

A CRITIQUE OF THE LAW GOVERNING DOMESTIC VIOLENCE IN UGANDA

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BY

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DECLARATION

I Amutuhaire Alex do hereby declare that the work submitted in this research paper is a result of my own effort it has never been and is not currently being submitted for a diploma in any other university.

Signed: 

Date: 20/11/2013

Amutuhaire Alex

DEDICATION

First and foremost, I specially want to thank God for his protection, wisdom and knowledge to me and having granted me the energies, favor and joy to accomplish this tedious and memorable event in my life.

I dedicate this work to my lovely mother Mrs. Kebirungi Jenipher Muhereza, my sisters and brothers and to my beloved friend Ms. Ahimbisibwe Clovias Kyama who have endeavored to give in both materially and spiritually for the success of education, may almighty God bless and reward you all.

APPROVAL

This desertion compiled by Amutuhaire Alex titled a Critique of the Law governing Domestic Violence has been under my supervision and guidance as appointed supervisor

I approve it for examination

..... Date:

MRS. BAMUKUNDA CAROLINE AGABA

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Coming up with this work has been a nervous task, which would have been attained with out support and assistance from a number of people.

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I cannot forget my supervisor Mrs. Bamukunda Caroline Agaba whose intellectual and professional input motivated me to research in the field of the law governing domestic violence.

Lastly, I thank my parent, relatives and friends who rendered material support expendinously and also kept on praying for me to finish my course successfully. May the good Lord richly bless you all.

LIST OF STATUTES

- Constitutional of Republic of Uganda
- Penal Code Act Cap 120
- The Children Act 59
- The Police Act Cap 303
- Domestic Act 2010

LIST OF ABBREVIATIONS

ALLER	-	All England Law Report
CEDOVIP	-	Centre for Domestic Violence Prevention
CFPU	-	Child and Family Protection Unit
DV	-	Domestic Violence
EALR	-	East Africa Law Report
FIDA	-	Freedom of Women Lawyers
HCB	-	High Court Bulletin
UDHR	-	Universal Declaration of Human Rights
ULRC	-	Uganda Law Reform Commission
UNCRC	-	United Nations Convention to the Rights of Children
V	-	Versus

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CHAPTER ONE

1.0 Background of study

There have been domestic violence cases in Uganda over the years, men, women and children have been victim of domestic violence. However, there has been limited research on the effects of domestic violence on children.¹

Domestic violence is indiscriminate it cuts across ethnicity, class, economic, religious and cultural divides. It affects women, men, girls and boys of all ages in different ways. However females are most victims. In any forms of violence are hidden perpetuated in the privacy of the homes unseen by the country and other traditional practice which are harmful².

In all regions the extent of domestic violence is difficult to determine because of lack of clear adequate survey and data collection and hidden nature of many forms of domestic violence it is difficult for public to know socialization processes shame and self blame work.

In World Bank analysis (1994)³ stated that one quarter to one and half of the world's women has been battered by their intimated partners.

Domestic violence in Uganda is issued to gain power and control over another person that *"women are physically isolated by their partners to control their lives"*

Domestic violence in Uganda are in the different forms which are; kicking, slapping, punching, hair pulling, using weapons, forced sexual intercourse, taking her money, insulting her in public.

Domestic violence is defined as a pattern of abusive behavior in any relationship that is used by one partner to gain.

Domestic violence is a violent confrontation between family or household members involving physical harm, sexual in women.

Government defines domestic violence as any incident of threatening behavior, violence or abuse.

¹www.mapladio.orglugkampala

² Elian son in 2004 un doring HM International perspective

³Hlkapietial, 2007 un finished story of women.

Domestic violence in refuge is defined as the abusive of one partner within an intimate or family relationship.

1.1 Statement of the problem

Domestic violence is increasingly becoming serious concern in our society women, children and men tale the same problem each day in their lives; despite the numerous legal procedures and policies in fighting against domestic violence. It is still rampant in our society the researcher therefore endeavors to investigate the adequacy of law relating to domestic in our community.

Domestic violence is an issue of great concern in Uganda; this even lead to the enactment of the domestic violence Act which received presidential assent on 17th March 2010, in Kawempe Division the domestic violence by law was passed to curb violence in this division context has become a vital concern for many organization in the country.

1.2 Objectives of the study

1.2.1 General objective

The researcher intended to focus on exploring the law governing domestic violence in Uganda.

1.3 Specific objectives

- To analyse the existing law on domestic violence
- To examine the causes of domestic violence in Uganda.
- To examine the relationship between domestic violence and the law governing domestic violence in Uganda.

