

FINAL REPORT FOR A BASELINE ON STRENGTHENING WOMEN'S RIGHTS IN BUSIA DISTRICT



“If you report me, pack your property and leave my house” (Busia men tell their wives)

Submitted to:

The Institute for Social Transformation (IST)

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DEFINITIONS OF TERMS

Human rights: The basic rights and freedoms to which all humans are entitled.

Human Rights violations: The distortions that occur when any state or non-state actor breaches any part of the UDHR treaty or other international human rights or humanitarian law.

Communities: communities, pastoralists and other groups, whose livelihood has a special dependency on and attachment to their lands, in accordance with the provisions of the International Covenant on Civil and Political Rights 1966, the African Charter on Human and Peoples' Rights;

Property: the autonomous possessions of economic value such as moveable and immoveable property including land, corporeal and incorporeal possessions like intellectual property or copy right, money, pecuniary gains, debts, and contractual rights.

Gender is the social and cultural construct of roles, responsibilities, attributes, opportunities, privileges, status, access to and control over resources and benefits between women and men, boys and girls in a given society.

Gender Based Violence (GBV) is an umbrella term for any harmful act that is perpetrated against a person's will and is based on socially ascribed gender differences between males and females. GBV is a denial of basic human rights through social customs, roles and habits that are directed against a person because of his/her sex.

Sexual and Gender Based Violence (SGBV) is a harmful act directed against a person on the basis of gender or sex. While both males and females are subject to sexual and gender-based violence, women and girls are the main victims of sexual harassment and harmful traditional practices and discriminatory practices based on gender (NCVAW, 1991; Action Aid, 2004; UNICEF, 2000; Inter-Agency Committee, 2005; Prosser, Reddy, International Medical Corps, 2002 and 2004;

Violence is the behavior adopted by an individual to control another person and results in physical, sexual and psychological damage, forced isolation or economic deprivation or behavior, which leaves a person living in great intimidation and fear. It may involve pushing, hitting, destruction of property, use of threats of injury, verbal attacks and private and public ridicule. Violence also includes sexual and gender-based violence.

Child abuse: Violation by somebody or situation threatening the development, security and survival of a child.

Legal Aid: Legal assistance given to persons otherwise unable to afford paid legal services.

Justice: A system of laws and procedures that do not discriminate against any members of society. It also includes the responsibility of the government to apply the law fairly without discrimination or favouritism and to members of society to respect the rule of law.

Defilement refers to any sexual intercourse with a girl under the age of 18 years. Section 129 of the Uganda Penal Code Act provides that any person who unlawfully has sexual intercourse with a girl under the age of 18 years is guilty of an offence and is liable to suffer death.

LIST OF ABBREVIATIONS

CBO	Community Based Organization
CDO's	Community Development Officers
CEDA	Convention on the Elimination of All Forms of Discrimination against Women,
CSOs	Civil Society Organizations
DCDO	District Community Development Officer
DVA	Domestic Violence Act
EASSI	The Eastern African Sub-Regional Support Initiative for Advancement of Women
FGDs	Focus group discussions
FWODE	Forum for Women Democracy
GBV	Gender Based Violence
GOU	Government of Uganda
IDF	Independent Development
IST	Institute For Social Transformation
JLOS	Justice Law and Order
KIs	Key Informant Interviews
LC's	Local Councils
MGLSD	Ministry of Gender Labor and Social Development
MOH	Ministry of Health
NGO	Non- Government Organization
OC	Officer in Charge
UBOS	Uganda Bureau of Statistics
UGP	Uganda Gender Policy
UNIFEM	United Nations Women Fund
VAW	Violence against Women
WHO	World Health Organization

Executive Summary

Introduction

This baseline survey report has been prepared by a private consultant on behalf of Institute for Social Transformation on the strengthening of women's rights project in Busia District. The survey sought to generate baseline information and data on the basis of which focused interventions and activities can be designed to achieve; (i) Increased civic consciousness and capacity among women to demand and defend their rights and Increased access to justice and protection of women against violence by the JLOs stakeholders in Busia District. The survey was conducted in three of the six project intervention sub-counties of Busia Municipality, Dabani and Masaafu sub-counties of Busia District.

Methodology

The study adopted a cross –sectional, participatory mixed methods design involving the use of quantitative and qualitative methods of data collection, processing and analysis. Participatory approaches were used to garner data from community members (women, men, boys and girls), sub-county and district officials (political and technical), IST staff and partners as well as other stakeholders in the target communities such as CBOs, cultural leaders. Specifically, quantitative data was collected from records and from service providers by use of an individual questionnaire and qualitative data were collected from key people by use of informant interview guides and focus group discussion guides. A thematic approach was used to analyze qualitative data summative approach for quantitative data

Results

Whereas the legal provisions are very clear on the human rights and very specific on women's rights, findings from the baseline indicated that a small percentage of the women understood the meaning of women rights as; right to life, own property, to take decisions that directly affect their lives such as having an income, sexual rights, education, a right to work, right to a violence free life, and a right to form an association or groups. From the study findings, it was clear that there were misunderstandings about women's rights and their responsibilities. In some discussions some respondents referred to women's rights as acquired from their husbands, the majority of the women reported not to be aware of their rights.

The causes of abuses/violence against women are complex and multifaceted with political, economic, legal, social and cultural dimensions. These causes can be categorised as underlying and contributing factors. The underlying causes (these are also sometimes referred to as "root causes", of all forms of violence like in the gender-based inequalities in society, which place women in a subordinate position in relation to men. These include; unequal power relations between men and women, the socialization process, experience of family violence as a child, societal myths and traditional sayings about women's rights, failure to fulfill family responsibilities, existing community norms and practices, low levels of education among women, the divide between the domestic and public spaces and institutional level factors.

The study findings revealed that most perpetrators of human rights and more specifically women's rights were men. This was majorly attributed to alcoholism, drug abuse, polygamy, and unemployment, ignorance about women's rights and cultural beliefs and norms. Polygamy being a practice in the area, children were said to be victims of violence, especially by their stepmothers. Women being abandoned in homes by husbands said to have resorted to prostitution as a means of survival and source of income for their families. Women were also said to be infringing on children's rights which has led to increasing the numbers of children on the streets. It was revealed that some women whose husbands have abused turn their anger on the children especially those

leaving with stepmothers. The other groups of people reported to be perpetrators were police officers and local council officials.

Impending factors: Baseline findings revealed that there was an overwhelming distrust of the authorities and especially the police by the local community who are conservative and prefer to settle violence cases themselves. Cases like wife beating, rape, and marital rape, defilement end without any involvement of the police or local authorities. This distrust is a result of the level of corruption associated with the police and local authorities. Fear and insecurity of losing marriage after reporting the perpetrators. Stigmatization was also mentioned to be an impending factor to reporting of human rights abuse cases. The victims of rape and defilement cases fear to report because of the costs involved.

Redress Seeking Institutions: Police officials indicated that lack of facilitation to undertake their mandate has led to increased negative public perception of the police. Never the less the police received several cases related to domestic violence though it was reported that most of the reported cases are rarely concluded since victims/survivors usually lose interest before the cases are concluded. And this was attributed to delays in concluding the cases and mistrust in the court system.

The Chief Magistrate sits once a week on Friday's to hear cases. There is no High Court in the district and thus any matters that warrant High Court jurisdiction are referred to Tororo district. The survey results show that most of the reported cases were still pending awaiting the hearing of high court. That kind of situation explains why so many cases take so long to be disposed of off thus deterring the community from using the court system.

Recommendation

A number of respondents thus proposed that training of community members and leaders was critical in this regard. They further suggested that IST should train enough human rights volunteers at least to ensure that all villages have representatives. IST should consider creating a basket of funds with other development partners in her efforts to strengthen women's rights interventions. Attitude change is gradual and needs resources, therefore, IST needs to be very protracted with constant and unceasing activities as well as multiple interventions so as to reach all population sub- categories. It is important for IST to step up community sensitization programmes to cover the whole district for a period of time, not a day's sensitization session. The approach used should also be re-oriented towards behaviour change rather than just sensitization of communities about women's rights.

Conclusion: Whereas the survey findings demonstrated a fairly good level of knowledge and understanding of general human rights, awareness of women's rights and redress seeking behavior among women were said to be low. Failure to realize women's rights has negative consequences on the development of the district and the region as a whole. It has a high-cost complication to the district in terms of provision of redress services and economic losses at individual, family and community level and in the employment sector. This therefore calls for concerted efforts to address the issue appropriately.

