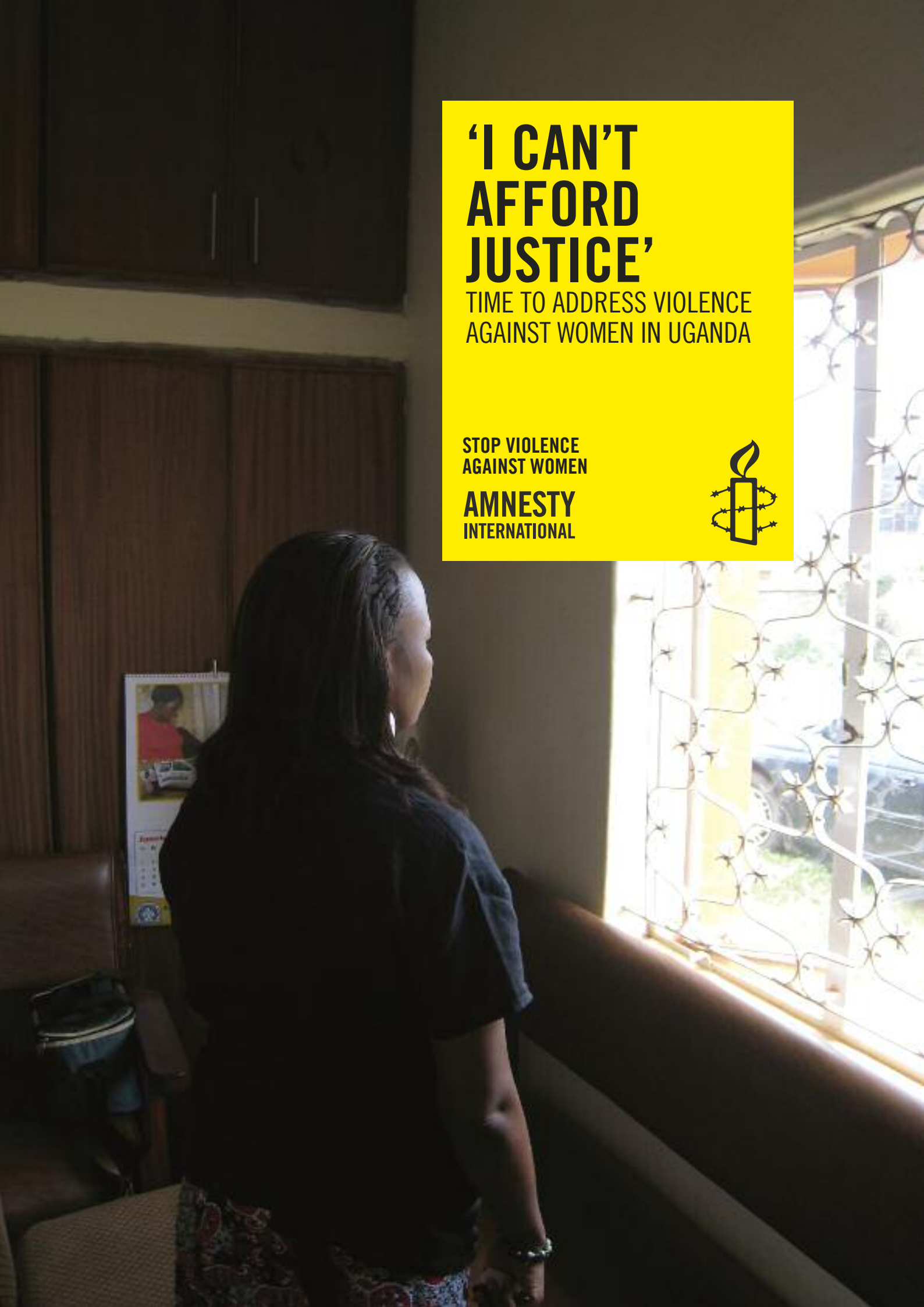


'I CAN'T AFFORD JUSTICE'

TIME TO ADDRESS VIOLENCE AGAINST WOMEN IN UGANDA

STOP VIOLENCE AGAINST WOMEN

AMNESTY INTERNATIONAL



'I think it is a waste of time and money to go to the police and to court. Police often discourage people from reporting their cases, suspects are released without charges, exhibits go missing and files get lost'.

Rose, victim of rape.

In Uganda, violence against women and girls remains widespread in most parts of the country. An estimated two thirds of Ugandan homes have been the site of domestic violence.

Forms of violence include rape, domestic violence, and forced and early marriages. They lead to death and injury for countless Ugandan women and girls. Attitudes that accept and justify violence against women are widely held within Ugandan society.