1.4 Research questions

What are the laws concerning domestic violence in Uganda?

What are the causes of domestic violence in Uganda?

What are the relationship between domestic violence and law?

1.5 The purpose of study

To examine the law on domestic violence.

1.5.1 Significance of the study

Policy makers

It helps the policy makers to establish the law relating to domestic violence.

It also helps the policy makers to review the law on domestic violence.

It also helps the policy makers to fill the loopholes on domestic violence.

Academics

It adds on the existing literature

It adds on the knowledge of the researcher

1.6 Scope of the study

The research was carried out in Uganda and focuses on the law relating to domestic violence.

1.7 Operational definitions of key terms

Forms of domestic violence

There are three major forms of domestic violence namely; physical, sexual and emotional or psychological violence which occur to a particular person. It may be done to a mother, a father or even child.

Physical violence

Is abuse involving intended intimidation, pain, injury or other physical suffering or bodily harm physical violence includes hitting; slapping, punching and other types of contact that in physical injury to the victim.

Sexual violence

Is common in abusive relationship⁴, the national coalition against domestic violence reports that between one third of all battered women are raped by their partners at least once during their relationship. Any situation in which force is used to obtain participation in unwanted, unsafe or degrading sexual activity constituted sexual abuse, forced sex, even by a spouse or intimate partners with whom consensual sex has occurred, is an act of aggression and violence. Furthermore, women whose partners abuse them physically and sexually are at a higher risk of being seriously injured or killed⁵

Emotional or psychological violence

Includes humiliation of the spouse in public or private, preventing the female spouses, income or ever taking her voter's card as for realizing that she is not going to vote for a candidate of her partner's choice in elections.

⁴ Ewing Charles, 1987 report on causes of domestic violence

⁵ www.iwa.org.uk

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter examines literature on the law governing domestic violence and defines key concepts that are referred to in this dissertation.

2.1 Existing laws on domestic violence

Also article 5 of UDHR provides that ‘no one shall be subject to torture or to cruel, in human or degrading treatment and punishment.’⁶

According to article 7 of ICCRPR also strive to eliminate violence against women (ICCRPR)⁷ adopted in 1966 and (ICESCR)⁸ also adopted in 1966 likewise prohibit violence against women. Both prohibit in⁹ Articles 2 of both discrimination on the basis of sex in a clause similar to that contained in Article of the Universal Declaration¹⁰. Guarantees ‘the equal rights of men and women to the enjoyment of all rights set forth in the covenant’¹¹. Declares that all people are equal before law and entitled without any discrimination to equal protection of the law’ which protects everyone from torture or cruel, inhuman or degrading treatment or punishment. Which protects the rights to liberty and security of person, the ICCPR clearly prohibits violence against women¹².

Article 15 of African charter on the Rights and Welfare of the child provides that;

“Every child shall be protected from all forms of economic exploitation and from

Performing any work that is likely to be hazardous or not to be interest of the child”.

⁶ Article 5 Universal Declaration of Human Right of 1948

⁷ The International Covenant on Civil and Political Rights (ICCPR)

⁸ The International Covenant on Economic, Social and Cultural Rights

⁹ Article 2 of ICCPR

¹⁰ Article 26 of the ICCPR

¹¹ Article 7 of the ICCPR

¹² Psychcentral.com

Article 32 of the convention on the rights of children recognizes the right of the child to be protected from economic exploitation and from performing any work which is likely to be hazardous or to interfere with the child's education, health, physical, mental, moral or social development.

Article 8 of the children Act prohibits employment that may be harmful to a child's health, education or mental physical or moral development.

In addition, the convention on the right of the children adopted in 1989 is the only of the mainstream human rights instruments currently in force which constantly use both feminine and masculine pronouns in its provisions and which makes explicit that the rights apply equally to female and male children.

The convention stresses in the¹³ provides the equal protection norms by providing that 'states parties shall respect and ensure the right set forth in the present convention to each child within jurisdiction without discrimination of any kind, irrespective of child's sex.

Kelly said violence against women should be taken as a critical human right issue that calls for attention.

During the launch recently, the state minister for gender Rukia Isanga Nakadama, said the programme would be implemented in support with legal frame work.

The domestic violence Act put in place stringent protections against domestic violence. It defines domestic violence broadly to include physical, sexual emotional, verbal, psychological and economical abuse of a victim or anyone related to him/her.

According to article 30¹⁴ which state that all persons have rights to education and also according to article 34(2)¹⁵ "which provides that a child is entitled to basic education which shall be the responsibility of the state and the parents of the child , due to these provisions in the 1995 constitution of Uganda. These article try to eliminate lack of education for girls and women which has contributed to, low social status and economic dependency on men.

