

## HUMAN RIGHTS NGOS AND STAKEHOLDERS APPROACH TOWARDS CURTAILING DOMESTIC AND GENDER-BASED VIOLENCE

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### ABSTRACT

Gender-based violence has been internationally identified and described as a serious human rights infringement, which is perpetrated by people of both genders. The victims of GBV are equal the same as the perpetrators, though the degree of impact on women is high. GBV is caused fundamentally by cultural and religious inequalities, which manifest in various forms of unpalatable stereotypes in society. Their forms as identified by the Istanbul Convention are diverse: sexual and physical violence by intimate partners, cultural practices against the female gender in the form of forced or early marriage, denial of equal educational opportunity, political and social opportunities, as well as female genital mutilation. Treaties have been adopted at the international, regional, and sub-regional levels to address the challenge. State Parties to these Conventions have demonstrated a resolve to put an end to impunity in the handling of GBV by enshrining key provisions in the Constitution and other subsidiary legislation. Stakeholders are also working assiduously to bring incidences of GBV to the front burner through advocacy at all levels. Essentially, for there to be an end to GBV, all hands must be on deck; the State, NGOs, and institutions of government are saddled with the responsibility of investigating and management of GBV-related issues. Finally, victims of GBV should be assisted and perpetrators brought to justice.

**KEYWORDS:** Assault, Discrimination, Gender, NGO, Stakeholders, and Violence

### 1. Introduction

Domestic and gender-based violence<sup>1</sup> have a very long history. In medieval Europe and ancient Rome, men were given apparent authority and indeed, the power of life and death over their spouses. Meaning that, they could deal with their wives in whatever manner they pleased without any consequences to themselves. At the slightest provocation, a man could take the life of his wife in atonement for a seeming inconvenience or disrespect. This practice had its roots in culture and some insidious religious beliefs, which had hitherto reduced the womenfolk to the status of mere chattels. It is trite that most of the foremost religions of the world were built on the foundation of patriarchy, and this rubbed off on subsequent religions which grew out of them. For instance, Christianity grew from Judaism, which was built solidly on the rock of patriarchy. As a result,

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<sup>1</sup> Hereinafter called GBV

there has been a serious stereotype about women in certain respects. The Hindus believed that a woman can only enter paradise if reborn as a man through reincarnation, Conversely, a man who lived a reckless life would reincarnate as a woman in the next life<sup>2</sup>.

In the 18<sup>th</sup> century, it was only in Babylon under the Code of Hammurabi<sup>3</sup> and in Egypt<sup>4</sup> that women enjoyed a reasonable degree of respectability. In Athens and Rome, however, it has been said that a woman's legal status is one of total subjugation, initially to her father's or brother's authority and then to her husband's, who held paternal authority over her.<sup>5</sup> The antagonism against the womenfolk was upheld under Common Law, where mind-boggling and contemporarily, pedestrian pronouncements were made consigning women to the status of sub-human without any personality.

In *Jex-Blake v. Senate of the University of Edinburgh*<sup>6</sup> it was held that women were not “persons” within the contemplation of the statutes which called for interpretation. In that case, the plaintiff, Sophia Jex Blake, and six other women had applied to the defendant’s University for training to be admitted to practice medicine. The relevant university regulation stated that “persons” were entitled to enroll and study at the university. In interpreting the regulation, the Court held that the plaintiffs’ action must fail because as from 1411 when the University was founded until the 1860s when the plaintiffs’ first made their efforts to gain admission, no woman had been educated at the university. The Court therefore excluded women from the ambit of “persons”.

The evolution of law did not in any way give women any respite, as the common law of England up until the 19<sup>th</sup> century gave a husband the leverage to beat up his wife with sticks as a form of discipline, provided he did not inflict a permanent injury on her.<sup>7</sup> However, at the dawn of the 20<sup>th</sup> century, there began concerted efforts to bring the rights of women in marriage to the front burner, as well as to question the prevailing situation. The courts in both Europe and America had declared marital chastisement as illegal, though the American jurisprudence at this time treated wife beating differently from other cases of assault or battery, as husbands often harassed and assaulted their wives as they pleased, with immunity. Although it had subsequently become acceptable that a husband no longer possessed authority to beat his spouse, they only intervened in cases of severe marital violence<sup>8</sup>.

Things began to take a new dimension in the 1940s with awareness being created on the rights of women as a result of the feminist movement, which challenged the prevailing order. Equally, the roles played by women during the Second World War gave impetus to the fight against gender-based violence<sup>9</sup>. During the war, the Soviet Union directly engaged up to about 1,000,000 women on the frontline as combatants. The United States, on the other hand, refrained from so doing but

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<sup>2</sup> KH Peschke, *Christian Ethics*, (Theological Publication, 1994) Vol. 2 404.

<sup>3</sup> The Hammurabi Code granted to women financial personal freedom.