1.0 INTRODUCTION AND BACKGROUND

1.1 Introduction

This baseline survey report has been prepared by a private consultant for Institute for Social Transformation for the strengthening of women's rights project in Busia District. The survey sought to generate baseline information and data on the basis of which focused interventions and activities can be designed. The survey was conducted in three of the six project intervention sub-counties of Busia Municipality, Babani and Masaafu sub-counties of Busia District between 13th September and 30th September 2016

1.2 Background to Institute For Social Transformation- IST

The Institute for Social Transformation (IST) is a non government organisation that specialises in the Capacity building for organizations, individuals that work at the community level. The Institute offers skills in leadership development, facilitation, mentoring and animation for those working to promote gender equality and women's empowerment. The institute is registered under the NGO Registration statute 1989 with its Head office in Kampala and a branch office in Busia at Namaubi

VISION: A world where women and men value and enjoy socio-economic justice.

VALUES: Integrity, Teamwork, Creativity, Equality, human dignity.

Thematic Areas: Transformational learning and leadership, Transformational Gender relations, and Economic Empowerment.

The project on women's rights seeks to achieve the following objectives;

1. Increased civic consciousness and capacity among women to demand and defend their rights in the six targeted sub counties of Busia District.
2. Increased access to justice and protection of women against violence by the JLOs stakeholders in Busia District.

Beginning July 2016, Institute for Social Transformation (IST) will implement a one-year women's rights project in the 6 sub-counties of Busia District, funded by Independent Development Fund (IDF). The project is implemented in the six sub-counties of Busia district and that is Dabani, Busia municipal, Bulumbi, Buteba, Masafu and Masinya.

1.3 Baseline Survey Objectives

The objectives of the survey were:

- Increased civic consciousness and capacity among women to demand and defend their rights in the six targeted sub counties of Busia District.

% of the target group know human rights of women that are often violated

Women are more assertive to demand and defend their rights

% of the target group would seek redress if violation of women's rights occurred

- Increased access to justice and protection of women against violence by the JLOs stakeholders in Busia District.

30% of cases registered by IST supported structures are successfully resolved by Dec -2017

30% increase in rights violation reported by women

60 % of the target group knows where to seek redress in case of a rights violation

1.4 Scope of the Survey.

The baseline survey was carried out in Busia district drawing participants from three (3) sub-counties of Busia Municipality, Masaafu and Dabani. The target groups were community members (women, men, boys and girls), Justice Law and Order Sector institutions, district authorities, CBOs, Local Councils and community-based human rights groups. The survey examined knowledge levels in relation to women's rights, the prevailing attitudes and perceptions regarding women's rights, a catalogue of cases reported to local councils and police in sub-counties, number of women and girls sharing their experiences of human rights abuses in public for a such as community dialogues, the number of men openly supporting strengthening of women's rights, evidence and extent of collective action of women agency to take on women's rights violations as well as incidences where cultural leaders come out openly to denounce negative cultural practices against women and girls rights. The survey further assessed means of redress and existing community interventions to access justice, levels of service satisfaction among human rights abused survivors s in relation to distance and other associated costs like transport and time to be served as well as the opportunity cost at individual and household levels as a result of seeking redress. The survey further documented information on the nature and good understanding of women's rights in the country and key policies affecting women's access to justice. Areas visited were Busia Central Police Station, Masafu police post, Dabani police post, Magistrate's court, District Council Offices, District Community development office and community development offices at sub-counties. Data from documents was captured from different stations to generate quantitative data that showed percentages of cases reported at different stations as well as numbers and percentages of survivors who sought redress.

2.0 Review of Literature

2.1 INSIGHTS ON WOMEN'S RIGHTS IN UGANDA

Globally, estimates indicate that a quarter of all adults have been physically abused as children, one in five women report having been sexually abused as a child and one in three women has suffered physical and/or sexual violence by an intimate partner at some time in a lifetime (WHO, 2014). Uganda communities are not an exception to the SGBV occurrence (MGLSD, 2007; FIDH, 2012; Rujumba and Kwiringira 2010). Gender-based violence is a grave reality in the lives of many people most especially women in Uganda (UWONET, 2011). The Uganda Demographic and Health Survey (UDHS 2011) indicated that 56% of women aged between 15 and 49 years in Uganda have experienced physical violence at some point in life, 28% of women in the same age group have experienced sexual violence, compared to 9% of men. Gender based violence occurs in various forms including domestic violence, sexual harassment, trafficking, rape and defilement (MGLSD, 2007). Sexual and Gender Based Violence occurs in families, communities, workplaces and institutions. Thus, SGBV is a serious human rights and public health issue which results from gender norms, social and economic inequities that give privilege to men over women (UWONET, 2011 and (WHO, 2014)

2.2 Legal framework

Uganda is part to the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW, 1979), ratified in 1985. CEDAW aims to eliminate any distinction, exclusion or restriction made on the basis of sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. In addition, it emphasizes the obligation of states: “to take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private actors; [and to] ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence, give adequate protection to all women, and respect their integrity and dignity.” (CEDAW, 1979). The Optional Protocol to CEDAW was adopted by the United Nations General Assembly in 1999 and entered into force in 2000. However, Uganda has not ratified the Optional Protocol to CEDAW (FIDH, 2012). Uganda is further committed to the implementation of the Beijing Declaration and Platform for Action on the Elimination of Violence against Women (DEVAW, 1995), which recognizes violence against women as an obstacle to achieving objectives of equality, development and peace.

At the regional level, Uganda is signatory to:

- the African Charter on Human and Peoples' Rights (1981). This includes a number of articles on the equality of women in politics, before the law, in education, health, marriage, food, shelter, etc. It provides equal rights for women at all times, and emphasizes specifically the right to peace, including participation in all conflict resolution and reconstruction efforts.
- the Maputo Protocol (2003), a protocol to the African Charter on Human and People's Rights called the Protocol on the Rights of Women in Africa (2003) (also known as the Maputo Protocol), which guarantees comprehensive rights to women including the right to take part in the political

process, to social and political equality with men, to control their reproductive health, and to end female genital mutilation.

- the African Union Solemn Declaration on gender equality in Africa (2004) requires States Parties to ensure: active promotion and protection of all human rights for women and girls, effective participation and representation of women in peace processes, campaign for systematic prohibition of the recruitment of child soldiers and abuse of girl children as wives and sex slaves and sustaining public campaigns against gender based violence. In addition, the protocol provides for reinforcing legal mechanisms that protect women and foster positive attitude and behaviour change as well as ; and , change implementation of legislation to The protocol also guarantees women’s property, inheritance and education rights.
- the International Conference on the Great Lakes Region Protocol (ICGLR, 2006) which aims at providing protection for women and children against the impunity of sexual violence in the Great Lakes region.
- the Goma Declaration (2008), to which Uganda is a signatory, asks member states to provide the necessary protection measures for women and girls against GBV, provide assistance and care and support to GBV survivors, put in place measures to fight impunity, and increase women’s participation in decision-making and conflict-resolution bodies.
- the Kampala Declaration (2011), which concretizes commitment of member states to address SGBV.

At national level, Uganda has through the Constitution, the Penal Code, various laws and policies domesticated most international and regional instruments, such as CEDAW, DEVAW, Goma Declaration, UNSCR 1325 and 1820. The 1995 Constitution of Uganda, the supreme law of Uganda, emphasizes the rights of women in Article 33 and the specific protection of and rights of children in Article 34. The Constitution of the Republic of Uganda provides for equality between women and men “before the law and in all spheres of political, economic, social and cultural life.” The Constitution recognises the role of women in society, accords equal citizenship rights, freedom from discrimination, affirmative action in favour of women, articulates specific rights of women including outlawing customs, traditions and practices that undermine the welfare, dignity and interests of women. Laws, cultures, customs or traditions, which are against the dignity or interest of women or which undermine their status are prohibited (Republic of Uganda 1995, Art. 33; AI 30 Nov. 2007, Sec. 3.2). It further provides for gender balance and fair representation of marginalised groups.