¹³ Article 2 (1) The Convention on the Rights of Children 1999

¹⁴ Article 30 of the 1995 Constitution of Uganda

¹⁵ Article 34(2) of the 1995 Constitution of Uganda

Also according to the constitution of Ugandan article 31(1)¹⁶ provides that a man and woman are entitled to marry only if they are each of the age of eighteen years and above in order to eliminate early marriages which also is a major of domestic violence in Uganda

Also according to article 31 (6)¹⁷ which provides that a man and woman are entitled to equal rights at the end in marriage and it's distribution. This is against the practice of men use to domestic violence to establish power and control over their parties

Also according to article 31(2)¹⁸it provides that parliament shall make appropriate laws for the protection .laws for the protection of the rights of widow to inherit the property of their deceased spouse and to enjoy parental right over their hidden lie succession net

Under section 123 of children Act Cap 59 it also provides that subject to laws in their best interest children shall have the rights to know and be cared by their parent to these entitled by the law to bring them up. This provision is to protect children against domestic violence which results in to children being night mares intrusive thoughts general emotional distress post traumatic stress disorder emotions numbing also according to article 349 of the constitution it provides that the state shall provided the facilities and opportunities necessarily to enhance the welfare of women to enable them to realize their full potential and advancement.

This is to fights against over dependency of women to their husband which also the most cause of domestic violence.

Under section 128(1)¹⁹ provided that any person who has in laws full carnal knowledge of a woman or a girl if the constant is obtained by force or by means of threats or intimidation of any kind or by fear of bodily harm as by means of false representation a to the nature of the act or in the care of married women by personating her husband commit the felon fanned rape and he is liable to suffer deaththis provisions in the penal code is to protect women against any form of violence.

¹⁶ Article 31(1) (a) of the Constitution

¹⁷ Article 31(6) of the Constitution

¹⁸ Article 31(2) of the Constitution

¹⁹ Section 128 (1) of the Penal Code Act Cap 120

Under this section 128²⁰ provides that any person who unlawfully and intentionally assaults any woman or girl commits a felony and is liable to imprisonment for fourteen years.

Again under it provides that any person who intending to insult the modesty of any woman or girl utter any word or make any sound or gesture or exhibits any object intending that such word or sound shall be seen by woman or girl commits a misdemeanor and is liable to imprisonment one year.

These provisions are to protect women or girls against any form of domestic violence under section 156²¹ states that any person who being the parent or guardian or other person having the law full care or charge of the child under the age of fourteen years and being able to maintain such child willfully and leaves it without means of support commits a misdemeanor

On addition also according section 157²² states that any person who being the parent or guardian or other person having the law full care or charge of any child of tender age and unable to provide for it self refuses or neglects being able to do so to provide sufficient food bedding and other necessaries for such children, so as that by it injure the health of the child commits a misdemeanor. This is to protect children against any form of domestic violence.

The principle of equality forms the care to proclaim one of the purposes of the United Nations to be promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to sex language or religion.

This chapter thus centers up on women the rights fulfillment of their human rights and more over it imposes a legal obligation upon member states of the United Nations to strive for elimination of all forms of discrimination against women.

2.3 False Causes of Domestic Abuse in Asia

Abused as a child

Many people who are abusive towards their families or partners come from families with no history of abuse. Many families in which abuse occurs do not produce abusive men or women.

²⁰ Section 128 of the Penal Code Act cap 120

²¹ Section 156 of the Penal Code Act Cap 120

²² Section 157 of the Penal Code Act Cap 120

The family is not the only formative influence on behaviour. Blaming abuse on a person's own experience can offer an excuse for it, but it denies the experiences of the majority of individual survivors of abuse who do not go on to abuse others²³.

Lack of control

Most violent people are able to control themselves not to abuse in public or in front of other people, not to cause injuries where they will show and only to be abusive within their family. This is not uncontrolled behaviour. Domestic abuse is not just about physical violence. It is a systematic pattern of controlling behaviour ranging from controlling household finances to not allowing their family member to leave the house.

Drugs and alcohol

Domestic abuse cannot be blamed on drugs or alcohol consumption. Some perpetrators may have been drinking or taking drugs when they are abusive, but many have not. Also they are not generally abusing everyone; they are able to control their behaviour so that it is only towards their partners or family members.

Domestic abuse is far more prevalent however in households where alcohol or drugs are being misused and it is common for alcohol or drugs to be used by victims of abuse as a coping strategy to deal with the abuse they are experiencing.