<sup>4</sup> In ancient Egypt, women had property rights and as such could own property

<sup>5</sup> JA Dada, ‘Widowhood Practice and the Law in Nigeria’, in Ibanga, M. *The Calabar Law Journal* [2002-2003] (vi-vii) 192

<sup>6</sup> (1873) H. M. 747.

<sup>7</sup> RB Siegel, ‘The Rule of Love’: Wife Beating as Prerogative and Privacy, [1996] (105) (2117) *The Yale Law Journal* 2118

<sup>8</sup> Siegel, (n.7) 2119

<sup>9</sup> BM D’amico, ‘Taking Over Men’s Work, Women at War: The Role of Women During WW2’ <https://www.learning.org> accessed 15 March 2025

engaged about 350,000 women who served as auxiliaries in non-combatant roles.<sup>10</sup> This brought to the front burner the fact that women were not actually who they were hitherto perceived to be.

## 2. What is Gender-Based Violence?

GBV is a developing issue. It is a violation of human rights linked to harm, death, and a wide range of detrimental physical and sexual health conditions, as well as socioeconomic effects. It can be committed by anybody, including intimate partners, coworkers, friends, family members, and strangers. It can take many different forms, such as sexual assault and reproductive coercion. It is a broad phrase that encompasses violence against people who identify as women and girls, as well as males and boys in general. The United Nations posits that GBV is any act of violence against people who identify as women, girls, men, or boys in general and that causes them to suffer physical, sexual, economic, psychological, or other forms of harm or suffering. It also includes threats of such acts, coercion, or the arbitrary deprivation of their freedom<sup>11</sup>. Flowing from the above, a perpetrator of GBV could be said to be one who deliberately uses violent and abusive behavior to control their partner whether or not they have been charged, prosecuted or convicted.

It is instructive to note that GBV was defined as violence involving men and women that results from unequal power relations between men and women, with the female typically being the victim, during the negotiations towards the adoption of the Convention on the Elimination of All Forms of Discrimination Against Women<sup>12</sup>. That same declaration gave an insightful meaning of abuse to mean an act that causes or is likely to cause women to suffer from bodily, sexual, or psychological injury or suffering, including threats of such actions, coercion, or arbitrary denial of liberty, whether in private or public life. GBV had often been thought of as one of the mechanisms employed to subjugate women to men's domination, based on entrenched cultural, religious, and social inequality in society.

For example, in China, the custom of "foot-binding," in which young girls' feet were bound to restrict their size, was slow to change and had become accepted by "higher society" by the eleventh century. According to tradition, women were kept "pure," "delicate," and "precious" to make them more "desirable" to the men. These little feet by women, which caused their bodies to sway in a feminine way when they moved. For the males who demanded "delicate" ladies, it made little difference to them if the practice caused the victims to suffer from extreme pain and disfigurement<sup>13</sup>.

Commenting on the plight of Nigerian women and others around the globe, a one-time Justice of the Supreme Court of Nigeria, Justice Oputa JSC, had this to say:

The treatment of women in any pre-colonial, primordial village community in Nigeria, in no way, came near their liberation in ancient Egypt, or their physical and mental emancipation in ancient Sparta. Their status resembled very closely the treatment and standing of women in ancient Athens or Rome: Where women were merely regarded as chattel or else children bearing slaves, secluded in their female quarters without education, without rank and without status. Like in ancient Rome, Nigerian women of old, were under the complete domination of their fathers who freely arranged

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<sup>10</sup> *ibid*

<sup>11</sup> Uganda Bureau of Statistics 2023, 'Uganda Demographic and Health Survey 2022', vol. 1, Kampala, 280

<sup>12</sup> 1993 United Nations Declaration on the Elimination of Violence against Women

<sup>13</sup> H Barnett, *Introduction to Feminist Jurisprudence* (Cavendish Publishing Press Ltd 1998) 33

marriages for them and who could sell them in circumstances of dire necessity, like what obtained in England after the Norman conquest.<sup>14</sup>

Recent events have, to some extent, challenged the narrative that only women are discriminated against as a result of their sex. Be that as it may be, it is safe to opine that GBV is any form of discrimination, real or apparent, perpetrated against an individual as a result of his or her sex, based on the inequality in the society<sup>15</sup>. Comparatively, the number of women who are victims of GBV outnumber their male counterparts; therefore, the hitherto natural conclusion is that only women suffer from GBV.

The very first generation human rights treaty, which guarantees civil and political rights<sup>16</sup> to all persons unequivocally guarantees equality for men and women without any form of discrimination whatsoever.<sup>17</sup> The UN Population Fund posits that GBV occurs due to inequality in power between men and women, targeted at women as victims, and takes the form of sexual or emotional mistreatment, and also includes violence either perpetrated or condoned by the State.<sup>18</sup> This specific epidemic has no boundaries. It jeopardizes survivors' integrity, security, dignity, and health. It also continues to be cloaked in a culture of silence, reinforced by societal attitudes and beliefs that uphold, defend, or reject it as a typical aspect of male-female relationships.