The Constitution further states that no person shall be subjected to any form of torture, cruel inhuman or degrading treatment or punishment; every person has a right to own property either individually or in association with others; all persons have the right to education, and equal payment for equal work shall be provided without discrimination. The Constitution also states that the “state shall provide the facilities and opportunities necessary to enhance the welfare of the women and to enable them to realize their full potential and advancement.”

According to the Constitution, men and women of the age of eighteen and above have a right to marry and to found a family and are entitled to equal rights in marriage, during marriage and at its

dissolution. Marriage shall be entered into with the free consent of the man and the woman intending to marry.

The Penal Code Act and its amendment are the main legal provisions on SGBV crimes including assault or grievous bodily harm, indecent assault, defilement, rape, and attempted rape. Rape is defined as “the unlawful carnal knowledge of a woman or girl without her consent or with her consent, if the consent was obtained by force, threats or intimidation.” The definition does not cover rape of men. The maximum penalty is the death penalty. Defilement is defined as sexual intercourse with a person below 18 years. While under certain circumstances it is possible to get married between 16 to 18 years, it is not possible to have sexual intercourse with a person below 18 years legally. The Penal Code includes the offence of aggravated defilement for perpetrators infected with HIV/AIDS. The penalty for crimes of sexual and gender-based violence against minors depends on the age of the survivor. The Act lays out compensation and reparation provisions for SGBV survivors.

The Domestic Violence Act (2010) criminalizes marital rape and other forms of domestic violence, and provides for protection and compensation for victims. The Female Genital Mutilation Act (2010) bans all types of Female Genital Mutilation. Uganda is a source, transit and destination of human trafficking; the Prevention of Trafficking in Persons Act (2009) provides for the prevention and prohibition of human trafficking in line with the basic principles of the Palermo Protocol (2000). The Children Act (1997) reforms and consolidates the law relating to children. The Probation Act (1964) specifies the roles of probation and social welfare officers, which can intervene according to procedures in cases of child abuse or abuse of women.

The Succession Amendment Bill (2011) was enacted to address unequal practices that dominated inheritance matters, to recognize women’s rights to inherit and own property and to preserve the widow’s right to remain in the matrimonial home. While the Land Amendment Act (2010) does not provide for equal rights of ownership of land, it provides spouses with the security of occupancy on registered land as well as the spouse consent when it comes to selling of marital property.

Uganda also has policies related to gender, health and HIV/AIDS, development, poverty eradication and universal primary education that provide for prevention and mitigation of SGBV. The National Gender Policy (2007) confirms Uganda’s commitment to gender equality and elimination of gender inequality. The policy further provides for development and implementation of interventions to prevent and respond to gender based violence, implementing legal literacy programmes to improve women and men's awareness of their rights as well as sensitisation of communities to protect the girl child from abuse.

The National Gender-based Violence Policy is not in place yet, but is with the Parliament and aims at guiding action on prevention and response to SGBV and ending impunity.

By-laws are rules or administrative provisions adopted by an organization of community for its internal governance, which are inferior to national law. Due to lengthy or inaccessible judicial procedures they are often brought into place to provide faster and cheaper ways to resolve minor issues at the local level by local leaders.

Customary law are rules/customs/traditions governing a particular tribe, clan or community, which are often unwritten. Any customary law that is however against the dignity, welfare or interests of women and other marginalised groups or which undermine their status are prohibited by the Constitution (see Art 32 (2) and can only be enforced if it does not contradict the Constitution or Statutes.

In general the legal and policy context in Uganda is forward looking, rights-based and progressive. If adequately implemented and enforced, the legal framework can help to address SGBV in Uganda.

2.3 A snapshot of access to justice among women

Access to justice for individual women is often assumed to reside in a criminal justice response to the perpetrator. However, women may identify other aspirations as their idea of justice for the harm they have experienced: the ability to seek safety through effective protection orders; physical and mental recovery through good quality and accessible health services; and/or the opportunity to seek a divorce and a new life free from the violence of a spouse. Often these forms of justice must be in place before a woman subjected to violence feels able to embark on the process of seeking justice through the criminal law.

Underreporting of cases due to the culture of silence, acceptance of SGBV as a norm, the hidden nature of the vice, social stigma and challenges in the formal justice system including lengthy court procedures, high costs involved and corruption limit the fight against SGBV. Moreover, the targeted groups are unfamiliar and detached from this formal justice system (Rujumba et al 2010; UWONET, 2011 and MGLSD, 2007). In patriarchal societies like Uganda, unequal power relations that privilege men over women, boys over girls sustain SGBV. The power imbalances between men and women at household and in the public arena, as well as inadequate information about women's rights and legal systems, also contribute to SGBV (UWONET, 2012). Other structural factors contributing to SGBV include illiteracy, poverty, unemployment and unpaid care work all mostly among women (Rujumba et al, 2012). Sexual and Gender Based violence has devastating and long lasting effects. Some of the effects include; death, disability, spread of diseases and results into psychological and cognitive problems as well as damage of interpersonal relationships (Bitangaro, 1999). Moreover, such violence contributes to lifelong ill health and early death. Indeed many leading causes of ill health and death such as heart disease, stroke, cancer and HIV/AIDS are a result of survivors of violence adopting behaviours such as smoking, alcohol and drug abuse and unsafe sex in an effort to cope with the psychological impact of violence (WHO, 2014). At societal and national levels, SGBV is associated with economic costs in the form of lost earnings but also expenses related to the care of survivors (World Bank, 2009).

If women's human rights are to be realized and States' legal obligations implemented in practice, then justice systems throughout the world will require varying degrees of reform. Currently, seeking justice for gender-based violence can leave women at risk of further violations or abuse of their human rights: for example, being subjected to attacks by police or security officers; shaming and stigma in their communities; and secondary victimization by investigators, lawyers or judges who may blame women for the violence they have suffered. Secondary victimization also stereotypes women with abusive myths about violence being an acceptable way of policing social expectations of

how women should behave. In this regard, stereotyping can be, at the same time, a cause and a consequence of gender-based violence.

However, while legal reform is vital for addressing gender-based violence, it is not only laws that need to be reformed but also policies and practices in the administration of justice. As women bring cases of gender-based violence to national legal systems and international human rights adjudicatory mechanisms, the detail of their experiences and the ways that States have failed them may shine a light on how State laws and practices need to be modified. The ways in which gender-based violence impairs women's enjoyment of their human rights are necessarily linked to basic experiences that women have of violence and abuse. There is a growing awareness that, under international law, women have a right to equality and non-discrimination, equal protection of the law and physical and mental integrity, and, where there is a failure to respect and protect these rights, they have a right to justice, including the recognition that laws and the implementation of law need to change.

3.0 METHODOLOGY

3.1 The Research Design

Given the nature of the assignment, the study adopted a cross-sectional, participatory mixed methods design involving the use of quantitative and qualitative methods of data collection, processing and analysis. Participatory approaches were used to garner data from community members (women, men, boys and girls), sub-county and district officials (political and technical), IST Staff and partners as well as other stakeholders in the target communities such as private institutions, CBOs, religious and cultural leaders. This composition of stakeholders provided an opportunity to appraise the project context but also obtain an in-depth understanding of women's rights, promising options, challenges, opportunities and suggestions on how to protect and promote women's rights in the target areas. Specifically, quantitative data was collected from records and service providers by use of an individual questionnaire and qualitative data were collected from key people by use of Key Informant Interview guides and Focus Group Discussion guides.

3.3.1 Quantitative data

Quantitative data was collected from district reports such as Local Government reports on Busia district, reports from the Family and Child Protection unit of Busia Central Police Station, Busia district Probation and Welfare Office reports, Legal offices especially the magistrate's court, the project document, among others. This was mainly to capture numbers of reported cases and those that sought redress to come up with percentages as indicated in the ToR.

3.1.2 Qualitative Sample

Qualitative data were collected through 8 focus group discussions (FGDs) with community members. These comprised of 2 FGDs with women, 2 with men, 1 with girls, 1 boys, 1 men engage, 1 women volunteers, Each FGD comprised of 6-10 participants. From each sub-county at least two focus group discussion were conducted comprising of men, women, boys and girls. In-depth interviews were conducted to generate insights and information from the community, and these included sub-county and district officials, district leaders, and CSOs in the area that work on women's rights. In total, 8 FGDs and 10key informant interviews were conducted.

