criminal matter.

In an interview with one of the programme officers I found that women refugees do indeed report cases of domestic violence to the police. On most occasions the police reject the report and simply advise them to return home and settle the matter amicably with their perpetrators. This reaction is typical of the police and other officials towards cases of domestic violence in the settlement.

The police in the settlement also have inadequate personnel and facilities to effectively handle cases of domestic violence and abuse. In an interview with one police officer, she said:

“Police approach cases of violence punitively. We rely excessively on statements and exhibits and evidence, which are difficult to generate (obtain) by victims in villages far away from the settlement offices and this discourages most victims from reporting, most times.”

She said that: “A few of the women who report cases of domestic violence do not follow up their cases and those who sometimes do follow up (end up by sympathizing) with their husbands and withdraw the complaints.”

The common failure of women victims to report crimes of domestic violence or to withdraw them after having initially reported them in favour of reconciliation with their perpetrators have meant that women victims have simply exposed themselves to even more domestic violence. Most women withdraw complaints against their husbands as a result of societal pressure, the fear of being further abused by their husbands and the fear of losing their husbands as breadwinners.

Another refugee woman had this to say,

“We are scared of reporting because the culprits hit back on us by either killing us or injuring us....for example there is a lady from the camp who reported her husband for domestic violence and was killed by her husband.”<sup>30</sup>

There is a definite need for the government of Uganda to enact specific legislation to curb domestic violence. It is only the enactment of such legislation which could contribute meaningfully to the reduction of the crime.

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<sup>30</sup> Congolese woman interviewed on 23<sup>rd</sup> November ,2007

The study revealed that a refugee woman in a long-term polygamous marriage with five children reported her husband for repeatedly abusing her and chasing her and the children from the home. She was killed by her husband the day before a meeting was convened to resolve their matter and divide the family property. She was buried and her husband was inexplicably released from jail two weeks later. No one followed up the matter since there were no relatives of the deceased either in the settlement or the country. There were no women activists in the settlement either.

Thus, despite the low figures of domestic violence cases actually reported, domestic violence is actually a serious problem. It was also found that victims of domestic violence often withdraw the cases before legal or court action against the culprit. The court clerk recollected that there were many cases reported last year. He gave one example:

“One woman refugee withdrew the case against her husband, she was not willing for her husband to be jailed because he is the breadwinner and nobody will provide for the family.”

This was confirmed by the court clerk who said in assault cases, the accused is always convicted on his plea of guilty and sentenced to a caution under S.190 of the MCA.<sup>31</sup>

This finding was reiterated by the Magistrate Grade II who said that domestic violence is considered an assault under sections 227 and 228<sup>32</sup> of the Ugandan Penal Code Act. Although these provisions apply equally to both national and refugee women, the manner in which they are/not invoked offers little salvation to victims of domestic violence.<sup>33</sup>

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<sup>31</sup>In-depth interview with the Court Clerk, Katente Court , Kyegegwa on 25<sup>th</sup> November 2007

<sup>32</sup> Section 227 of the Ugandan Penal Code Act Cap 106, provides that any person who unlawfully assaults another is guilty of a misdemeanor, and, if the assault is not this code, is liable to imprisonment for one year. Section 228 of the Ugandan Penal Code Act Cap 106, states that any person who commits an assault occasioning actual bodily harm is guilty of misdemeanor and is liable to imprisonment for five years.

<sup>33</sup>In-depth interview with the magistrate grade II Katente Court , Kyegegwa on 25<sup>th</sup> November 2007

## **5.0 CHAPTER FIVE: CONCLUSION AND RECOMMENDATIONS**

### **5.1 INTRODUCTION**

Chapter five explores the need for law and administrative reforms to provide a legal framework for addressing domestic violence against women generally and the conclusion of the study.

### **5.2 CONCLUSION**

Although authorities in Kyaka II refugee settlement are equipped to identify and deal with sex and gender based violence (SGBV), they are apparently blind to domestic violence which they consider a family or private matter. This unfortunate attitude made the identification of the problem of domestic violence within the settlement difficult until I approached its women victims and found that it is rife within the camp. Therefore, although there are official structures in place for dealing with disturbances and crimes within the settlement, domestic violence is not considered sufficiently serious to warrant any attention other than counseling and mediation for the sole purpose of reconciling perpetrator and victim. This unhelpful official reaction to the problem has only exacerbated it. The problem has become so serious that it needs the attention of every individual in the settlement because it damages the entire well-being and integrity of the settlement population, the majority of who are women. Everyone in the settlement will eventually suffer unless the indifferent attitude toward the problem (shared by the men refugees as well as the authorities) is eradicated.