Stress

Much like drugs and alcohol, stress is not a cause of domestic abuse. Abuse is a choice, intended to gain power and control over the victim. Generally perpetrators of domestic abuse, regardless of how stressed they are, are able to limit their abusive behaviour to their chosen victim/s. There are also many extremely stressed people who are not abusive, and many perpetrators who are not stressed²⁴!

²³ Help at risk Children Asia

²⁴ Help at risk children

Mental health

Mental health problems are more likely to be caused by domestic abuse than the other way round.

Like the other factors listed here, mental health issues are not the cause of domestic abuse if the abuse is planned, controlled and limited only to a specific person or small number of people within the family setting.

Some mental health problems do lead to violent behaviour but this is uncontrolled and unpredictable. This does not make it acceptable and victims of abuse in this way still need to be offered safety and protection.

People with mental health problems are more likely to be victims of violence than perpetrators of it.

Causes of domestic violence in America

Domestic violence may start when one partner feels the need to control and dominate the other.²⁵ Abusers may feel this need to control their partner because of low self-esteem, extreme jealousy, difficulties in regulating anger and other strong emotions, or when they feel inferior to the other partner in education and socioeconomic background. Some men with very traditional beliefs may think they have the right to control women, and that women aren't equal to men.

This domination then takes the form of emotional, physical or sexual abuse. Studies suggest that violent behavior often is caused by an interaction of situational and individual factors. That means that abusers learn violent behavior from their family, people in their community and other cultural influences as they grow up. They may have seen violence often or they may have been victims themselves.

Children who witness or are the victims of violence may learn to believe that violence is a reasonable way to resolve conflict between people. Boys who learn that women are not to be valued or respected and who see violence directed against women are more likely to abuse

²⁵ www.iwa.org.uk

women when they grow up. Girls who witness domestic violence in their families of origin are more likely to be victimized by their own husbands.

Alcohol and other chemical substances may contribute to violent behavior. A drunk or high person will be less likely to control his or her violent impulses.

2.4 Causes of domestic violence in Uganda

Some of the commonly given causes of domestic violence include traditional cultural, religious beliefs and practices and a colonial legacy that conferred the title of the head of house hold on men but however, while domestic violence may influenced by particular social structures, value systems and traditional, it is rooted fundamental in an equal power relations. Women's lack of social, economic power, accepted gender roles and the low value put on women's work perpetuate and reinforce their subordination position. A review of literature that looks at causality indicates that one of the surest predictors of high level of domestic violence in the economic and decision making authority at men within the family²⁶.

Lack of education for girls and women, according to World Bank (1994) Report²⁷, On Violence against Women-Washington. The lack of education for girls and women has contributed to low social status and economic dependency on men. This has left women no power to sustain themselves hence socialize themselves last, which in turn undermined their self esteem and their ability to rich their full potential as a human being. This has lead to dictation work by men to women which lead to domestic violence²⁸.

Men use domestic violence to establish power and control over their partners²⁹. Interviews with young women reveal how young men use critics, intimidation surveillance, and treats and force to establish power and control over their partners thus causing domestic violence. It was noted that young women are vulnerable to domestic violence because they may feel that involvement in a personal relationship is necessary to fit in, they may be flattered by a partner who demands

²⁶ Interview with Nakibuka Mary 13th Feb. 2010

²⁷ Wolfgang Bendek 2001 Human rights of women international instrument Ibid

²⁸ www.emro.who.int/publication/1306/article20htm

²⁹ Hies, Lon 1994 Violence Against Women, Draft Report prepared by World Bank Ibid

time and attention and they lack experience negotiating sexual behavior hence biting, use of abusive language and many more³⁰.

Early marriage, inheritance of widows and male control of property encourage women dependency particularly in region with high unemployment and under employment of women and limited access to social welfare service. Poverty also causes domestic violence. This is in such way that poor people act violently and mercilessly hence causing domestic violence in some families. Insecurity also cause domestic violence like in northern Uganda that insecurity leads to breaking down of families. In the law enforcement structures and lack of basic social services like health care facilities which increases the level of domestic violence as there is no peace in homes.

Female genital mutilation is another reason for increase of domestic violence³¹. It is a collective name given to several practices that involves cutting of the female genital. It is either partially or totally removing of external female genital and causing injury to the female genital organ whether for therapeutic reasons. It is a common practice in Egypt, Eritrea, Somalia, Sudan, Togo, Burkina Faso, Ethiopia and even some tribes in Uganda. This increases the level of domestic violence in such way that it is both leads to physical injury and physiological torture. Polygamy, it is a system of marriage where a man can be co currently married to more than one woman and a woman being concurrently married to more than one man respectively. Here the focus is put on polygamy as practiced in some African countries like Nigeria and Libya among others. This makes men not to equally share their love among these women leading to fighting in homes hence increasing the level of domestic violence³².