It is important to note that GBV cuts across all strata of human existence. It is evident in the social, economic, health, political, and cultural structure of the relationship between the two main genders.<sup>19</sup> An aspect of GBV is that it limits and restricts the choices of victims, thereby preventing them from making an informed decision about their expectations in life. Though victims of GBV could be either males or females, however, the impact of the malaise on the female gender is often more grueling due to women's unique peculiarity. Essentially, GBV is a direct affront on the internationally recognised human rights of victims. These rights inure in each individual as it is freely given by God. It is by nature inalienable, indivisible, and inter-dependent. Therefore, any act of violence perpetrated by a given gender against the other, be it male or female, is regarded as GBV. And the international community has risen to the occasion by naming and shaming the act, as well as holding perpetrators accountable.

### 3. Forms of Gender-Based Violence

GBV, as has been observed, is entrenched in cultural, religious, and economic stereotypes. Additionally, it can take many other forms, ranging from violence committed by intimate partners to other types of violence committed in public. These acts make up a conglomeration of other acts of violence against each gender as a result of inequality. It is important to note that these species of violence occur physically, sexually, economically, emotionally, and psychologically<sup>20</sup>. An individual who is very close to a victim, called an intimate partner, can perpetrate GBV in the form

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<sup>14</sup> Dada (n.5) 198

<sup>15</sup> NA Ndiaye, 'Gender-Based Violence in West Africa: The Cases of Senegal, Mali, Burkina Faso and Niger' (2021) *Friedrich-Ebert-Stiftung Peace and Security* 10

<sup>16</sup> International Covenant on Civil and Political Rights 1966, it entered into force on March 23, 1976

<sup>17</sup> Ibid Article 2

<sup>18</sup> United Nations Population Fund, 'Gender-Based Violence' <https://www.unfpa.org/gender-based-violence> Accessed 12 March 2025

<sup>19</sup> Arrow, 'Women's Gender and Rights Perspectives in Health Policies and Programmes', ARROWS, [2011] (17) (2) 1

<sup>20</sup> Human Rights Institute of Catalonia, 'Human Rights and Gender-Based Approach in the Context of a Humanitarian Crisis: The Gaza Strip' <https://acciontraelhambre>, accessed 18 February 2025

of sexual coercion, physical abuse, and controlling behavior<sup>21</sup>. This perpetrator could belong to either gender. Recent happenings around the globe have revealed that both men and women are culpable in intimate partner violence. Either a current or past sexual partner commits this type of abuse. In fact, according to the WHO research, over 27 percent of women between the ages of 15 and 49 experience intimate partner abuse.<sup>22</sup> This form of GBV, unfortunately, has gone so far that several lives have been lost in the process. There are currently unfortunate happenings reported in some quarters where women target and cut off the genitals of their spouses, alleging adultery.

Again, a survey conducted by the European Union indicates that 5 to 9 per cent of women between the ages of 18 to 74 years have experienced violence of different forms by either an intimate partner or someone else.<sup>23</sup> Out of the figure, those who have suffered from intimate partner violence represent 17.7 per cent.<sup>24</sup> Furthermore, it is instructive to note that both men and women have experienced physical violence. Indeed, one out of every woman, representing 17 percent, has suffered from sexual violence, and one out of every seventeen men, representing 6 percent, has equally suffered from sexual violence<sup>25</sup>. And about 11 percent of women and only 4 percent of men have reported the incidence of sexual violence<sup>26</sup>. Reports reveal that about 44 per cent of women and 39 per cent of men within the age bracket of 15 to 49 years fall within this category<sup>27</sup>. Among those within this bracket who have ever been married are those who have suffered from marital control. Statistics equally show that 32 percent of women and 28 percent of men fall into this class of victims.<sup>28</sup> Unfortunately and regrettably, as a result of spousal violence, about 34 percent of women and 33 percent of men have sustained injuries of varying degrees.<sup>29</sup>

The phenomenon of reproductive coercion, in which one spouse uses power to influence the other's reproductive choices and health, is a component of intimate relationship violence, mostly by men against women in the majority of instances. Pregnancy coercion, sabotage of contraceptives, and control over pregnancy outcomes are examples of reproductive coercion. Women are frequently the victims of various types of violence committed by their spouses. It is crucial to note that young women and girls between the ages of 15 and 19 are the ones most affected by intimate partner abuse<sup>30</sup>.

Some people use physical violence, which can be either assault or battery, to demonstrate their physical strength over their victims. This type of violence involves purposefully using or threatening to use physical force, strength, or a weapon to harm or injure another person in ways like hitting, choking, slapping, strangulation, burning, or cutting, causing serious bodily harm. The idea that men are physically stronger than women is widely accepted. Therefore, to establish their

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<sup>21</sup> World Health Organization, 'Violence against Women' <https://www.who.int/en/news-room/fact-sheets/details/violence-against-women> accessed 12 March 2024

<sup>22</sup> *ibid*

<sup>23</sup> Republic of Bulgaria National Statistical Institute, 'Survey on Gender Based Violence EU GBV 2021' at <https://www.nsi.bg>pressrelease> accessed 28 March 2025