The government of Uganda has undertaken some steps to address these abuses by drafting laws to prohibit violence against women and girls, but many of these have yet to be passed into law, despite being submitted to parliament several years ago. The Ugandan state's response to gender-based violence falls short of its international obligation to prevent violence against women and to ensure women's access to justice.

The path of victims' access to justice is strewn with obstacles, including inadequate or dismissive responses by police, medical and judicial personnel. Some official

responses reflect widely held attitudes that a woman is to blame if she is subjected to violence and that it is more important to preserve the family unit than to protect the safety and the rights of the woman. The result is that many women are reluctant to report violence to the authorities. In some cases, police promote family reconciliation rather than criminal justice. There are not enough qualified forensic medical examiners to treat and assess victims. There are no provisions for witness protection if a woman pushes for prosecution.

Within the criminal justice sector, the government has set up special units within police stations to handle cases relating to the family and children, including violence against women and girls. However, there are not enough of these units, and they do not have sufficient staff or resources. The administration of justice in Uganda is slow and the prosecution and court system is under-staffed and under-funded. Suspects, once charged, are not tried for periods that can range from a few months to many years.

Amnesty International is calling upon the Ugandan authorities to intensify and improve their efforts to protect and promote the right of women to lead a life free of violence. The authorities must ensure that the necessary laws are in place, that women have access to forensic medical examinations and health care, that shelters are available for all women who need them and that the police and judiciary handle cases involving violence against women sensitively, professionally and with due seriousness.

This campaign digest is based on Amnesty International's report, *'I can't afford justice': Violence against women in Uganda continues unpunished and unchecked* (Index: AFR 59/001/2010), which should be consulted for further information. For reasons of personal safety and confidentiality, the names of women survivors of violence have been changed.



DOMESTIC VIOLENCE

'Domestic violence is any beating that goes beyond what is reasonable.'

Uganda Law Reform Commission

There are no comprehensive statistics on cases of gender-based violence – an indication in itself that this type of human rights violation is not taken seriously. The most recent figures date from a nationwide survey carried out in 2006, the Uganda Demographic and Health Survey, which found that about 60 per cent of women in Uganda have experienced physical violence since age 15. According to the Uganda Demographic and Health Survey, two thirds of women who have experienced physical violence since the age of 15 say it was perpetrated by an intimate partner.

Several people interviewed by Amnesty International felt that domestic violence is tolerated and considered a normal part of marriage as long as it does not result in serious injury (meaning that no blood is shed). Some described domestic violence as acceptable or even positive if the wife is

lazy, quarrelsome, unclean, a bad cook or disobedient to the husband.

Despite the prevalence of this abuse, victims of domestic violence seeking help find that there are insufficient services to protect and help them. There is no state-run shelter service for victims of violence. Civil society organizations provide post-violence care for women, but they do not have the resources to assist all the women that need support.

Legal aid institutions are overwhelmed with cases of gender-based violence. There is no functioning referral system for survivors of violence between different agencies such as health facilities, crisis and legal aid centres and law enforcement. Many women endure violent situations because they have nowhere else to go.

According to a nationwide survey in 2006, 16 per cent of women in Uganda were targeted for physical violence while pregnant. Women in abusive relationships often find that the violence escalates during pregnancy.

Cover: A woman who has been driven from her home by violence and still lives in fear of her abusive husband. Domestic violence is extremely common in Uganda, but places of safety are few. © Amnesty International

'When I went to the police station they asked me for US\$20,000 for fuel, which I did not have. My husband beat me again but I gave up going to the police because they always ask for money which I don't have.'

Margaret

Women work for less than a dollar a day breaking stones in a slum in Kampala. Poverty is a major obstacle for women in Uganda seeking justice after being subjected to gender-based violence. To pursue a case against their abuser, they will have to pay for a medical examination. There is no state-funded legal aid for complainants and police often ask unofficially for money for fuel, photocopies of essential forms and other costs associated with the investigation.



SEXUAL VIOLENCE

Francine, a rape victim, told Amnesty International of her frustration in following her case through the criminal justice system. She said that because the witnesses to her rape could not afford the fare to go to court to testify, she had to pay the fare for them. After a while she ran out of money and stopped going to court herself. Her case is one of many. Sexual violence is widespread, but few perpetrators of rape are ever convicted.

The Uganda Demographic and Health Survey found that almost one in four women aged 15-49 reported that their first sexual intercourse was forced against their will. This includes those whose sexual initiation was against their will.