Domestic violence has received growing attention at the international level as a form of discrimination and a violation of women's human rights. The international community has committed itself to protecting the rights and dignity of individual women through numerous treaties and declaration.

Despite the efforts that are being taken by the international community, state parties have not fulfilled their obligation to enact legislation that is in conformity with the international human rights instruments.

Women who are the main victims of domestic violence have suffered at the hands of the concerned authorities who regard wife beating as a domestic affair and thus recommend that such acts should be settled at home.

Women seeking refuge in Uganda have also been prejudiced by the lack of legislation to protect them against domestic violence. Although criminal sanctions under the Ugandan Penal Code are sometimes imposed against perpetrators of domestic violence (including cautions, fines and prison sentences), they are so lenient that, rather than deter further acts of domestic violence, they actually provoke them. In some instances, women who have even been slightly successful in obtaining redress have paid with their lives. This is a perverse situation which is set to continue. One solution is to pass promptly and enforce rigorously specific legislation on domestic violence which offers more appropriate remedies and protection than are currently provided under the penal code. These should include awards of compensation for victims, orders for child custody, emergency protection orders and the removal of the offenders from homes. Such legislation has proved successful in the fight against domestic violence in South Africa and Zimbabwe.

### **5.3 RECOMMENDATIONS**

Although these recommendations are at one level specific to Kyaka II Refugee Settlement they are also pertinent nationwide.

#### **5.3.1 Law reforms**

Law reform is a necessary first step in ending violence: There must be an existing legal framework for victims to seek legal redress. In this regard, there is a need for law reform which deals specifically with domestic violence. It is very important that domestic violence legislation is enacted because the existing criminal law does not provide adequate legal remedies and punishments are often very lenient, with the accused simply being warned or fined, which is a mockery of justice. The reformed law should provide victims of domestic violence with adequate remedies and reference should be made to other jurisdictions which have come up with a Domestic Violence Act, such as Malawi, Zimbabwe and South Africa to mention a few.

There is a need for the government of Uganda to comply with its international obligation to protect women including women refugees against all forms of violence, whether occurring in the private or public sphere and to strengthen the institutional and technical capacity of government agencies to address domestic violence, and to develop a model for intervention on a nationwide scale.

There is need for the women activists to continue lobbying and advocating for the enactment of legislation on domestic violence that is in accordance with international legal obligations.

Laws to protect women and children are essential. Victims should have the right to stay in the home in cases of domestic violence; it is the perpetrator who should be removed from the residence in such cases. Home should be a place of safety. Therefore the fact that a crime is committed in the home should be regarded as an aggravating factor.

Domestic violence is a criminal offence and the appropriate laws should be used. Perpetrators' programs should not replace effective action against perpetrators under criminal law, and must not be used as a substitute for justified penal sanction.

### **5.3.2 Administrative reforms**

As mentioned earlier, there is a unique administration structure within Kyaka II refugee settlement whose operations should be reformed to make it simpler to address, monitor and reduce the incidence of domestic violence. For example, instead of land and ration cards being awarded to men, they should be allocated to women who have proved themselves more responsible in the management of these economic resources than their male counterparts. This would reduce the economic dependence of women on men, which has been seen to be one of the barriers or reasons why women are reluctant to report domestic violence or withdraw charges against their husbands.

The UNHCR and its implementing agencies who are supposed to protect refugee women from domestic violence should be specifically trained in this area. They should not only counselling and mediating skills (which are necessary to resolve less serious disputes) but also legal skills so that, in more serious cases, they may recommend and monitor the full and proper prosecution of deserving perpetrators.

There is also a need for the UNHCR to amend their current guidelines [on the prevention of and response to SGBV] to include special provisions for combating domestic violence (Pima 2004:60). These should be disseminated widely throughout the settlement to increase awareness about the seriousness of the problem and the determination of the authorities to stamp it out.