3.2 Methods of Data collection

3.2.1 Documentary Review

The consulting conducted an extensive documentary review. The review included key documents; the project proposal, previous project reports, quarterly reports and National level policies and strategies on women's rights. This process generated quantitative and qualitative evidence on the level of awareness of women's rights, perceptions, and redress measures taken when violations happen and other relevant information.

3.2.2 Key Informant Interviews

Key informants are deemed to have privileged information that has implications for policy and programme implementation and impact. These included; IST staff, District officials (Probation

officers, judicial officers, Community Development Officers (CDOs), CSOs, Community Development Assistants (CDAs), Sub-county chiefs, and community leaders.

3.2.3 Focus Group Discussions-FGDs

Focus Group Discussions were held with community members (women, men, boys and girls). These helped to generate collective views on awareness levels of women's rights, redress measures taken, challenges encountered and how they overcome them.

3.3 Data Management and Analysis

Qualitative data was analyzed on the basis of the pertinent themes and concerns of the research. Some direct quotations from the discussions and interviews were adopted. The major issues of concern related to awareness levels of women's rights and redress mechanisms.

For **Quantitative** summative analysis was done and percentages calculated to come up with graphs

4.0 BASELINE FINDINGS

4.1 Introduction

This section presents findings from the base-line survey of strengthening women's rights project implemented by Institute For Social Transformation (IST) in the 6 sub-counties of Busia District, funded by Independent Development Fund (IDF). The project is implemented in the six sub-counties of Busia district and these are Dabani, Busia municipal, Bulumbi, Buteba, Masafu and Masinya. The baseline survey was only conducted in three sub-counties as laid out in the inception report and agreed upon with the client.

4.2 Table 1: Methods of data collection and Categories of the respondents

Sub-County	KI's	FGD's Community
Busia Municipality	Community= 1 District=3 Municipality=3	3= (1male,1Female & 1 Male 'engage')
Dabani	Sub-county=2	2=(1male youth&1female)
Masaafu	Sub-county=3	3=(1male,1female youth & 1human rights volunteers)
Total	12	8

4.1.2 Key Findings

4.1.3 The understanding of women's rights

The Constitution of the Republic of Uganda, 1995 is the supreme law of the land and provides the broad legal framework for the respect of human and property rights; the equality between men and women (Art. 21); affirmative action to address any imbalances (Art. 28), equal opportunities for men and women to realize their full potential (Art. 30 and 32), and the foundation for the establishment of institutions to oversee or otherwise regulate the observance of fundamental rights and principles. The Constitution specifically recognizes equality between women and men and provides for gender balance and fair representation of marginalized groups; recognizes the role of women in society; accord equal citizenship rights, freedom from discrimination, affirmative action in favour of women; and articulates specific rights of women including outlawing customs, traditions and practices that undermine the welfare, dignity and interests of women.

Whereas the legal provisions are very clear on the human rights and very specific on women's rights, findings from the baseline indicated that a small percentage of the women understood the meaning of women rights as; right to life, to take decisions that directly affect their lives such as having an income, sexual rights, education, a right to work and a right form an association or groups. But from those that the consultant discussed with, they mentioned having a right of worship, medical care, right not to be abused (beaten, assaulted) and a right to be heard in courts of jurisdictions. The following voices were the understanding of women's rights by the respondents;

"The women have rights to do business without being stopped; they can open up markets stocks without any interference" (FGD men Busia Municipality)

“ I have a right to pray from any religious sect I want, and have a right to marry when I reach of age, a right to education and a right to life”(FGD youth females-Masaafu sub-county)

And others added:

“Some of them don’t know their rights simply because they are not informed, for instance, those who have been victims of domestic violence they sit back and don’t report anywhere because they find it normal” (FGD male youth –Dabani sub-county)

From the study findings, it was clear that there were misunderstandings about women’s rights and their responsibilities. In some discussions some respondents referred to women’s rights to be acquired from their husbands as expressed by some as;

“We as men have given rights to our wives” (FGD men Masaafu sub-county)

“For me, I don’t know women’s rights for instance, here when a woman gets married, she is like a ‘tenant” in the home, she is under the control of the man” (FGD women Busia Municipality)

Whereas some respondents mentioned that women and the general population know their rights, from the discussions held with community members, the majority of the women reported not to be aware of their rights as mentioned by some during the survey,

“For me, I don’t know my rights and I believe I have no rights, I have no capacity to make a decision in my home, for example, I have been denied a chance to look for a job....so how can I stand and say that I have rights”(FGD women Busia municipality)

“Let’s say the truth, most women here don’t know their rights, for example a man marries two women, puts them in the same house and gets beddings for the first wife and takes them to the new wife and the older wife keeps quite.. does that show that we know our rights surely?”(FGD human rights volunteers-Masaafu sub-county)

“Those who have seen the blackboard know their rights but those are not many in our community, the majority are illiterates and they don’t know anything to do with their rights, there is a lot to be done for them by the government”(FGD-Men ‘engage’-Busia municipality)

“There is lack of knowledge among community members regarding their rights, at times you find women who are beaten by their husbands in the villages but they are quite in their homes, they don’t even think that it’s wrong...so women’s rights’ awareness is still far from reality” (KI-DCDO)

“there are so many cases of defilement in the community that are not being reported, here the culture does not condone early sex, it only becomes a problem if the girl conceives and the two families fail to agree on the negations” (KI-CDO Masaafu sub-county)

There was, however, a consensus from respondents that awareness of women's rights varied among women, it was, for example, believed that among the literate group majority know their rights while the illiterates don't know their rights completely. Other variations were said to be geographical whereby women in the urban centres were said to know their rights compared to their rural counterparts. It was however noted that despite some women knowing their rights the realization of those rights is far from reality.

4.1.4 Deterrents towards the realization of women rights.

There is no single or simple explanation for women's failure to realize their rights in the study area although a number of factors were identified from the baseline survey findings. The causes of abuses/violence against women's rights are complex and multifaceted with political, economic, legal, social and cultural dimensions. These causes can be categorized as underlying and contributing factors. The underlying causes of all forms of violence lie in the gender-based inequalities in society, which place women in a subordinate position in relation to men. These include; *unequal power relations between men and women, the socialization process, experience of family violence as a child, societal myths and traditional sayings about women's rights, failure to fulfill family responsibilities, existing community norms and practices, low levels of education among women, the divide between the domestic and public spaces and institutional level factors*. Contributing causes are those factors that intersect with the underlying causes to trigger off acts of violence and these included:

- Ignorance and lack of understanding of the rights of women. Study findings reveal that the population is still ignorant of women's rights and therefore some of the violations happen out of ignorance and this calls for sensitization not only targeting women but the entire population on human rights and more specifically women rights. The ignorance level was further emphasized during the survey as put forward by one member, *"some of us here lack exposure, you are born here in the village, no education, married in the same village, never get outside... where do you learn those things"* (FGD women- Masaafu sub-county)
- Polygamy as a practice was said to be the major catalyst for fuelling abuses against women's rights. Study findings indicate that the majority of the men in Busia have at least more than one wife/woman. This leaves women more vulnerable since they cannot ask anything from the man, and this was mentioned as one of the reasons why men have abandoned their families and left family responsibilities to the women.
- It was revealed that there are misunderstandings between the husbands and wives as a result of lack of communication and coordination of ideas and plans plus the promotion of women's rights and equality, which has left the men insecure and looking for other ways to reassert themselves. It was reported that in Samia land a woman is not supposed to table an issue for discussion with a husband or else it would be looked at as disrespect and the only time to discuss is during sex which women said they don't have the time to discuss since men just come and 'jump' on them.