Women who openly say that they have been raped often face rejection by their families and others. This stigmatization may be more pronounced if the victim contracts HIV/AIDS as a result of the violation. Women who do bring proceedings after a sexual assault may have to bear an unduly heavy burden

of proof. Sexual violence limits women's ability to practice safer sex and to protect themselves from sexually transmitted infections and unwanted pregnancies.

Much sexual violence and exploitation happens in schools. According to a report published by an international NGO in 2008 (Plan International), one in 12 girls aged 16 and 17 had had sex with their teachers. Teachers lure girls into sex by promising them gifts and good grades in class. Even without these enticements, girls fear the likely consequences if they refuse to yield to sexual advances by teachers.

Pregnancy has a major impact on the number of girls who drop out of school. As abortion is illegal in Uganda, many rape victims are forced to carry pregnancies to term. There are no provisions to accommodate young mothers in school, and many drop out, with grave consequences for their future.

WOMEN WITH EVEN LESS PROTECTION

In Uganda, where sex work is a criminal offence, sex workers are often threatened with arrest for loitering, their premises raided and their earnings seized. They are therefore not likely to seek help from the police. Several women sex workers said that they had not reported serious attacks for fear of being arrested; others who reported offences were told that they were "selling sex and so are asking for it" or that "a prostitute can't be raped"; others were themselves charged with minor offences such as petty theft or fighting in public.

"I am a refugee from Congo and during the fighting we escaped with my parents to Uganda... There are days when we are raped, beaten and the clients do not pay anything. Even if I go to report it (to the police), they won't do anything if I tell them I am a refugee and a prostitute. We can't go back to Congo because there is fighting and we will die."

Sylvia



© AP/PA Photo/Vanessa Vick

Refugee women also face additional obstacles if they seek justice. Many live in government settlements far from the towns and cities where courts sit, and are required to obtain permission to leave the site. The official language in Uganda is English, which many refugees do not speak.

Uganda hosted around 155,000 refugees and asylum-seekers in 2009, most from Kenya, the Democratic Republic of the Congo, Sudan, Rwanda, Somalia and Burundi.

Women and girls who are refugees are at severe risk of violence. Many camps have poor site planning that increases the risks of sexual and other gender-based violence. Due to the changes in the division of labour within the family following displacement and separation, refugee women and girls are frequently forced to engage in sex work to supplement the family income.

THE LAWS

Uganda's Constitution guarantees gender equality but, as in so many countries, that guarantee remains unfulfilled.

Rape and sexual violence are identified in the Penal Code Act as crimes against morality or honour, not as crimes against the physical and mental integrity of women and girls.

The Penal Code Act does not recognize marital rape as a criminal offence. A Domestic Violence Act which makes domestic violence a criminal offence finally became law in March 2010.

'I have gone four times to the police. And they say that those are my family problems and they do not take action. You see the man free a few days later.'

Julie, victim of marital rape and domestic violence

'Sometimes I go to the clinic for medicine and when I tell that I am prostitute they tell me that I went looking for that work, and they hear me speak Swahili they know that I am a refugee they don't even look at me... If God has mercy on me then I get assistance.'

Ruth



Civil society organizations such as the Slum Aid Project and Hope After Rape provide essential support to victims of violence against women, but cannot possibly assist all the women who need shelter, legal advice and medical care. The picture shows two women, one (*left*) who has suffered long-term abuse at the hands of her husband, and one (*right*) a Local Councillor who has helped her rebuild her life. The state of Uganda has an obligation to ensure that such services are available to all women who need them.

RELUCTANCE TO REPORT CRIMES

“The police want money for everything. They want money to make photocopies of the police form [PF3], money to fuel the car to go and arrest the suspect, money for their mobile phone airtime, payment to the police doctor for the medical report and sodas. What is the point; I might as well keep the little money I have for my money for medicine and food.”

Elizabeth

Many women in Uganda are afraid to report rape and other forms of violence because they fear they will be treated dismissively by the police, or that no action will be taken to help them. When women and girls go to a police station, information is first taken at the main desk, which is often surrounded by people waiting to see a detainee or to lodge a complaint. There is no privacy for the victim.

Poverty also inhibits women and girls from reporting crimes. In some parts of the country, reporting to a police station

involves a long and costly journey. Victims of domestic violence are often economically dependent on their abuser.

OBSTACLES TO WOMEN SEEKING JUSTICE

The obstacles that prevent women who have suffered gender-based violence from accessing justice include:

- lack of support systems for women victims of violence;
- parts of the country have few or no police officers;
- police often try to persuade women not to pursue cases;
- police often demand money (unofficially) to investigate cases and arrest suspects;
- many women cannot afford to pay for a medical examination;
- lack of legal aid;
- inadequacies in the system for collecting forensic evidence;
- the prosecution and court systems are slow and under-resourced.