<sup>24</sup> *ibid*

<sup>25</sup> Uganda Bureau of Statistics 3023, 'Uganda Demographic and Health Survey 2022' vol. 1 Kampala, 280

<sup>26</sup> *ibid*

<sup>27</sup> *ibid*

<sup>28</sup> *ibid*

<sup>29</sup> *ibid*

<sup>30</sup> ARROWS (n.13) 5

dominance, this form of GBV is resorted to. Part of the reason why physical violence is resorted to is to subjugate women to sexual slavery or exploitation.<sup>31</sup>

Furthermore, some harmful traditional practices that are performed against women and girls in the name of tradition have been accepted in particular cultures or societies. These include female genital mutilation, forced marriage, and "honor" killing<sup>32</sup>. According to the World Health Organisation, FGM is a term that encompasses "all procedures that involve the partial or total removal of external genitalia or other injury to the female genital organs for nonmedical reasons"<sup>33</sup>. The findings state that the practice is widespread in 30 African nations as well as in other regions of the Middle East and Asia. It is also present in communities of people from these nations who reside abroad<sup>34</sup>.

FGM is carried out fundamentally for socio-cultural and in some instances, religious reasons. In most cultures, the practice marks a girl's transformation into womanhood. In many other cultures, the removal of the genitalia, especially the clitoris, is thought to boost male sexual pleasure, preserve virginity and chastity before marriage, and reduce female sexual desire. For strictly sanitary and cosmetic grounds, the external genitalia are thought to be unclean and ugly and should be removed to improve cleanliness and aesthetic appeal. Women's unmodified genitalia are viewed as unsightly and large in certain communities. According to certain cultures, unless the clitoris is removed, a woman's genitalia may enlarge and become clumsy, dangling between her legs. According to some cultures, a man will die if his penis comes into contact with a woman's clitoris. Others still think that the baby will die if the head hits the clitoris during delivery. The practice of FGM is surrounded by all of these fallacies.

A recent study by the University of Birmingham indicates that FGM is a major cause of death in countries where it is practiced, with a staggering 44,000 additional young women and girls dying each year<sup>35</sup>. Unfortunately, in January 2024, in Sierra Leone, three young girls aged 12, 13, and 17, respectively, succumbed to the cold hands of death due to complications arising from FGM.<sup>36</sup> Indeed, a UNICEF global report indicates that more than 200 million women have been subjected to FGM in 31 countries<sup>37</sup>. These figures are indeed staggering, and immediate action needs to be taken by all stakeholders in order to reverse the trend.

#### **4. Causes and Effects of Gender-Based Violence**

It is an axiom that things do not just happen, but that they are caused. GBV is a negative lifestyle that started from a very passive norm, and has been, over the years, sustained and perpetrated by

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<sup>31</sup> *ibid*

<sup>32</sup> Hereinafter called FGM

<sup>33</sup> World Health Organization, 'WHO Guidelines on the Management of Health Complications from Female Genital Mutilation', <https://www.who.int/publications/i/item/978924154964> accessed 13 March 2025

<sup>34</sup> *ibid*

<sup>35</sup> A Ghosh, H Flowe and J Rockey, 'Estimating Excess Mortality Due to Female Genital Mutilation' at <https://doi.org/10.1038/s41598-023-38276-6> accessed 14 March 2025

<sup>36</sup> FGM in Sierra Leone: What Can be done to End it: <https://www.dw.com/en/fgm-in-seirra-leone-what-can-be-done-to-end-it/a-68176524> accessed 11 March 2025

<sup>37</sup> UNICEF, 'Statistical Profile on Female Genital Mutilation' at <https://www.data.unicef.org> accessed 10 March 2025 [between 2012–2020, about 35 % of girls and women in the age bracket of 15–49 years had undergone FGM in some African countries. For example, Guinea - 94.5%, Mali - 88.6% and Sierra Leone - 83% recorded the highest number of girls and women who had undergone FGM. Other countries with a lower index Cameroon - 1.4% and Niger - 2.6%]

dangerously entrenched traditional practices, culture, and religion. These factors broadly cover areas such as gender imbalance as a result of patriarchal structures erected in some societies, whereby the male gender is given absolute or more power in the control sphere of events than their female counterparts.<sup>38</sup> To achieve this, some discriminatory practices are acceptable as the norms, thereby relegating the female gender to the background. In this same vein, specific roles are deemed permissible only for the male gender, and any attempt by a female to either aspire or practice the same would be greeted with rebuff or reprimand in such societies.<sup>39</sup>

Another unfortunate factor is unequal access to resources by both the male and female genders. It is commonplace to observe though unfortunately, that in societies where GBV has been accepted as normal, there are restricted opportunities for the female gender<sup>40</sup>. These limited access among others include, but are not limited to, education, socio-economic empowerment, healthcare services which address the specific needs of women or the girl child, as well as other forms of incentives which would have ordinarily enabled the female gender to compete favourably with her male peers. This worst scenario is further exacerbated by some forms of rigid and reprehensible gender biased roles, which further embolden male dominance hegemony. This plays out more in cases where violence has been perceived and welcomed as the only means of conflict resolution.<sup>41</sup>

