

Kawempe Division passes first ever Domestic Violence By-law in Uganda

Community members in Kawempe Division have made great strides to formally outlaw domestic violence in their community and their efforts have borne fruit. The first ever Domestic Violence By-law in Uganda has been passed in Kawempe.

Facts about domestic violence in Uganda

- There is no specific law to address domestic violence in Uganda and it continues to happen with impunity.
- There are limited deliberate efforts to prevent and respond to domestic violence in Uganda.
- Domestic violence increases women's risk to HIV infection as it inhibits the effectiveness of the 'ABC' method of preventing HIV infection in Uganda.
- Since 2000, CEDOVIP has been spearheading efforts to mobilize communities, institutions such as the police and civil society organizations as well as policy makers to take action to prevent and respond to domestic violence in Uganda.
- The Child and Family Protection Units of Uganda Police Force are the only key government channels of responding to domestic violence cases in Uganda.
- The Uganda Law Reform Commission with members of the civil society drafted a Domestic Violence Bill in 2006; it is yet to be forwarded to Cabinet and the Parliament.
- The Kawempe Domestic Violence Bylaw is the first of its kind to be passed in Uganda.

Why have the Domestic Violence By-law now?

Women throughout the world experience violence at the hands of their intimate partners at alarming rates (WHO 2005). There is wide spread social tolerance of domestic violence in Uganda as it is considered a normal and expected occurrence among men and women in intimate relationships.

National representative statistics on the prevalence of domestic violence in Uganda as per current studies by Government bodies are 66.0 % (Uganda Law Reform Commission, 2006) and 70.0% (Uganda Demographic Health Survey, 2006). More so, media and police reports indicate a very high occurrence of domestic violence through out Uganda. Despite domestic violence being a critical human rights and public health problem, there is no specific law to address it in Uganda; hence it continues to happen with impunity.

The Centre for Domestic Violence Prevention (CEDOVIP) in partnership with RaisingVoices and a team of community volunteers, members and leaders engaged the community of Kawempe and Local Councils (LCs) to create a domestic violence By-Law, to outlaw domestic violence within Kawempe

Division. Following intense and continuous local advocacy targeting the Division Councilors, the Domestic Violence By-Law was tabled and passed by the Council on 5th October 2007. This By-Law will come into force 14 days after the LCV Chairman of Kampala District and LC III Kawempe Division have signed it.

In the absence of a national law on domestic violence, the By-law will ensure protection for individuals within households against domestic violence by holding the perpetrators responsible for their actions. This will enable many women and their families to live free of violence as well as help in the prevention of HIV/AIDS in Uganda.



A step by step journey to passing of the By-Law

This long journey to the passing of the By-Law in Kawempe Division, a peri-urban suburb in Kampala district, started with a Domestic Violence Prevention Demonstration Project in 2000, supported by CEDOVIP and RaisingVoices and headed by community members (both men and women). The community volunteers engaged a cross section of community members through various activities that include drama; door-to-door visits; group and peer-to-peer discussions; outreaches to drinking joints, carpentries, and garages; booklet clubs and poster facilitations to raise awareness about the problem of domestic violence and begin a process of reflection and change in the community. The engagement aimed to facilitate a process of individual and social change about the core issues that perpetuate domestic violence: gender inequality and women's low status in society.

Through the repeated exposure to ideas about women's rights and the benefits of healthy and safe families and relationships, the project stimulated and inspired individual and social change to create a supportive environment for women. **While at the beginning domestic violence was**

considered a private issue that was a normal and accepted part of marital life, over the years these norms have changed. Many men in Kawempe for example now no longer use or accept violence in the home as part of the cultural expectation in marriage. Vincent Sserunjogi, a Local Councillor (LC I) in Kyebando parish says, 'I knew many women suffering from abuse and neglect at the hands of their husbands, although I did not know how to help them.' Vincent Sserunjogi says he has witnessed individual and collective actions and seen the mood and tone of discussions about domestic violence change since this project started and he feels hopeful about the changes. 'Some men have realized that there is no shame in talking about domestic violence against women. Indeed more men now than before seek help and support to change from other men in the neighbourhood.' He also admits that it is still difficult to get some men to sit and talk openly with other men about personal issues, which is why he and the other LCs in Kawempe supported and advocated for the passage of the By-Law.

The actions and advocacy of the LCs, community members and other religious and cultural leaders culminated in the demand that Kawempe Division Council Leaders (LC III) create a By-Law to promote and maintain family stability and peace. A draft was developed and circulated among community members for comments, concerns, and ideas. After incorporation of the feedback, the drafts were then forwarded to LC I chairpersons of the various zones in 18 parishes of Kawempe Division for signatures. Fourteen of the parishes showed total support and endorsed the drafts, which were forwarded to Division Council Gender Committee.

The LC III Gender Committee (6 men and women) discussed the By-Law; and recognized it as a good law and commended the initiative. Though the LC II from all the parishes had not endorsed the drafts, the Gender Committee recommended that the Division Council own the By-Law and make it operational in all the parishes of Kawempe Division. They then forwarded the By-Law to be discussed in the council.