Police often try to talk victims out of pursuing their case and investigations, prosecutions and trials are all hampered by lack of resources.

FORENSIC EVIDENCE AND MEDICAL CARE

Victims of sexual assault are supposed to have a medical examination soon after the crime. However, many are unable to afford the fees of about US\$10,000 (US\$5.26), and others cannot reach a police doctor in good time. In the rural areas, there are very few police doctors while Kampala, with a population of more than 1.4 million, is served by three to four police doctors.

The medical examination is carried out by police doctors or other authorized medical personnel using official Police Form 3 (PF3). Without this form, a victim of gender-based violence has no chance of a successful prosecution against her attacker.

Unfortunately, PF3s are not easily available and victims may have to pay the police to



The criminal justice sector in Uganda suffers from decades of under-resourcing. The police, like the prosecution service and the courts, are under-staffed and under-funded.

obtain one, although in theory they should be free. In addition, the questions and language in the PF3 are unethical and out of line with internationally recognized standards for the treatment of survivors. For example, the form asks if the victim was strong enough to resist the attacker. The forms also do not provide for a comprehensive collection of history.

Overall, 74 per cent of the women interviewed by Amnesty International said that getting money to pay for treatment is the biggest constraint to accessing health care after an attack. This was followed by distance to the health facility.

Uganda lacks capacity for forensic testing. Even in health facilities, thorough investigations are not done due to lack of police doctors, laboratory equipment and training.

POLICE INVESTIGATION

Police often try to talk victims of gender-based violence into dropping their cases, encouraging them to keep the family together. There is no other crime where a victim is asked to reconcile with the accused person as a substitute for prosecution.

Police stations are under-resourced and often demand money for services that should be free of charge, such as the arrest and transport of suspects, making photocopies of essential forms and buying airtime for their mobile phones.

Many victims of domestic violence go to their Local Council to report abuses, rather than the police. Women have reported that some Local Councillors, especially those who are friends of the accused, have shown bias against them.

'The higher you go up the chain of justice, the more money they want and yet I don't have the money. I don't even have money for medicines, where will I get the money for justice?'

Asha

'I was raped by three men. After I was raped I went to the hospital for a check-up and I was told that I was HIV positive. I told the staff at the hospital that I had been raped and they did nothing. They did not give me a medical check-up or any medicines.'

June

TRIALS

Only a small proportion of reported cases of sexual or other gender-based violence go to court, and many of these fail to reach a conclusion. Between January and June 2009, for example, fewer than two per cent of rape cases ended with the perpetrator being convicted. In defilement cases (unlawful intercourse with a minor under the age of 18), the conviction rate for the same period was slightly higher at nearly six per cent.

Court cases are subject to long delays. There is a backlog of criminal cases dating back several years.

The reasons why cases are delayed include:

- no High Court hearing
- judicial officers not turning up for hearings
- out-of-court settlements between the victim and the perpetrator
- inability to find witnesses to testify in court for reasons including fear of being stigmatized and inability to pay for transport to court
- death of witnesses.

Furthermore, victims of sexual violence are often subjected to unfair lines of questioning about their private lives, in particular prior sexual conduct, and concerning proof of consent.

‘Defence lawyers ask victims embarrassing and intimidating questions to scare and confuse the victim. If the case is adjourned before she has finished giving her testimony, she probably will not come back to finish it when court resumes.’

National Association of Women Judges-Uganda



A young girl steps across an open sewer in Kisenyi, a slum in Kampala. Many women and girls who have suffered violence cannot afford to pursue a case against their attacker.

WHAT YOU CAN DO

Amnesty International is collecting signatures within Uganda and around the world for a petition to the government of Uganda. The petition calls on the authorities to do more to protect women and girls from gender-based violence and to ensure that survivors of such violence gain access to justice. The government should take immediate action to provide survivors of violence against women with legal support and to meet their health, safety and shelter needs. It should also take steps to prevent violence against women by addressing its root causes.

Join us in our action. You can obtain copies of the petition from:

- the Amnesty International office in your country
- the Gender, Sexuality and Identity Unit, Amnesty International, International Secretariat, Peter Benenson House, 1 Easton Street, London WC1X 0DW, United Kingdom
- or from our website: www.amnesty.org

STOP VIOLENCE
AGAINST WOMEN
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Amnesty International is a global movement of 2.8 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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