In an era where the world has moved away from dangerous cultural practices which tend to endanger the well-being of some members of society, there are still in operation some practices which are deeply entrenched in some unfounded customs referred to as family honour<sup>42</sup>. This thrives more in a society of institutionalised domination and subjugation of one gender to the other, with all the attendant consequences which flow therefrom. A practical demonstration of this phenomenon is a situation where women are held down by tightly established norms that set boundaries to what they are permitted to do, and any infraction by them is at peril to their lives.<sup>43</sup> Such gruesome discriminatory practices manifest in acts such as assaults, confinement or imprisonment, and interference with marital choice and other consequences which directly affect the female gender.<sup>44</sup> The perpetrators of this practice believe that it is necessary ostensibly to preserve a concept of "honour" which is vested in male members of the family to control the womenfolk, particularly women's sexual behavior, however. For them, adultery, extramarital affairs; ostensible or not, rape, and falling in love with an "unsuitable" person are all crimes against family honour, and as such must be strictly dealt with. It must also be stated, however, that though crimes of honour are a kind of violence against women, in some isolated cases, men could become victims of these crimes as well.

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<sup>38</sup> Q Wanjiru, 'Causes and Effect of Gender-Based Violence: A Critical Literature Review' [2021] ( 2 ) ( 1 ) *Journal of Gender Related* 44 - 53

<sup>39</sup> Ibid 47

<sup>40</sup> TAWLA, 'Review of Law and Policies Related to Gender Based Violence of Tanzania Mainland' (2014) 7

<sup>41</sup> Partnerships for Prevention of Violence Against Women and Girls in Southern Africa (PfP), 'Prevention of Violence against Women and Girls in South Africa: Stakeholder Network Analysis' (2018) 1-2

<sup>42</sup> S Nisha, U Kumar, A Ambasth, P Ranjan, A Sharma, R Mahadeva, V Gupta, S Kampani, S Dixit, 'Assessing The Issues of Honour and Violence Against Women: A Human Rights Discourse Framework for The Detection of Violence Against Women' (2024) BIO Web of Conferences 86 <https://doi.org/10.1051/bioconf/20248601114> accessed on 19 March 2025

<sup>43</sup> Ibid 2

<sup>44</sup> ibid

Furthermore, other factors which encourage GBV include armed conflict and hostilities, which invariably create sexual violence, particularly in Internally Displaced Persons.<sup>45</sup> Apart from conflicts that arise as a result of hostilities or armed conflict, natural disasters could equally give rise to the displacement of individuals from their natural homes. A fundamental breach, which often plays out in IDP camps, is a high level of discrimination against women. All manner of unsavoury treatment are meted out against women including rape.<sup>46</sup> In most cases, these are perpetrated by partners or even close relatives. Not being able to speak up about this obnoxious treatment, the victims bear the unpalatable pain, which in some cases leads to mental breakdown for some, as well as prolonged mental health challenges.

The COVID-19 pandemic, by its very nature, further worsened an already precarious situation for women gender concerning their dignity and rights. The sectoral nature of the crisis also halted progress in gender equality in entrepreneurship<sup>47</sup>. During the period it lasted, women had to take up most of the non-paying jobs to properly cater for their homes and children. Amid a crisis as seen above, some essential services were ultimately disrupted, which in turn impacts negatively on women and thereby widens the inequality gap and emboldens GBV.

The effects of GBV on individuals, communities, and society in general are far-reaching. They affect the victims holistically and can have both short-term and long-term effects, resulting in psychological, mental, and physical harm, loss of opportunities, as well as hardship, which is a natural consequence of the above. One of the immediate effects of GBV is physical trauma, which manifests in different forms, but not limited to depression, anxiety, post-traumatic stress disorders, which ultimately result in loss of life or grievous bodily injuries<sup>48</sup>. Cases of rape equally have even more unbearable consequences. Apart from the psychological effects, it could result in unwanted pregnancies and the ugly complication that accompanies them.<sup>49</sup> More worrisome is the fact that it could result in contracting sexually transmitted diseases (STDs), including the dreaded Human Immunodeficiency Virus (HIV).<sup>50</sup>

Similarly, the ripple effect of all these could result in the loss of economic opportunities for victims, which in turn directly affects their quality of life. As a corollary, economic stability would ultimately become a very daunting challenge for victims of GBV. For those practices that are solidly entrenched in culture and religion, their impact is much greater. In some instances, victims face ostracisation, which further limits their access to both social and economic opportunities, such as education, participation in politics, and other social engagements that are open to others. In extreme cases, such victims contemplate suicide or commit suicide. The impact of GBV in families cannot be overemphasised, particularly as it affects the children who witness it. Such children, unfortunately, grow up suffering from behavioural instability and emotional damage and stand a chance of perpetrating GBV in the future, having known it as the only way of conflict resolution.<sup>51</sup> Indeed, GBV is an ill wind that does no one any good and should be resisted at all levels.