- Alcoholism and drug abuse were also mentioned to be greatly contributing to high levels of abuses of women's /girls' rights. Men were reported to be spending most of their time in bars and have no time for productive work. It was further mentioned that other than alcohol taking men engage in drug abuse and this leaves women and children at a risk of violence. It was revealed that when men fail to get money for buying alcohol they resort to selling family property and when women interfere they are battered and threatened to be thrown out of the house.
- Prostitution and 'provocative dressing'. Busia being a border district creates an environment where prostitution. Girls as young as 12 years are sexually active and with a little help from their parents they find prostitution very gainful business. This has resulted into early pregnancies of unwanted children who end up being dumped on the street. The officer-in-charge of family protection unit Busia central police station mentioned that the station receives an abandoned child almost on a weekly basis.
- Poverty as a result of unemployment was mentioned to be the reason why parents force their young girls into marriages so that they can get some income for their families. Even girls who fail to have their basic necessities met by their parents end up looking for alternative sources of survival as one respondent put it forward, *'here parents have contributed a lot to increase in the numbers of defilement, you find a family has over 12 children but can capably take care of 2, so you find the father telling the young daughter to go out and look for food'* (KI-Masaafu sub-county)
- Failure to prosecute and weak sanctions against the perpetrators. Findings indicate that cases of human rights abuse are handled lightly and this discourages the victims from reporting. It was further mentioned that when women report, those in authority usually encourage reconciliation and once men are not punished they take it for granted and continue violating women's rights. It was added that corruption also plays a vital role in failing to handle human rights abuses. For example, most cases of defilement were said to be 'bought' off by perpetrators.
- Social norms that tolerate and justify violence against women, a number of women rights abuses are perceived by society as normal. For example woman battering was seen as a normal thing by the majority of the respondents and could therefore not find a reason to report such a case. *"as long as women are still paid for through bride price, they will always be considered as men's property and will never have rights"* (FGD men 'engage') In another group one reported, *"a men at times beats you and you report him to his elders who happen to be your in-laws and you find that they are supporting the actions of their son...you choose silence"*(FGD women-Busia Municipality)

4.1.5 The common forms of violations/rights abuses in the study sub-counties

Uganda has a solid national, regional and international legal and policy framework for the observance of human rights. With a universally acclaimed national Constitution, 1995, Uganda has been hailed as being at the helm of promoting the respect for human rights and being gender sensitive. The GoU has committed itself to several critical international legal instruments against sexual exploitation, abuse and gender-based violence. These also provide for an efficient and

adequate framework for the prevention and fight against Sexual and Gender-Based Violence (GBV), and the prosecution and punishment of the perpetrators. Despite all the effort to curb the vice, field findings indicated that the majority of women in the study sub-counties of Busia district are still experiencing violence and they sit back without reporting the cases.

4.1.5.1 Domestic violence

“we are suffering, men here marry more than one wife, and they keep on abandoning wives in the houses with children, he can leave behind 1000/= shillings to cater for the family for a full month, if you follow him to ask for help he beats you up”(narrated by one of the women in Dabani sub-county)

Findings revealed that at least more than three women are beaten /battered by their partners in the communities on a weekly basis. It was reported that battering of women was very common and this was attributed to many having more than one wife. The police officer-in-charge of child protection unit revealed that most of the cases brought to her office are domestic issues. She added that men have left/ abandoned their family responsibilities, they no longer provide for their families which have left many children suffering. Women battering was mentioned to be the commonest form of domestic violence and women were said to be dying in the communities silently as one member revealed’

“there was a man who beat his wife and removed the eye, the woman decided to leave the man and go back to her parent’s place, after several weeks the man went into the market and bought a number of items and went to the in-laws to apologize, on seeing the things the woman’s mother encouraged her to go back with the husband, she accepted and went back after some months the man beat her again and this time she decided to commit suicide”(FGD women-Dabani sub-county)

4.1.5.2 Economic violence

It was found that men’s behaviour and control over resources especially land in Busia and control over incomes and other household resources were major drivers of violence. And this was said to have contributed to persistent famine/hunger in the area. *“a man will ask you, ‘owamwe wavayo nebintu’ (literally meaning did you come from your home with property) If you have bought yourself a goat or chicken, he will sell it off without consulting you and take the money to buy alcohol”*(FGD women-Dabani sub-county)

This was said to be very common practice and the most commonly violated were property rights, denial of the right to engage in gainful employment, exploitation of women’s labour in the family setting. Other issues mentioned were husbands selling off farm proceeds without the wives knowledge, demanding that the wife hands over all her earnings to the husband including loan borrowed as capital, denial of access to the partner’s earnings and deprivation of basic needs were all mentioned to affect the women economically. One of the respondents had this to say; *“some women participate in agriculture with intentions of getting capital from the proceeds so as to start some business, once the crops have been harvested, the man chases away the wife from the home so that he can sell off the produce and in case she insists and stays she is beaten until she gives in”*

4.1.5.3 Sexual Abuse/violence

“men in the communities force young girls to get married to reduce the number of the family members to take care of.” Findings revealed a number of sexual abuses such as defilement being ranked high in the area, early marriages and early pregnancies, rape as the most common abuses of women/girls rights. Girls in the area were said to be getting married as early as the age of 12 years. Fathers/men are the major contributors to these abuses, for example, they don't provide their daughters with basic needs such as knickers, pads and much more, girls end up going out to look for 'alternative providers' and in the process, they end up being abused. One respondent had this to say, *“you are mature enough why don't you buy for yourself pads? Another one added you are asking me for pads am I a shopkeeper” (FGD female youth-masaafu sub-county)*

It was revealed that most of the defilement and early marriage cases are not reported to those in authority. They were said to be reported when negotiations between the parents of the girl and the perpetrators have failed to yield positive results, *“Most cases of defilement are not reported, they are negotiated back home, they still feel that girls are supposed to be a source of wealth to the family” (KI-Dabani sub-county)*

4.1.5.4 Denial of property (Land rights)

The survey revealed that it is not a common manifestation for women to own property especially land in the Samia culture. It was reported that it is even worse when a woman loses a husband because when it happens the man's relatives take over whatever land is available including family land. What was more challenging was that among the Samia culture the woman/girl is expected to inherit land from their husbands' place if she got married and not entitled to inherit land from the parents but findings indicated that even when girls get married the men never allow them to have a share on their property especially land which leaves women entangled in between. In one of the groups, one member had this to say, *“at times even utilizing the land for home consumption you need to get permission from the man, for example, there was a time I cultivated on our land but my husband sold my proceeds that I had not sought permission.” This kind of scenario leaves so many homeless children who resort to settle on the streets.*

4.1.5.5 Denial to education

Findings indicated that a big number of children in the district drop out of school at an early stage but the drop out of girl child was said to be alarming. *“Culturally a girl child has been neglected in Samia land, they are expected to get married so that parents get wealth from bride price, most girls are married off at an age of 15 years” (FGD women human rights volunteers-Masaafu sub-county).* It was noted that traditionally in most families parents prioritize boy's education and discriminate girls. Therefore, girls in the area have been very disadvantaged when it comes to the enjoyment of their rights. This was attributed to poverty and girls are seen as a source of wealth, they have married off at a very tender age so that what is paid as bride price pays school fees for the siblings. But it was

also reported that due to poverty parents fail to meet the basic needs of these girls and they also decide on their own to get married.

4.1.5.6 Family neglect

Findings revealed that most families have been abandoned by men and this has left women and children to suffer. Women were said to have been left with responsibilities of running families yet they are not allowed to go outside the home and work. With limited resources at home, this has left many children on the streets and girl children have joined prostitution as a means of survival. According to the police officer-in-charge of family protection unit Busia central police station, family neglect cases are more in the area and they more often reported because in most cases the family is starving, the women cannot afford to feed their families, pay education, medical bills, education and clothing. They, therefore, run to those in authority for redress. *“Most men here are alcoholics and polygamists that combination leaves them useless in their homes, all family responsibilities have been left to women who have no source of income.”*(Ki-Police officer-in-charge of family protection unit Busia Municipality)

4.2 Apparent Perpetrators.

The study findings revealed that most perpetrators of human rights and more specifically women's rights were men. This was majorly attributed to alcoholism, drug abuse, polygamy, and unemployment, ignorance about women's rights and cultural beliefs and norms. Polygamy being a practice in the area, children were said to be victims of violence, especially by their stepmothers. Women being abandoned in homes by their families said to have resorted to prostitution as a means of survival and source of income for their families as mentioned in of the group discussions; *“because of being left with a lot of responsibilities, women go out with other men to get some income for buying basic necessities like salt and soap....lodges are full of married women during the day...and for this reason HIV is on an increase in the area”* (FGD women Dabani sub-county). Women were also said to be infringing on children's rights which has led to increasing the numbers of children on the streets. It was revealed that some women whose husbands have abused turn their anger on the children especially those leaving with stepmothers. The other groups of people reported to be perpetrators were police officers and local council officials. It was reported that when women for example go to police to report the officers turn against them and abuse them. And for local council leaders both men and women affirmed that they don't respect women's rights whereby it was said that whenever women go to them with a case, they take sides and tell them how they should know that they are women and should bow to their husbands.