There is also need to build awareness programmes for the community to be aware of the magnitude of this violation of women's rights in the settlement (and in Uganda generally). This should be done both at national and grass-root levels using the media, radio broadcasts, theatre performance and poster competition.

There is a need to train law enforcement agents and to promote public awareness about domestic violence, particularly regarding the need for legislation and protection of women's rights.

Refugee leaders should be trained on how to respond to cases of domestic violence and assist in eradicating negative social and cultural attitudes towards domestic violence. This training should be on-going to ensure that there is constant awareness of the problem as well as awareness about appropriate responses, criminal and civil, that should be made against it.

More research on the causes, consequences and cost of domestic violence to its immediate and more remote victims should be encouraged in Kyaka II and other refugee settlements as well as in Uganda as a whole.



There is a need for government to increase the capacity of the police and law enforcement officers to respond to cases of domestic violence both in camp resettlements and generally throughout Uganda.

Finally, there is a need to continue empowering refugee women economically in order to reduce their over dependency on their husbands, which is one of the main causes of domestic violence.

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## SETTLEMENT RULES

1. All refugees living in Uganda are subjected to the laws of the Country. Refugees who commit a crime shall be subjected to legal proceedings in accordance with the laws of Uganda.
2. Settlement Commandants and their Deputies are especially stationed in the settlements to maintain law and order. The Settlement Commandants and / or the Deputy Commandant shall enforce the camp rules.
3. Refugees are expected to stay in the assigned settlement. However, those wishing to leave the settlement for a distance exceeding 3km should get a movement permit from the Commandant. In the absence of the Settlement Commandant the Deputy Commandant shall issue the permit. The permit shall clearly state names of refugee, reason for leaving, proposed date of return, and destination. Refugees should submit the permit to the Settlement Commandant on *return*.
4. Movement Permits may be denied for reasons of public security. Refugees leaving the Settlement without movement permits will forfeit their ration or part of it. Refugees leaving the settlement for more than two weeks without permission will be de-registered from the settlement. The UNHCR, Uganda Government, and the Implementing Partners after thorough investigations into the long absence shall decide re-admission to the settlement.
5. No refugee shall possess arms and ammunition of any type while in the Settlement.
6. It is forbidden to cut trees in the Settlement.
7. Shops are allowed only within the perimeters of the settlement under the permission of the Settlement Commandant or Deputy Commandant. Refugees may not engage in any trade or business outside the settlement without permission from the Commandant.
8. The sale of alcoholic drinks, gambling, trafficking, sale and consumption of illicit drugs are strictly prohibited.
9. Maximum speed limit within the settlement shall be 10km/hr
10. Warehouse, Radio Rooms, Agency Offices and residences are strictly out of bounds to un-authorized persons
11. Persons other than agency staff who wish to visit the settlement shall first report to the settlement Commandant and; shall be accompanied by Settlement Commandant and one agency staff throughout his/her visit. Visitors shall leave the settlement before sunset.
12. No person is allowed to reside in the settlement unless he/she is registered there.
13. Minor disputes among refugees shall first be referred to refugee elders and leaders. Violations of Ugandan laws shall be referred to the Settlement Commandant
14. Disputes among implementing partners shall be referred first to UNHCR.
15. Refugees may receive food rations only while in the settlement where they are registered. Grievances on food distribution shall be referred to the Settlement Commandant who will report to relevant agency representatives.

16. Any change in the family composition due to birth, death, marriage, divorce etc. must be reported immediately to the Commandant who will inform the relevant agency representative. Failure to report such changes in family composition may result in the loss of assistance privileges.
17. Anyone fraudulently attempting to or obtaining ration or any material assistance provided to refugees will be subject to punishment in accordance with national laws.
18. Political activities and collection of donations (Harambe) are strictly prohibited.
19. No religious group shall be permitted to undertake organized activities aimed at converting people from one religion to another in the settlement.
20. Refugees shall respect the rights and property of each other.

**NB:**

The Settlement Commandant will take action consistent with national laws against anyone violating any of the above settlement rules. The enforcement of the settlement rules is the responsibility of the government of Uganda, UNHCR acts in an advisory capacity.