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<sup>45</sup> CE Ekpe and ME Umo, 'Corona Virus Pandemic: A Lethal Threat to the Protection and Assistance of Internally Displaced Persons in Africa' [2022] (19) *The Calabar Law Journal* 46-62

<sup>46</sup> Ibid 48

<sup>47</sup> OECD 'Joining Forces for Gender Equality: What is Holding Us Back?' (2023) 22

<sup>48</sup> Ndiaye (n.15) 31

<sup>49</sup> Ibid

<sup>50</sup> UNFPA, 'Addressing Gender Based Violence' (2012) 1-7; USAID, 'Countering Gender- Based Violence Initiative -MENA' (2016) 8

<sup>51</sup> Wanjiru (n.38) 46

## 5. Steps by NGOS and Stakeholders in Addressing Gender-Based Violence

GBV has been identified by the international community as a human rights violation, and several steps have been put in place to address it. Essentially, these steps are at the international, regional, national, as well as NGO levels. The adoption of CEDAW was the first step at the international level to address GBV, particularly as it affected the rights of women. The goal of the Convention is to eradicate all forms of discrimination against women, both *de jure* and *de facto*, that arise from the actions or inactions of States parties, their representatives, or individuals or groups in all spheres of life, including politics, the economy, society, culture, civil life, and family life. By implementing a policy of eradicating all types of discrimination against women and embracing all relevant legislative and programmatic measures, it seeks to recognize and achieve the *de jure* and *de facto* equality of men and women.

In defining discrimination against women, the Convention addresses both direct or indirect discrimination, be it intended or unintended in both private and public life as any sex-based discrimination, exclusion, or restriction that has the intention of preventing or undermining women's recognition, enjoyment, or exercise of their rights, regardless of their marital status, in the context of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field.<sup>52</sup> Direct discrimination would be restrictions that are geared towards limiting the right of women to participate in either political or socio-economic activities equally with their male counterparts.<sup>53</sup>

The protection afforded women and girls by CEDAW is holistic and spans their lifetime. By establishing measures for achieving equality between women and men, regardless of their marital status, in all facets of political, economic, and social life as well as family relations, including but not limited to affirmative action, the Convention goes beyond the guarantees of equal protection found in international instruments. The Convention encourages State Parties to implement short-term exceptional measures that guarantee *de facto* gender equality, these measures should be terminated once the equality goals have been met.<sup>54</sup> Recognizing the uniqueness with which women are created, the Convention indicates that actions intended to safeguard maternity which are basically for women, should not be construed as being discriminatory against the male gender.<sup>55</sup>

Parties to the Convention are required to change the social and cultural patterns of behavior of men and women to eradicate prejudices, customs, and any other practices that are founded on the notion that one sex is superior to the other or on stereotyped roles for men and women. This is done in order to shed some cultural practices and prejudices against women. Additionally, they must make sure that family education includes a holistic comprehension of maternity as a societal duty and the acknowledgment of the shared responsibility between men and women in raising their children.<sup>56</sup> Specifically, Article 6 addresses the concerns about women trafficking for purposes of

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<sup>52</sup> Convention on the Elimination of all Forms of Discrimination against Women, Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979 entry into force 3 September 1981, Article 1

<sup>53</sup> D Šimonović, 'Convention on the Elimination of all Forms of Violence against Women' Commentary by the Chairperson of the Committee on the Elimination of Discrimination against Women (2007 – 2008) 1 <https://www.un.org/law/av/> accessed 20 March 2025

<sup>54</sup> Ibid Article 4(1)

<sup>55</sup> Ibid Article 4(2)

<sup>56</sup> Ibid Article 5

prostitution and other forms of exploitative and insidious labour, while Articles 7 and 8 advocate for women to be given a level playing field in politics at all levels.

Also, Articles 9 through 13 address women's socioeconomic empowerment, including health care, by requiring State Parties to take the necessary steps to end discrimination against women in the areas of education, employment, and health as well as in economic and social life, including but not limited to family benefits, bank loans, and other capital, as well as in leisure, sports, and cultural pursuits. Specific challenges and discriminations faced by women in rural areas, concerning cultural practices which embolden grave discrimination against women, such as unequal access to education, health care, forced marriage and early betrothal, which have the effect of limiting women access to a wider spectrum of opportunities are addressed by Article 14 and 15, with a mandate that State Parties should make it possible for women to participate in and benefit from rural development on the same basis as men.

Following the CEDAW, the Istanbul Convention was adopted by the Council of Europe in 2011, with the primary goal of eradicating all forms of violence against women.<sup>57</sup> The Convention lists several types of discrimination and violence against women, such as psychological abuse from partners,<sup>58</sup> stalking<sup>59</sup>, physical violence<sup>60</sup>, forced marriage<sup>61</sup>, sexual violence including rape<sup>62</sup>, FGM<sup>63</sup>, forced abortion and forced sterilization<sup>64</sup>, sexual harassment<sup>65</sup>, as well as all forms of unacceptable crimes against women related to family or society honour<sup>66</sup>. To give direction to GBV, the Convention defines gender as the 'socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men'<sup>67</sup>. The Istanbul Convention is predicated on the backdrop that whatever discrimination that is meted out on women is done simply because of their gender. It therefore calls on States to take positive steps or measures to address them strictly by taking measures to prevent violence against women, protect their victims, and prosecute the perpetrators.