Respondents indicated that where women had more resources, like those in businesses or politics tended to use their resources as a benchmark to cause violence to their spouses specifically through adultery and withholding love since their husbands could not do anything to them. In a Ugandan context, husbands are expected to be powerful and in control while women submit to this authority. Thus a shift in power relations between men and women fuel violence.

“the women here have become too much for example they work until 10pm in the night, they have even reached an extent of denying us sex and because we cannot report that, we suffer silently, but as you talk about their rights, remind them of their responsibilities” (FGD men Busia Municipality)

The one interesting finding was that women are perpetrators of children’s rights. It was revealed that women who ‘claim’ to have rights have forgotten and ignored their responsibilities of looking after their families. That women who work outside the home, leave early and come back late in the nights without minding about what their children will eat, which was said to have increased the number of children on the streets. On the other hand it was found out that most men have abandoned their families which puts a lot of pressure on women to work till late so that they can make ends meet.

What is emerging from the above voices is that both men and women should be targeted with better communication skills and being responsible citizens as a strategy to strengthen women’s rights

4.3 Restraints that impede women from reporting

Despite all the numerous achievements recorded by the GoU in putting in place policies, legislations and institutions to promote women’s rights and enhance their empowerment, there is still a big challenge between what is contained in the law and various policies and what actually happens in practice. Women continue to suffer gross violations of their human rights, ranging from the insecurity of person, abuse of their bodily integrity and the inability to access justice. A number of laws, legal processes and enforcement procedures continue to discriminate against specific categories of women. More so, despite having a very gender sensitive constitution, gender differences still exist in men and women’s legal status, hence impacting on the women’s entitlement to enjoy their rights and accessing justice and protection under the law. There has been an alarming increase in the number of reported cases of sexual offences in both times of peace and armed conflict. It is very disappointing to note that the rate of disposal of rape and defilement cases through the justice system remains very low, with most cases taking a minimum of two years to be disposed of.

The Parliament of Uganda which is responsible for enacting laws to protect the lives of Ugandans has failed to enact the Sexual Offences Bill in order to address the gaps in the existing legislations pertaining to sexual offences. According to Uganda’s Penal Code, Chapter 120, Section 123, rape is defined as *“having unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind or by fear of bodily harm, or by means of false representation as to the nature of the act, or in the case of a married woman, by personating her husband.”* A person convicted of rape is liable to suffer death, while one who attempts to rape is liable to imprisonment for life.

Findings indicated that there prevailed gender barriers which include among others the differences in the burden of proof requirements; flaws in the administration of the law, including physical access, training and orientation of staff and delays in the delivery of justice. Other related barriers include the low status accorded to women in society; power imbalances in the household and public arena, as well as inadequate knowledge and information about their legal rights and the working of the

legal system. The baseline survey investigated the reasons that could explain why most survivors of violence/human rights abuses are not reported and the following reasons were identified:

Baseline findings revealed that there was an overwhelming distrust of the authorities and especially the police by the local community who are conservative and prefer to settle violence cases themselves. The other mentioned big factor was that cases took long to be settled and in most times the survivors lost interest in following up such cases. Cases like wife beating, rape, marital rape, defilement end without any involvement of the police or local authorities. This distrust is a result of the level of corruption associated with the police and local authorities. In one of the groups a woman mentioned that she had been beaten by her husband and she went to report him to police, *“by the time I reached the police post my husband had already reached there and when I reached I was denied audience, the police officer just shouted at me, go and settle your issues home, when I went back home my husband in a mockery way said; ‘do you think you can manage me via police?’”(FGD women-Busia municipality).* This kind of behaviour left this woman wondering whether the police is there to help out those faced with problems.

Fear and insecurity of losing marriage after reporting the perpetrators in-case of husbands. Women expressed fears in-case they reported their husbands and they are apprehended, they would be looked at betrayers by the community but more especially by the man’s relatives. Some women mentioned that after being abused they receive threats from their own perpetrators who tell them that after reporting them, they should pack their property and leave. This leaves the victims at the mercy of perpetrators. For example, one respondent mentioned that one time she was beaten by the husband and when she informed him of her plans to report him, he told her *“I will kill you and bury you, remember I was a soldier so nothing will be done to me”*(FGD women Busia sub-county)

Stigmatization was also mentioned to be an impending factor to reporting of human rights abuse cases. This was mostly to do with cases such as defilement and rape where girls didn’t want to be known by the community as survivors of violence. Further mentioned was that cases of defilement and rapes were preferred to be settled at home since most parents have interests. They, therefore, stop girls from getting justice since they always negotiate with the perpetrators and resolve the cases at home. The other mentioned was marital rape which was said to be very common but women reported that they find it difficult to report since it becomes complex for them to provide evidence at the police.

The community especially women lack awareness on the procedures to follow when reporting cases of human rights abuses and they even lack knowledge of where to seek redress in case of such offences. From the discussions held with the community members, it was revealed that most of the violence survivors don’t know where to report. Further, it was mentioned that they disregarded such offences taking them to be normal therefore not worth reporting. The Grade 1 magistrate mentioned that *‘we rarely receive cases of human rights abuses, not because they are not happening in the communities but the community especially women perceive them normal’.*

The victims of rape and defilement cases fear to report because of the costs involved. It was mentioned during the discussions that to report a case at the police station, some money is required and they even mentioned that victims are made to pay money for form three. At the health facility it was also mentioned that the victim is required to pay 50,000/= for carrying out an examination and the required tests. *“the health facility here has failed most of the cases to be followed up because of huge amounts of money they demand for, most of the survivors lose interest and go home and abandon the case”* (KI police officer-Massafu police station) It was further reported that as police they have only one medical doctor who handles such cases and he sits in Mbale district. Therefore this was seen as a big challenge among survivors who would have loved to seek redress.

There is lack of clear distinction between what is defined as an abuse/violence and what the community considered to be simply a normal interaction between women and men. For example in one of the group discussions with women one revealed, *“but for men when he beats me I don’t look at it as violence, I actually get to know that he loves me and therefore I cannot report him.”* The ‘blurred boundary’ between what is recognized and defined as domestic violence and what used to be considered as simply a normal interaction between men and women tempers the reaction of many fore have never thought of reporting him’ this indicated that women have failed to identify certain unbecoming behaviour as in appropriate. For example, women did not consider slaps, pushes, unwanted touches, and marital rape inconsequential to report them. Most of the victims were discouraged from reporting to the LC courts because most of these LC officials were said to be men born of the area, therefore kin’s men to the perpetrators. Survivors decide to swallow their pride and die silently.

The other fear was the after effect. Women feared that if they reported and their perpetrators and the offenders are sent behind the bars (jail) they feared of what happens after they have been released. With the inferior position of women in society fear of revenge, attempts were expressed especially from the men’s relatives. The fear, therefore, impedes the reporting of women violence cases. In all study sites there were no spaces or shelter for accommodating survivors as prosecutions awaited and this was a big threat to the survivors who felt that they could abducted or killed by their perpetrators as they waited for their verdicts.

4.5 The protagonist played by Justice Law and Order Sector and other stake holders

Findings indicated that the relationship between the community and the justice law and order sector is not strong. Community members feared going to report cases directly and therefore they only attend to cases that have been brought on by probation officer and the family and child protection unit of the police. Organizations like FOWODE, EASSI, Child Fund, World Vision and IST were said to be forging a way out on this collaboration. World Vision was said to be more on children issues but children cannot be handled without their mothers.

4.6 Redress Seeking Institutions

4.6. 1 Uganda Police Force

The Uganda Police Force has a vital role in the prevention and responding to human rights abuses/violence in Uganda, derived from its mandate to enforce law and order. The police is charged with receiving complaints from victims of violence, investigation of the cases and lodging cases with courts to prosecute the perpetrators. For example, in order to strengthen police response to SGBV incidences, the government established Child and Family Protection Units within the Uganda Police Force. These units are supposed to be operational at every police station to offer specific services required by SGBV survivors'. Interviews with Police officials indicated that lack of facilitation to undertake their mandate has led to increased negative public perception of the police. Never the less the police received several cases related to domestic issues though they reported that most of the reported cases are rarely concluded since victims/survivors usually lose interest before the cases are concluded.