The Council of 42 LC III leaders in August 2006 discussed the By-Law. Many of the councillors did not support some provisions of the it, while others said that they did not understand it. Many noted that the LC II from all the parishes of Kawempe Division needed to be engaged, thus CEDOVIP and community members went back to the communities to ensure that all the levels of local leadership were engaged and fully understood and supported the By-Law.



The By-Law was again tabled in LC III Council in October 2006. At this time there very divisive party politics among the Councilors with Movement and DP battling for power and control of the Council. This was a particularly difficult time for CEDOVIP as despite being non-partisan, the different sides tried to use the By-Law to further their own gains and to disparage the opposition. There were false allegations made about bribes and corruption and in the end they did not pass the By-Law. This was a considerable disappointment to CEDOVIP, community members and leaders, yet we were determined to hold local government accountable to their role as representatives of the people.

CEDOVIP, Raising Voices, community members and leaders restructured the local advocacy plan for the By-Law and a variety of new strategies were tried. Petitions demanding for the passing of the By-Law were sought from the public (religious leaders, sengas, and community activists) to freshly re-engage the councillors. Four meetings were held with the Division Leadership to work on the way forward. In these meetings it was recommended that the councillors be met from their respective parishes and committees to have their personal input and to discuss what needed to happen to have the By-Law passed. CEDOVIP followed up on these recommendations and greatly won the support

for the By-Law among the councillors. One-on-one lobbying with the Division councillors, persuasions and persistent pressure from the community activists through community meetings and discussions, the use of SMSes, community meetings, advocacy sessions with the police and other leaders, and phone calls to councillors during the council meetings all created strong pressure and demand that the By-law be passed.

Kawempe Division leaders as a result passed the Domestic Violence By-Law on 5th October 2007 making it the first of its kind in Uganda. Kawempe Division community regards the By-Law as a good and major step toward addressing the problem of domestic violence. 'The By-Law is good, we love it. We hope that whenever any problem of domestic violence arises, people will use it,' says Sembuzi Moses, a LC III Councillor in Kawempe Division. Hanifa Nassuna' a Community Counselor from Komamboga Parish said, 'We are very excited that the By-Law has been passed, we can now be assured of protection in our homes and while doing our work.'

What is the Kawempe Division Domestic Violence By-Law all about?

The By-Law observes that 'every person shall observe the right to live in a household that is free from domestic violence and shall report or cause to be reported to the relevant LC or Person of Authority any person or group of persons whom s/ he sees, hears of or feels doing or omitting to do an act that in his/her view leads or led to domestic violence.'

The By-Law further provides that:

- 'Any person who causes domestic violence commits an offence and is liable upon conviction to a fine not exceeding one currency point, and/or to compensate the complainant.'
- 'Any person who abuses or physically hurts any community member or a person of authority who intervenes in or assists a victim of domestic violence commits an offence and is liable upon conviction to a fine not exceeding two currency points.'
- 'Any Person of Authority who receives a report of domestic violence shall as quickly and as practically as possible: (a) Report the domestic violence to the relevant LC and/or, (b) Arrest the offender and if he (the offender) becomes violent, engage police to effect the arrest.'

The By-Law further exempts a person from reporting a case of domestic violence if he/she is minor and helpless, elderly beyond self-help or with a mental illness; or was not in the area of the violence or never heard of it or has reasonable excuse not to intervene in the violence. This squarely puts the responsibility for domestic violence prevention on all community members.

Who will use the By-Law?

The LC I in Kawempe Division will use it in the local courts as LC I are usually the first point of reference to solve a variety of problems and mediate in family issues. The By-Law lays out clearly what constitutes domestic violence, and the recourse that LCs have in taking action. All community members are encouraged to report domestic violence cases to people of authority.

How the By-Law will be implemented

The By-Law gives guidelines on how to: summon suspects, conduct trials, the number of people that form quorum for a court sitting and to issue judgment. The By-Law also strictly indicates that all criminal cases must be referred to the Police Family and Child Protection Units.

The By-Law encourages working more towards seeking to stop the violence rather than punishing the perpetrators. It further assures protection for the survivor of domestic violence and those who intervene in domestic violence. In general terms women are assured of legal protection against domestic violence as perpetrators will be held responsible for their actions and this will also deter many would be perpetrators from using violence.

Next Steps for the Bylaw

Locally: CEDOVIP will hold information sessions, follow up with the next two levels (LCV chairperson Kampala District and LC III chairperson Kawempe Division) to ensure that the bylaw is operational; produce a simple information sheet about the By-Law, support LCs to use it properly and sensitize community members on how the By-Law will be implemented through a variety of community activities.

Nationally: CEDOVIP seeks to use this as a tool for the advocacy of the Domestic Violence Bill, and will work with other organizations to create them in their communities.

Women's rights activists working on prevention of domestic violence are of the view that this By-Law is a big break through in the legal regime of Uganda. 'It shows that society is willing to address domestic violence. It also indicates that the communities are seeing the need and are demanding for specific legislation on domestic violence in Uganda. We are hopeful that policy makers will pass into law the draft Domestic Violence Bill,' says Tina Musuya, the Coordinator of CEDOVIP.

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Links

- Kawempe Division Domestic Violence Bylaw, 2007. (<http://www.raisingvoices.org/cedovip/bylaw.php>)
- Uganda Law Reform Commission (2006) Study Report on Domestic Violence in Uganda (<http://www.ulrc.go.ug>)

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