Frustration and anger are also is another cause of domestic violence in Uganda. This usually a rise due to a feeling of inferiority as a result of un employment, being humiliated or badly treated at work and a non-successful life. This makes a man to feel that he is not strong or competent enough to control the family as he thinks he should be. Most women are economically dependent on their husbands and men take advantage of the woman's lack of access to economic resources

³⁰ManidahTebajukira New Vision Friday 27th Nov. 2009.

³¹Edwig Charles Patrick (1987), Battered Women who kill

³²Uganda Law Reform Commission 2006 Study Report Domestic Violence in Uganda.

to inflict emotional violence on them.³³ Some of the causes of domestic violence are due to poor communication skills. Some men have not learnt how to discuss their feeling with their wives. For instance, some men find it very embarrassing to explain what really happens at work. So they pretend that all is well when it is not, drug or alcohol abuse may be a precursor to domestic violence. Substance abuse leads to out-of-control behavior. The number one commonality with the dynamics of most alcoholic families is poor emotional health. This leads to secondary anger, which is an ineffective substitute for dealing honestly with emotions and as such, people fight each other without out fearing increasing the level of domestic violence³⁴.

On addition alcohol consumption some times results in physical violence against female partners and other women generally. Most men, being physically stronger than women use this might to batter women. Drunkenness by itself does not make a man violent in fact, many men become affectional when drunk. A man who beats his wife when drunk will do it for some reasons mentioned above. When he is sober, he is able to control anger and frustration but when he is drunk the real feelings express themselves. This may lead to a child being beaten for minor offence like failing to sweep the court yard, therefore, consumption of alcohol is also another cause of domestic violence in Uganda³⁵.

Bride price, this is an institution widely practiced in sub-Saharan African countries also brings tension between culture and women's rights. It refers to various gifts, property among others given by the prospective bridegroom and his family to the family of the bride to be. This makes men after paying that to look at women as their property and treat them like animals, not only that, also denying the freedom to express themselves. This leads to mistreatment of women causing domestic violence. Domestic violence is often linked to poor self-esteem a child growing up in a violent home is likely to have very little self-worth. He may be engaged in a pattern of negative self-talk. 'If I were any good, my father wouldn't beat me; I will never amount to anything³⁶.

³³ ManidahTebajukira New Vision Friday, 27th Nov. 2009

³⁴ Moses Bikara New Vision 7th April/2001

³⁵ Interview with Lubega James Kisenyi 8th March 2010

³⁶ 2004 bride price and violence against women the case study of Uganda paper presented at International bride Price Conference February, Kampala Uganda.

As a young man, his frustration and isolation may grow and a long with it, a hidden anger due to his feelings of helplessness. Anger is a major source of fuel that will fan the flames of domestic violence.

Women physical attack their husband, some women physically attack their husband during an argument which also cause domestic violence. Most frequently, it is after she has been beaten many times. Finally, she decides that she can not accept any more beatings and pick up a weapon because she has less physical strength and attack him, sometimes going as far as killing him. Many women report to the police that they are being beaten by their husbands. However, since men are very embarrassed to admit that they have been beaten by their wives, they never report the cases to the police.

Lack of respect for one is another cause of domestic violence. It is very difficult for anyone to hit someone whom she or he respects. A man who beat his wife often doesn't hold any basic respect for her as a human being. He treats her simply as a person who will satisfy his needs for a home, children and so on.

Relationship between domestic violence and law governing it

On the relationship between domestic violence and law governing it, where there is weak law domestic violence increases in the society.

“Foreign policy is not immune from the impact of values, ideas, initiatives and upheavals.”

From the aggressive foreign policies of Nazi Germany to early 20th century American isolationism, history has proven that the external ambitions of the state are far from homogenous. The realm of the foreign is an ideological concept, a product of international dynamics and domestic attributes. For one to suggest otherwise is primitive; there is no denying that international socialization has re-shaped foreign relations, and similarly, the permeation of national politics on the international stage cannot be discredited. Since both factors play a pivotal role in external policy formulation, the domestic and the foreign are easily distinguishable conceptions. But as this essay will argue, foreign policy is “primarily generated from within”³⁷.

³⁷ Martin Crutsinger “Obama budget moves towards universal health care

The influence of the domestic forms the basis of foreign strategy, overshadowing but not discounting remaining elements. The correlation between both policy areas is one of great strength.