The Convention notes that GBV, particularly against women, thrives when the relevant State agencies are indifferent towards the plight of the victims. Parties to the convention are urged to apply the protective framework it establishes equally to men who are also subjected to abuse inside the family or domestic unit, though domestic violence does not only affect women and girls. However, it should not be forgotten that women make up the majority of victims of domestic violence, and that this type of violence against them is a component of a larger pattern of inequality and discrimination. Additionally, as part of its victim protection mechanism, the Convention not only criminalizes all forms of violence, but also gives police the authority to remove domestic abusers from their homes, make sure that people have access to sufficient information about

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<sup>57</sup> The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) was adopted by the Committee of Ministers and opened for signature in Istanbul on 11 May 2011. The Convention entered into force on 1 August 2014,

<sup>58</sup> Ibid Article 33

<sup>59</sup> Ibid Article 34

<sup>60</sup> Ibid Article 35

<sup>61</sup> Ibid Article 37

<sup>62</sup> Ibid Article 36

<sup>63</sup> Ibid Article 38

<sup>64</sup> Ibid Article 39

<sup>65</sup> Ibid Article 40

<sup>66</sup> Ibid Article 42

<sup>67</sup> Ibid Article 3

available services in a language they can understand, set up easily accessible shelters in a sufficient number and geographical distribution, provide free helplines all day long, and set up easily accessible rape crisis or sexual violence referral centers.

The import of the foregoing is that law enforcement agencies will have to respond to calls for help, collect evidence, and assess the risk of further violence to victims to adequately protect those at risk. In addition, judicial proceedings should be run in a manner that respects the rights of victims at all stages of the proceedings and that avoids secondary victimisation. To be successful in addressing GBV, the Convention acknowledges that all hands must be on deck and therefore calls on States to engage men and boys in prevention work, and adopt a human rights and victim centred approach<sup>68</sup>. Several other countries that are parties to CEDAW have equally within their domestic jurisdictions put in place some mechanisms to address GVB.

## **6. Addressing Gender-Based Violence in Africa**

An important step taken by African countries in addressing specific challenges faced by women was the adoption of a treaty that resonates with the discrimination suffered by African women.<sup>69</sup> The Maputo Protocol specifically addresses issues of discrimination against women in all spheres, as well as other harmful practices such as FGM<sup>70</sup>, child marriage<sup>71</sup>, sexual violence<sup>72</sup> perpetrated in different guises and it calls on the national government to address the inequality experienced by women in other socio-economic angles, such as politics and other areas of human endeavours<sup>73</sup>. In line with extant regional treaties, Member States to the above have taken proactive steps to put an end to GBV in their respective jurisdictions through their national laws and other initiatives. Uganda is not left out in these very important collaborative efforts. Uganda as a nation has recorded a positive impact in addressing the challenge. This has been done through proactive national laws and policies that directly prohibit GBV, protect victims, and prosecute perpetrators at all levels. The Parliament has indeed passed an avalanche of legislation aimed at putting an end to GBV and holding perpetrators accountable. These laws<sup>74</sup> have to a large extent given direction in bringing GBV to an end in Uganda.

The National Male Involvement Strategy is a crucial component that Uganda has implemented. It highlights that gender-based violence disproportionately affects women and girls, but that men and boys can also become victims of GBV. According to the initiative, incidences of GBV are mainly rooted in patriarchal social structures that assign different roles, social norms, and values to men and women in ways that perpetuate male dominance and female subordination, leading to unequal power relations in families and the community.

Fundamentally, the 1995 Constitution of Uganda guarantees equal rights to both genders in terms of dignity, provision of facilities, and potential in economic, social, and political opportunities, as

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<sup>68</sup> Ibid Article 12

<sup>69</sup> Protocol to the African Charter on Human and Peoples' Rights on the Right of Women in Africa, it entered into force on 25 November, 2005 having been ratified by 15 Member nations of the African Union. As at the end of September 2023, 49 out of the African countries have signed and ratified the Protocol

<sup>70</sup> Ibid, Article 5

<sup>71</sup> Ibid Article 6

<sup>72</sup> Ibid Article 11

<sup>73</sup> Ibid Article 2

<sup>74</sup> The Penal Code 2007, Domestic Violence Act 2010, The Prohibition of Female Genital Mutilation Act 2010, the Prohibition of Trafficking Act 2010, the Children Act (as amended) 2016

well as affirmative action for purposes of redressing any form of discrimination against women.<sup>75</sup> Additionally, non-governmental organisations have been actively involved through their programmes by drawing attention to the menace created by GBV, and stakeholders are united in addressing the challenge to put an end to it. The judiciary has not been left behind in this process. Through the Courts, certain customs which embolden perpetrators and perpetrate the culture of GBV have been declared repugnant to natural justice and good conscience. Non-governmental Organisations are equally actively involved in the fight against GVB.