The survey captured data on cases reported within the previous six months. And from the tables below it was clear that majority of cases reported to police relate to women's rights violations. For instance, figures from the tables below show that police handled on a monthly basis more cases of domestic violence, rape, defilement, and assault.

Table 2: Number of reported cases at Busia Central Police station

Nature of case	March	April	May	June	July	August	Total	%
Defilement	05	02	-	02	-	-	09	4
Rape	10	10	17	13	09	07	66	30
Domestic violence	18	36	28	26	22	12	142	65
Land grabbing	-	-	01	-	-	01	02	1
							219	100

Data source: Busia central police station (2016)

From the above table, there was evidence that the cases reported at different police stations were not different in nature but the variations were in numbers reported. Whereas more cases of abuses were said to be taking place in the villages, there were fewer reported compared to those reported in the urban centre.

Table 3: Number of violence cases reported at Dabani Police station

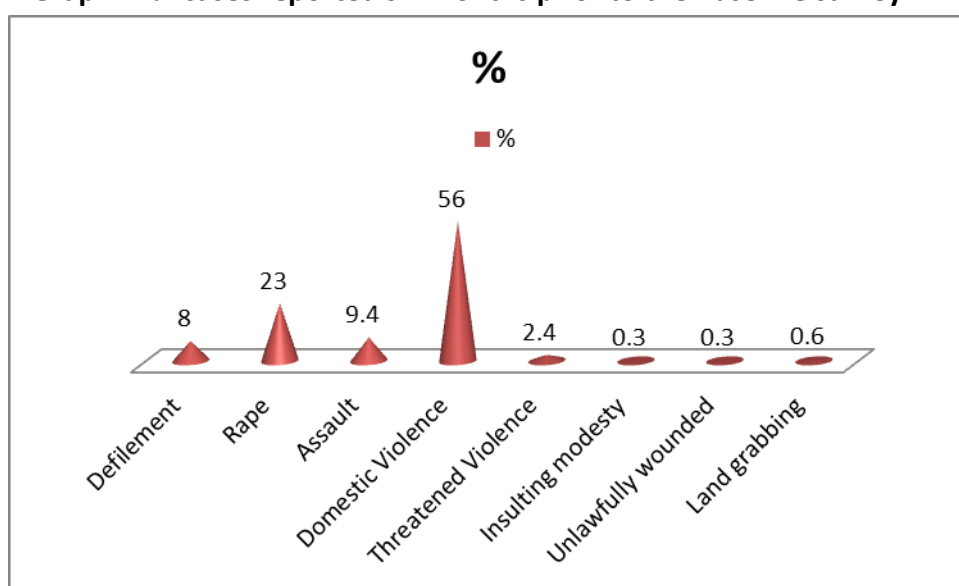
Nature of case	March	April	May	June	July	August	Total	%
Defilement	02	03	02	02	03	01	13	19
Assault	04	02	05	07	04	05	27	40
Domestic violence	-	03	08	03	01	04	19	28
Threatened	02	01	01	-	01	02	07	10

Violence								
Insulting modesty	-	-	-	01	-	-	01	2
Unlawfully wounded	-	-	-	-	-	01	01	1
Total							68	100

Data source: Dabani police station (2016)

The survey was set out find out the percentage of the target group who knew human rights of women that are often violated and findings indicated that it was 45%. This percentage was calculated from the above data got from the three sampled sub-counties out of the six targeted ones.

Graph 1: % cases reported six months prior to the Baseline survey



Field data (2016)

From the above graph, the baseline survey found out there were more cases of domestic violence reported (56%) followed by rape (23%) assault (9.4%), defilement (8%), threatened violence (2.4%) while the rest of the cases reported were below 1%. It should be noted that this only depicts percentages of the sub-counties that were visited by the consultant.

4.6.2 Judicial Courts

Courts of Judicature are responsible for the protection of people’s human rights through enforcement of legislation. In Uganda, the court's system is made up of the supreme Court, the Court of Appeal, the High Court and other courts or tribunals established by Parliament. Subordinate courts include Magistrates Courts, Local Council Courts and tribunals. Magistrate Courts are divided into Chief Magistrates Courts; Magistrate Grade I Courts and Magistrate Grade II Courts. The jurisdiction of Magistrates Courts is limited by nature of the case or claim and location. Under this system, GBV cases are tried by the High Court and Magistrates Courts based on the nature and severity of the incidences. Cases of rape, aggravated defilement and domestic violence resulting in death are tried by the High Court. What should be noted is that despite the design of the court structure, Busia district has a Chief Magistrate Court, a Grade II magistrate Court and Grade I Magistrate Court. The Chief Magistrate sits once a week on Friday’s to hear cases. There is no High Court in the district and

thus any matters that warrant High Court jurisdiction are referred to Tororo district. The survey results show that most of the reported cases were still pending awaiting the hearing of high court. That kind of situation explains why so many cases take so long to be disposed of off thus deterring the community from using the court system.

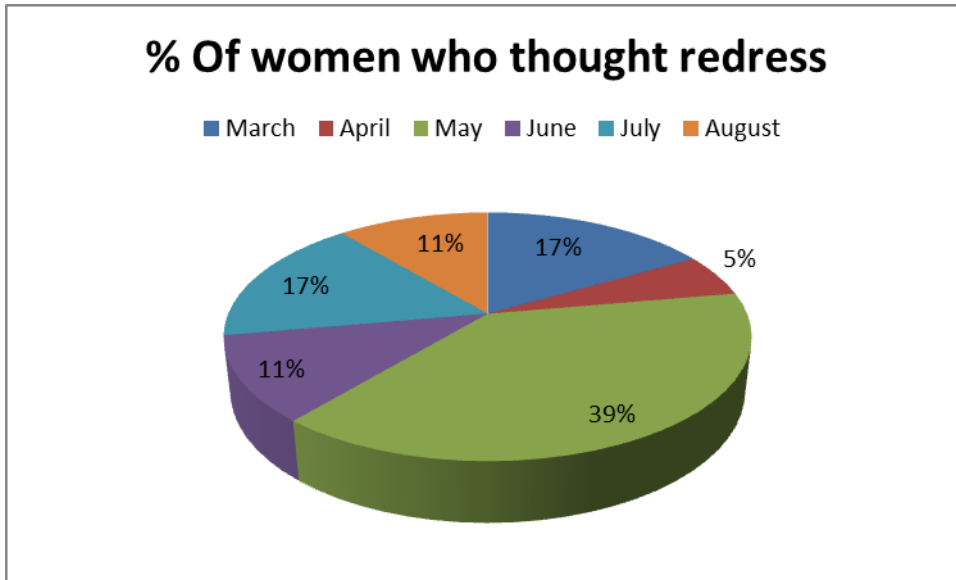
Table 4: The violence cases reported in the past six (6) months at Grade I Magistrate Court

Period	Nature of Case reported	Number of cases reported	Action taken	Any other comment
March	Maintenance	3		Still pending
April	Maintenance & custody	1	Dismissed for want of prosecution	
May	<ul style="list-style-type: none"> • Maintenance & custody • Domestic violence 	6	1 was settled 2 application granted	3 pending
		1		1 pending
June	<ul style="list-style-type: none"> • Restoration of conjugal rights • Child neglect and maintenance 	1		1 pending
		1		1 pending
July	<ul style="list-style-type: none"> • Maintenance order & custody 	3	1 application was granted 1 case withdrawn	1 pending
August	<ul style="list-style-type: none"> • Maintenance 	1		1 pending
	<ul style="list-style-type: none"> • Maintenance & custody 	1		1 pending

Data source Busia Grade I Magistrate (2016)

The baseline survey showed that the percentages of women who sought redress after their rights were abused/ violated was at 20%. This percentage was got from the number of people who sought redress against the number of redress cases reported six months prior to the survey.

Chart 1: Shows the percentages of those who had sought redress within the past six months prior to the survey



Field Data (2016)

It was found out that the month of May saw a high number of survivors who sought redress (39%) while the month of April had the least number while the months saw almost the same percentages of women who sought for redress. It is however noted that the numbers of survivors who sought redress were less due to different reasons such cultural inhibitions such as being looked as a disrespectful woman.