Successful politicians mobilize and retain public support as a means of maintaining public office. In other words, democracy encourages choice; political parties argue on a range of policy areas, with emerging governments reflecting the opinions and values of the majority electorate. Whilst the two environments may be different, the relationship between foreign and domestic policy is thus determined on a common level of populism, with the decisions of state leaders reflecting notions of common consensus and agreement.

Inevitably, this means that both policy areas share similar ideological aims and ambitions. One example would be Barack Obama's current pursuit of the liberal agenda in the United States. The President's advocacy of troop withdrawal from Iraq, together with plans for healthcare reform promote values of social welfare and responsibility typically found on the left of the ideological spectrum.

Furthermore, they embody an overwhelming level of populism, with around 90% of American citizens favouring some kind of healthcare reform and 63% of Americans believing that the dispatch of troops to Iraq was a mistake. In short, domestic opinion plays a pivotal role in shaping governmental action, transcending across internal and external affairs of the state, and often, containing a sub set of differing values in accordance with the state in question. As Michael Medved notes, nationalism is a key factor within modern American society, and the formulation of US foreign policy has been heavily based on this concept throughout history. America's entrance into World War Two, for example, responded to the threatening of national infrastructure established by Japan's attack on Pearl Harbor. Similarly, the devastating events of 9/11 created a new level of 'islamophobia', with resentment to the Muslim populace becoming a staple, albeit a marginal staple, of national identity. The retaliatory approach within America's domestic society permeated into its domestic political arena, with the passing of the USA PATRIOT Act expanding law enforcement powers as a means of protecting national identity³⁸.

³⁸ <http://www.americanprogress.org/issues/2007/03/opinion>

Contemporary US foreign policy has heavily incorporated such ideals, with aggressive strategies in Afghanistan and Iraq reflecting a need to protect the American populace and American borders. Thus, a fundamental aspect in the relation between domestic and foreign policy is the prominence of national identity and a consistent need to protect such values. The concept of state sovereignty is still the persistent force in the international system, and with the continued persistence of nationalist governments in the global society (such as Austria), international socialization will continue to be an undermined and undervalued resource.

Similarly, the prominence of religion in domestic and foreign policy has proved pivotal. The relationship is most apparent within Eastern states like Egypt; the current government has been accused of pandering to religious sentiments to consolidate its hold on power”.

Domestic broadcasting policy has incorporated an increasing amount of religious programming on state television channels, am designed to “entrench the dominant religious frameof mind in Egypt”.As Christopher Hill notes, foreign policy will inevitably be affected by national religious factors because particular moral codes exist within other countries. This is evident from the continuing Israel-Palestine conflict, in which the country recently pledged support for the continued presence of Arab population in East Jerusalem; the notion of this support rests on the defense of Islamic culture within the international society.The relationship between domestic and foreign is also commonly linked by the influence of domestic culture, with heavy emphasis on social groups and social attitudes within states³⁹.

Throughout the 20th century, racial division characterized South Africa, with apartheid showing inherent levels of racism by the white minority. Yet South Africa’s repression of black civil rights in its domestic sphere was ignored in its foreign policy structure; attempts to strengthen the countries’ economy were executed via trade agreements with black African states. Domestic and foreign policy can be distinguished as two separate concepts in International Relations, because a state does not have an homogenized set of aims; in South Africa, it was seen as the country’s best interest to preserve elite social structures, but economic strength was vital to ensure the state’s stability. However, distinguishing the two concepts was limited by the practicalities of the global society, in particular concerns regarding human rights and morality.

³⁹ [Hhttp://news.bbc.co.uk/1/hiv/world/Africa](http://news.bbc.co.uk/1/hiv/world/Africa)

Apartheid was condemned across the international spectrum, and as such the boundaries between the state's domestic and foreign policy broke down; external forces did not want to "associate with a system that was historically doomed".⁴⁰

One could argue that international determinants play a vital role in influencing foreign policy. If specific issues are met with common consensus by the international community, a state is placed under pressure to adapt in a similar fashion; otherwise, any foreign ambition it may have will be crippled by external forces. The lack of a rule of law in Zimbabwe, together with the country's human rights abuses have resulted in several economic sanctions, such as those imposed by the European Union in 2002[18]. Zimbabwe's foreign agenda is thus limited, the structure of its domestic and foreign policy blurred in the face of social disorder and disharmony. Problematic domestic culture reflects on the image of government, overshadowing its internal and external actions; as such, the power of the elite to define its own image and ideology becomes diminished in both domestic and foreign affairs. Perhaps then, it can be concluded that the role of the domestic places "constraints on foreign policy makers", a theory also of great prominence in developed states⁴¹.