The Male Involvement Strategy's main goal is to empower boys and men to act as change agents in their workplaces and communities to maintain safety and harmony and shield both sexes from the threat of gender-based violence<sup>76</sup>. It represents the government's zero tolerance to GBV, ensures a swift response when they occur, and provides comprehensive protection for victims as well as holds perpetrators accountable<sup>77</sup>. The initiative has recognised among others that, GBV against women are often reported, while those against men are in most cases under-reported, yet, GBV against men and boys do occur and take the form of male murder as a result of inheritable assets; and that, men are often ashamed of reporting GBV against them, particularly if perpetrated by their spouses for fear of being perceived as being weak and that men who fall within the above category abandon their social responsibilities as home as a way of protest<sup>78</sup>.

Steps adopted by this initiative include among others, community-based advocacy on the ills of GBV and raising proper consciousness on inheritance rights, provision of a comprehensive healthcare, legal and psychosocial support to victims, empowerment of traditional rulers to develop action plans in their various communities to put an end to GBV, ensuring that men and boys are actively involved in the fight against GBV and building the capacity of major stakeholders such as the Police, the Judiciary as well as the office of the Director of Public Prosecution to ensure that perpetrators are apprehended and prosecuted accordingly.<sup>79</sup> In addition, the government partners with Non-governmental Organisations, both international and local, like United Nations Women Promote HeforShe, in order to engage men and boys to respect and support women and to ensure equality between both genders.<sup>80</sup> Similarly, there is the CEDOVIP<sup>81</sup> whose strategy is known as Start Awareness Support Action, aimed at community-based mobilisation for the prevention of violence against women, as well as influencing social stereotypes to create a paradigm shift in social norms. A fundamental style adopted by this initiative is getting men actively involved in parenting, active involvement in family decision-making, as well as increased caregiving to their families and partners.<sup>82</sup>

Importantly, the rationale for male involvement in putting an end to GBV is not far-fetched. Men are powerful both in the families, as family heads, as well as in society as community leaders, traditional and cultural leaders. Therefore, they wield great power and authority. Therefore, when they speak from a position of authority, change is inevitable. It is a known fact that men control

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<sup>75</sup> Constitution of the Republic of Uganda 1995 (as amended) Article 33 (1) – (6)

<sup>76</sup> Ministry of Gender, Labour and Social Development, 'The National Male Involvement Strategy for the Prevention and Response to Gender-Based Violence in Uganda' (2017) i

<sup>77</sup> Ibid 11

<sup>78</sup> Ibid 9 and 10

<sup>79</sup> Ibid 12 and 13

<sup>80</sup> Ibid 14

<sup>81</sup> Raising Voices and the Centre for Domestic Violence Prevention

<sup>82</sup> Ministry of Gender, Labour and Social Development (n.78) 14

financial resources both in the family and the society at large. Therefore, where there is a strategic financial partnership between men and women, access to financial resources is assured for all.

## **7. Conclusion**

This paper has demonstrated that there is no gainsaying that GBV is a monster which affects both men, boys, women, and girls, though the degree suffered by the female gender is higher. This is due to social, cultural, and religious inequalities perpetrated by long-standing stereotypes. The effects caused by the continued perpetration of GBV on society cannot be overemphasised. Government and stakeholders such as international and local NGOs are actively involved in the fight against GBV. Successes have been recorded in some areas, but there is room for improvement.

A cursory look at the causes of GBV would indicate that if it is to be completely eradicated from society, it must be tackled at the root. Therefore, we propose the following: States should give effect to national laws, such as the Constitution and other subsidiary legislation, which ensure equality between men and women. It is not enough to enshrine equality provisions in the Constitution without backing them up with overt action. A database on GBV should be provided by every country, and there should be an update on incidences of GBV periodically. Similarly, in order to ensure that women participate actively in social, economic, and political affairs, the State apparatus should be strengthened in line with adopted international, regional, and sub-regional treaties, like the Maputo Protocol.

Again, both men and women should be encouraged to break the silence on GBV. Victims should be advised and encouraged to report incidents of GBV, no matter their relationship with the perpetrators. Furthermore, there is an absolute need for a more radical advocacy on GBV, bringing to the forefront its forms and dangers in society. This will put everyone on alert and therefore reduce its incidence drastically. There is also an absolute need to train specific stakeholders involved in the investigation, prosecution, and management of GBV cases, such as the Police, the Court, NGOs, and others, on the proper *modus operandi* to be adopted in the process to ensure success. The Parliament equally has an important duty to play in this regard by legislating on gender-sensitive budget as well as human rights. Therefore, they should be adequately trained on GBV. Finally, victims of GBV should be adequately supported in all ramifications, while perpetrators should be held accountable at all times.