Findings from the survey indicated that whereas numerous cases were reported at police posts, data captured from Grade 1 magistrate court showed that a few of those reached the court for hearings. And according to the Grade I Magistrate, cases of women rights' abuses were reported to police and filed as criminal cases and once they have been filed as such investigations have to be carried out first by police and by the time such cases reach court some have lost interests and others cannot have evidence to show. The survey findings further revealed that most women fear to bring out their husbands to court. There is a general misconception that everybody who is brought to court is taken to prison, and women fear to have their husbands imprisoned due to cultural inhibitions where such would be looked at as an abomination.

4.6.3 Civil Society Organizations

Whereas CSOs are said to be a major actor in the preventive and response mechanism to combat violence in Uganda, Busia district has just a few of them. Those mentioned included; Institute for Social Transformation, FOWODE, World Vision and Child Fund. World Vision was said to have funded the construction of the building that houses the office of the of family protection and child affairs. Institute for Social Transformation was credited for assisting survivors with legal aid services and creating awareness among community members on women's rights. Others mentioned were micro-finance institutions that have out to empower women economically and among those mentioned was BRAC Uganda. The police in-charge of family protection unit mentioned that World Vision has been very instrumental in resettling families that have been affected by domestic violence.

4.6.4 Other Community Based Redress Mechanisms

The community interventions mentioned included local councils which were said to be more convenient due to their proximity. During the discussion with a local council Chairman he said that he

handles several of such cases in his village and he added that he has never failed to settle any of those cases. Further, they preferred local councils because they don't ask for money to attend/listen to cases of such nature, but they mentioned to have lost confidence in the police since it demands for money to attend to any case.

The other areas where cases of violence were reported were the CDOs offices. The offices of the CDOs were approached especially if the victims failed to get service at the lower level especially at the LC, findings revealed that CDOs handled several violent cases and in cases where they failed they referred the cases to the probation's office. The Probation and Welfare Office was said to have remained key in mediating domestic disputes and handling cases of violence and human rights abuses and has provided tremendous relief to a number of victims according to data reviewed from records.

The community-based mechanisms apply customary norms and law to respond to Violence incidences. On the other hand, findings indicated that some community members sought help from religious leaders and cultural leaders. Community-based dispute resolution is a key mechanism for redressing domestic violence cases for example due to proximity since they are within the community and the confidence people have in them being religious leaders and family elders. Findings revealed shows that most of the cases such as domestic violence and in some instances defilement are first reported to elders and family members, who decide on sentences such as fines and cautions against the perpetrators. It was only until negotiations mediated upon by family elders have failed that cases are reported to LCs or police.

4.7 Lessons learned from the Baseline Survey

The organizations working on women and children issues such as World Vision and Child Fund have contributed tremendously well towards raising awareness and building support within the community and professional sectors including but not limited to police, social and health services, law enforcement, cultural leaders, religious leaders and community leaders. These efforts have integrated action against violence within institutions and ensured their sustainability and progress.

The media has been very vibrant in reporting human rights violations when they occurred. And it has been one of the most utilized sources of information in regard to women's rights. However, the collaboration with the community human rights volunteer groups as well NGOs working on women and children's rights in the community was still very weak.

4.8 Recommendations and conclusions

4.8.1 Participants' Recommendation

A number of recommendations were proposed by the respondents during the survey on how best to improve the human rights situation in the district and the treatment of women and children.

The problem of lack of awareness of human rights and especially the rights of women and children needs to be tackled. A number of respondents thus proposed that training of community members and leaders was critical in this regard. The following categories were proposed as key in this drive: Community members at the grassroots, cultural/clan leaders, women and youth leaders, opinion leaders, and police officers. They suggested that trainings/sensitizations should be done at the grass root so that people have no excuses for failing to get transport to the venue. They further suggested that IST should train enough human rights volunteers at least to ensure that all villages have representatives.

Most programs on human rights in Busia district are being implemented by NGOs and CBOs with little government input, it raises an issue of ownership and sustainability of such interventions. This calls for the active involvement of government agencies such as the Police, health facilities, district officials the Judiciary and LC1 as government agencies if some of these programs are to survive even after the project life span.

Schools should be targeted for the campaigns using the educational structures. School children were said to be good change makers and therefore should be taken through some sensitization sessions. And it was even mentioned that a child who is born and raised in a violent will automatically become violent, it was therefore suggested that schools could be better avenues for information transfer. The structure of the senior women and male teachers in the schools should be strengthened further through capacity building to increase its capacity to manage violence incidences in schools and refer cases to relevant service providers. And this avenue could also be used for curbing down the drop out of school among girls.

Cases of men's rights violations were reported across all the study sub-counties. Thus the project should focus on men as actors in the strengthening of women's rights and as well as victims of human rights abuses.

Since defilement and rape were reported to be common in the area, it's important that health services be provided to women and girls who have suffered rape/defilement with immediate emergency contraception; HIV post-exposure prophylaxis; gynecological care for injuries sustained in the assault, as well as general medical care for other injuries, and initial psychological support.

4.8.2 Program Recommendations

IST should consider creating a basket of funds with other development partners in her efforts to strengthen women's rights interventions. This could have an impact of financial resources spent on these programs in the society. The efforts spent in funding fragmented interventions that don't bring about by individual organizations should be directed at joint funding (basket) on issues of strengthening women's right interventions for achieving more accountability from intervening institutions, and reduce duplication of services.

Institute for Social Transformation should consider creating special drop-in centres for women/girls whose rights have been violated (survivors) where they can receive confidential and compassionate care. Findings revealed that women don't seek redress because of lack of trust and confidence in the institutions around. This activity must be culturally appropriate and must be developed in close cooperation with community members. As legal services are being provided to those in-need, there is need to reconsider other services such as counselling to deal with psycho-social problems. Therefore the project should consider hiring a social work to deal with those challenges. And this should preferably be from the same background as the survivor.

Attitude change is gradual and needs resources, therefore, IST needs to be very protracted with constant and unceasing activities as well as multiple interventions so as to reach all population sub-categories. It is important for IST to step up community sensitization programmes to cover the whole district for a period of time, not a day's sensitization session. The approach used should also be re-oriented towards behaviour change rather than just sensitization of communities about women's rights.

Creation of formal and informal networks at all levels (community, sub-county and district) could contribute towards the development of referral networks and a more comprehensive response to abused survivors. These networks could serve to sustain awareness of women's rights among both the providers and recipients of services, and it could even help to mobilize public support for survivors while reducing tolerance to incidents of violence.

There is a need for capacity building for personnel's offering services to survivors in these institutions to enhance their understanding of this phenomenon and gain better skills in the management of the incidences. These among them include the police especially officers-in-charge of family affairs and child protection unit, Probation officer, CDOs, local leaders and community volunteers.

4.9 Conclusion

Baseline findings indicated that there were low levels of awareness of women's rights among the communities. Whereas the findings demonstrated a fairly good level of knowledge and understanding of general human rights, it was the awareness of women's rights and redress seeking behaviour were flagrant. Failure to realize women's rights has negative consequences on the development of the district and the region as a whole. It has a high-cost implication to the district in terms of provision of redress services and economic loss at individual, family and community level and in the employment sector.

Due to strong cultural beliefs in the area, most women whose rights have been violated/ abused do not report cases to the local councils and police. Most victims settle cases out of court, and mainly within the family. Those who manage to take cases to the LCs and police are discouraged by the actions taken against the perpetrators and undue delay in legal actions and weak law enforcement mechanisms. There is a need for legal aid service provision in the district. Otherwise, so many victims

of human rights abuses who wish to seek redress and cannot find the necessary resources have remained silent while suffering in their communities. Hence, need for strengthening the collaboration between justice law and order sector with other community-based rights groups. As long these continue to work in isolation issues of women's rights violations especially domestic violence will never be resolute.

Appendix 1: Summary of Project Indicators and findings

Survey Indicators	Baseline
<p>Increase civic consciousness and capacity among women to demand and defend their rights in the six targeted sub counties of Busia District.</p> <ul style="list-style-type: none"> • Percentage of the target group know human rights of women that are often violated • Percentage of the target group would seek redress if violation of women’s rights occurred 	<p>Fairly good according to Qualitative data</p> <p>45%</p> <p>20%</p>
<p>Increase access to justice and protection of women against violence by the JLOs stakeholders in Busia District.</p>	<p>Not much being done</p>

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