The interests of French farmers inhibits any Wish the Paris government may have in reforming the European Union's Common Agricultural Policy; to lose the support of such an important group would have damaging effects on the French economy, not to mention the diminishment of France's prominent role on the international stage. Similarly, in 2008 an Irish referendum on the Lisbon treaty produced a definitive "No" result, with Irish citizens believing Europe had grown out of touch with domestic interests.

Here, the link between domestic and foreign affairs is evident; the domestic provides the connection between elected politicians and the citizens they represent. It stops the political elite from growing out of touch with society, and marginalises the influence of external forces (i.e. other states) in the creation of foreign policy matters.

Another crucial factor is how the foreign realm, similar to its domestic counterpart, is a product of continuity and sustainment despite "the vicissitudes of electoral politics". In the United States,

⁴⁰ Larry D. Eldridge, ed. (1997) *Women and freedom in early American* NYU Press P. 116

⁴¹ William Thompson and Joseph Hickey *Society in focus*

conflictual approaches to foreign policy have been evident for much of 20th and early part of the 21st century, with wars such as Vietnam and Iraq having been executed under both Republican and Democratic presidents. In domestic terms, values of individualism, accountability and self-determination continue to persist in American society despite swings in the two party systems. This can be attributed to

Stella Mukasa a legal officer (as she then was) stated that, “A primal strategy to address domestic violence should address law and how this caters for victims for safety as well as redress”. Note that she does not give any solution to the phenomenon as she states, “That’s a primary affair, go and sort it out with your husband.” She also does not specifically state what law should be amended, sustained or even improved.⁴²

Uganda Law Reform Commission (ULRC)⁴³ in their report recommend that, further research be carried out on domestic violence as the country wide survey did not conclusively address the several issues regarding prevention and control of domestic violence. It further notes that there has been limited research on the subject of DV locally.

Maria Matembe⁴⁴ concurred that domestic violence in Uganda is treated as almost a “normal thing” and that officials from police to the courts to parliament have been hesitant to take meaningful action to halt violence against women. She equates the problem with women’s overall lack of power and inferior status within society and points to the fact that men use small arms to maintain psychological and economic control over their spouses. This has continued to undermine women’s position in society and left them more vulnerable to domestic violence than male counterparts.

Ping Manual for the Uganda Police force⁴⁵ Contains important findings why most men away with domestic violence, it notes that; many men who batter are persuasive and logical.

⁴² William Thompson and Joseph Hickey Society in Focus

⁴³ Uganda Law Reform Commission, Saturday Report on marriage and divorce Uganda, Publications No. 2

⁴⁴ Maria Matembe

⁴⁵ Developed by centre for domestic violence prevention in collaboration with UNFPA. 11/21/2009

CHAPTER THREE

METHODOLOGIES

3.0 Introductions

In this chapter present the how information will be corrected by using different methods source of data, primary data secondary data

3.1 Source of data

Data for this study was both primary and secondarily and books / library intended

3.2.1 Secondary Data

This was collected from mainly documentations on the topic of the study such as reports made by the related association that is either on the internet in the books or from article and letters.

3.2.2 Books / library

Various books were referred and information obtained relevant to the topic of the study is vivid in the literature review not that summary of the books referred to the biography of reference list.

3.2.3 Internet

Also employed the internet which is the widest cyber space source of all kinds of information in this case I was able to acquirer information in this case , I was able to acquirer information internationally related to the topic of study which is the domestic violence.

3.2.4 Observations

The researcher took number of researcher such to go to the library internet news papers the ways things were done and noted some issues relevant to the researcher problem

3.2.5 Data processions and analysis

3.2.6 Data processing

The researcher decoded the primary data collected. This was the first step of qualitative data analysis where the researcher carefully read the data collected for several times before any analysis. At this stage, the researcher positioned herself to understand the information gathered

with the help of books and newspaper. This involved making different sections of data as being relevant to particular times.

CHAPTER FOUR

FINDINGS

According to Article 15 of African Charter on the rights and welfare of children as it was reviewed in chapter two which states that every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or not to be interest of the child. According to me I agree with Article 15 of African Charter.

According to Article 8 of the children Act prohibits employment that may be harmful to a child's health, education or mental physical or moral development as it was reviewed in chapter two I also agree with article 8 of children Act.

Also according to Article 34 of the 1995 constitution of Uganda which provides that a child is entitled to basic education which shall be the responsibility of the state and parents of the child. According to my analysis I agree with the Article 34(2) of the 1995 Constitution, if this right is respected it will protect children from domestic violence.

Also according to Article 3 (2) of the 1995 of Constitution of Uganda which states that the parliament shall make appropriate laws for the protection of rights of widows and children also I agree with Article 31(2) of the constitution of Uganda, if this law are put into practice by the people It will stop domestic violence in society.

On the causes of domestic violence. According to report by world bank (1994) that domestic violence is caused by lack of education for girls and women can cause domestic violence on girls and women I don't agree with report put by world bank that domestic violence can be caused by lack of education for girls and women before even those who are educated their rights are violated.

According to Edwig Charles Patrick (1987) that domestic violence is caused by female genital mutilation according to my analysis I agree with him because when they are carrying out female genital mutilation they violate their rights.

Also according to Uganda Women's network 2005 report that domestic violence can be caused by frustration and anger, according to me I agree with report by Uganda Women Network 2005

because some women and children they violate their rights because of frustration and anger by their husband and fathers.

According to William Thompson and Joseph Hickey society in focus in relationship between domestic violence and law governing it, he states that the link between domestic violence and foreign affairs is evident; the domestic provides the connection between elected politician and the citizens they represent. It stops the political elite from growing out of touch with society, and marginalizes the influence of external forces (the other states) in the creation of foreign policy matters. According to me I agree with William Thompson and Joseph Hickey.

Also according to Stella Mukasa a legal officer (as she then was) stated that primal strategy to address domestic violence should address law and how this caters for the victims for safety as well as redress according to my analysis I agree with Mrs. Stella Mukasa.

CHAPTER FIVE

EVALUATION, RECOMMENDATION AND CONCLUSIONS

The researcher is gravely concerned by the fact that there is no specific law that is prohibit female genital mutilation and this practice continues in certain area of Uganda researcher would recommend that Uganda take all measures including legislation educational programs to combat and eradicate the practice of female genital mutilation

Researcher would recommend that government of Uganda enhance its strategies and programs aimed at combating domestic violence including marital rape.

The researcher stresses that there is a need of cultural transformation and eradication of any conflict which may arises between the rights of women and harm effects of certain traditional customary practice.

Cultural, prejudice and religion extreme is and also recommend that state violence against women and should not invoke any custom tradition region or other considering to avoid regions or other consideration to avoid their obligation with respect to its elimination.

The researcher also stress that there is a need to the recognition of human rights of women as in alienable integrals and indivisible part of human rights this will make people to realize that women also have rights which they are entitled to enjoy hence discouraging domestic violence.

Empowering women economically and supporting Non governmental origination working at grass root level. Empowering includes aiding women to acquirer identification paper birth certify papers , birth certificates or other wises that gives them wider access to health services, social security and other community services ,they are normally denied because of the absence of such documents.

Also organizing wide spread media campaigns that focus on all forms of violence against women as un acceptable and reviewing the image of women in the media which includes movie , shows and religious programs that support any inferior image of women and recognizing women's positive role.

Establishing national commission to plan and follow up on campaigns and work with the different bodies to deal with combating violence against women this should include members of ministries of health professional, education and media whether physicians nurses, midwives health workers among others in addition to individual working in the field women and human rights.

Uganda's to prohibit customary law and practices which violate the rights of women and to take active measures to combat such laws and practices by all means government focus should especially focus on the elimination of polygamy, forced marriage and female genital mutilation.

Researchers would recommend that the government of Uganda enhances its strategies and programs aimed at combating domestic violence, including marital rape, in this regard, researcher would urge Uganda to enact special legislation and domestic violence like amend the domestic relation bill and other related bill have become more than necessary in society to day. Because with out laws against domestic violence we shall continue losing lives of innocent citizen especially women and girls

Although the practices of polygamy continues, a country like Uganda must take reforms like imposing conditions on the husband to seek permission from courts or recognized institutions to marry the second wife upon satisfaction of specified conditions or giving the wife a rights to divorce upon showing that the second marriage will either make her to suffer a material or mental injury or will lead to injustice. This will help to reduce the level of domestic violence in Uganda.

Conclusion

Researcher is concerned about reports of the poor human rights situation in Uganda which is especially detrimental to the most vulnerable groups of society such as women although the Ugandan constitution appears to be based on gender equality researcher noticed the persistence of gender discriminatory provision in several codes and the discriminatory customary law like penal code is not clear whether marital rape is a crime as well as the prejudices and stereotypical attitudes concerning the role women and men in the family and society these roles are based on the notion of the superiority of men and subordination of women. The low economic and social position of women which is manifested by the high illiteracy rate among women and low

representation of women in politics leaves women more vulnerable to violence domestic community and state levels in Uganda.

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