

EXAMINE THE LEGAL FRAMEWORK ON DOMESTIC VIOLENCE AGAINST THE MALE GENDER IN UGANDA

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ABSTRACT

Domestic violence poses significant threats to the male gender, with the rising cases of physical, emotional, sexual, economic violence against men, and what makes it worse is that when it is talked about, the topic is always reduced to the abuse that men do to women, thereby adversely affecting the male gender. However, in Uganda, there is limited understanding and implementation of the legal framework on domestic violence and how the law can mitigate its impacts, particularly on the male victims. The purpose of this study is to evaluate the effectiveness of the legal framework on domestic violence as a strategy for mitigating violence against men in Uganda. This Article adopts a doctrinal method of study, utilizing primary and secondary sources such as laws and scholarly literature. The data obtained was analyzed using a descriptive and analytical method of study. The findings indicate that domestic violence against men is largely invisible and unrecognized, challenges faced by male victims of domestic challenges in accessing justice, including societal stigma, lack of awareness, and inadequate support systems. The study concludes and recommends that reviewing the law on domestic violence in Uganda is vital for mainstreaming gender issues and mitigating domestic violence against men. It is recommended that policymakers focus on amending discriminatory laws relating to domestic violence.

Keywords: Domestic violence, Male, Abuse, Legal framework, Gender equality

1. Introduction

Given the national acceptance of domestic violence, the Ugandan government came up with the Domestic Violence Act Cap. 123 and sought to incorporate the same into its national laws. The essence of adopting the law on domestic violence is to enhance equitable resolution of domestic-related conflicts and cater to the needs of men and women¹. However, despite the promising nature of the law relating to domestic violence, there seem to be several challenges that hinder its effectiveness. These challenges include legal, political, social, and economic. This is concerning, because “the would be” unique legal framework on domestic violence in Uganda poses a challenge to co-exist with the societal norms². And this is a concerning issue because it could result in a shift from the legal framework regulating domestic violence. In recent years, however, there has been increasing recognition of the suffering that male victims

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¹ D Gubi and SO Wandera, ‘Prevalence and Correlates of Intimate Partner Violence Among Ever-Married Men in Uganda: A Cross-Sectional Survey’ (2022) 22 BMC Public Health 535

² D Nakalyowa-Luggya and others, “It Is Such a Shameful Experience...” Barriers to Help-Seeking Among Male Survivors of Intimate Partner Violence (IPV) in Uganda’ (2022) 20(4) Gender and Behaviour

of domestic violence endure. Uganda's experience sets a very good example in practice towards understanding and overcoming barriers³.

Domestic violence against men is rarely acknowledged, as it is understood as quite the opposite by societal expectations, which seem to dictate that men are supposed to be strong and must not be victimized at all⁴. Many men are physically, emotionally, or psychologically abused by their partners, but suffer in silence, mostly out of fear of stigmatization and ridicule. They are often victims of emotional abuse in the form of shaming, insults, and manipulation, which leaves ghastly psychological scars. Some men are also victims of financial abuse, in that they are denied access to family funds or made financially dependent on their partner. Men who are domestic violence victims have difficulty seeking help for several reasons, including social expectations dictating that men not show their weaknesses⁵. Many fear being the laughingstock of their peers, and this reluctance becomes even more pronounced when appealing to authorities, making it practically impossible to report and seek help for domestic abuse. The greater the ignorance of a male victim is by society, the worse his lot becomes, as he is left in his pain and misery, without the support necessary to extricate him from the abusive relationship. Confronting this issue would involve changing perceptions in society, encouraging conversation on the subject matter, and providing safe spaces for men to seek help, devoid of judgment⁶.

In Uganda, the increasing recognition of male victims of domestic violence has led to shifts in the legal landscape. The legal framework concerning domestic violence in Uganda, though primarily centered on the protection of women, has slowly begun to acknowledge and provide for male victims as well⁷. The legal framework surrounding domestic violence against males is an evolving area; otherwise, historically, domestic violence has been perceived as a gendered issue predominantly affecting women. Most males are silent about the domestic violence incidence and rarely contact authorities because they think they can take care of it simply because they perceive it as a personal matter⁸. This underreporting inevitably restricts the amount that can be known about the nature of domestic abuse and its victims. However, recent years have seen growing recognition that men, too, can be victims of domestic violence, and many countries have started to incorporate protections and legal frameworks addressing domestic violence against the male gender⁹.

This paper critically analyses existing legislation, including the Domestic Violence Act Cap. 123, and other relevant legal provisions and mechanisms available to male victims of domestic violence in Uganda, assessing their effectiveness and their accessibility to male survivors.

2. Conceptual Review as it Concerns Domestic Violence Against Males

³ SO Wandera, B Kwagala and P Ndugga, 'A Matter of Trust: A Qualitative Study of the Lived Experiences of Adolescent Survivors of Domestic Violence in Uganda' (2015) 15 BMC Public Health 183

⁴ IS Speizer, 'Intimate Partner Violence Attitudes and Experience Among Women and Men in Uganda' (2010) 25(7) Journal of Interpersonal Violence 1224

⁵ Ibid

⁶ Ibid

⁷ Y Sikweyiya and R Jewkes, 'Perceptions About Safety and Risks in Gender-Based Violence Research: Implications for the Ethics Review Process' (2011) 13(9) Culture, Health & Sexuality 1091

⁸ J Kwagala and others, 'Empowerment, Partner's Behaviours and Intimate Partner Physical Violence Among Married Women in Uganda' (2013) 13 BMC Public Health 1112

⁹ M Mulawa, L Kajula and S Maman, 'Peer Network Influences on Intimate Partner Violence Perpetration Among Urban Tanzanian Men' (2018) 20(4) Culture, Health & Sexuality 474

Domestic violence against men is not very well recognized, and so this is a very relevant study. Most of the studies discussed here were conducted in Western nations. The area of physical, emotional, and sexual violence against men is gaining attention, but has been typically perceived by many to be associated with women¹⁰. Men's victims fall short of being able to escape negative reactions from people for being abused by women. Types found in the literature of female domestic violence against men include physical, emotional, verbal, and economic violence¹¹. The 2013 Report of Uganda Bureau of Statistics - gender issues, showed that physical violence constitutes the most prevalent type of violence, and according to the Uganda Demographic and Health Survey, Physical violence occurs when pushing, shaking, throwing an object at someone, or slapping, twisting one's arm, or punching him or her¹².

Follingstad and Dehart argue that emotional abuse is the type that is most commonly met by male victims of violence. They argue that emotional abuse involves threats and undermining the self-worth of the victim¹³. The Istanbul Convention defines emotional violence as the intentional conduct by coercion that seriously impairs a person's psychological integrity. It is the form of violence against men indicated to be the most widespread and most damaging. Emotional violence may result in suicide attempts, depression, drug abuse, and increased exposure to HIV and AIDS since men usually will shun facing their home and find refuge in other women where they are not abused emotionally¹⁴. Verbal abuse is also another of the forms emerging from the literature. There is a thin line between emotional and verbal abuse because verbal abuse consists of the language known as "threat", "name-calling", and "humiliation." These may cause another person to feel unloved and lead to isolation from support systems, much the same way as emotional abuse¹⁵. Economic abuse as violence against men happens when a wife has control over a husband's access to economic resources. Economic abuse is real when a trained and unemployed man has to seek support from his wife.

Over the years, Uganda has registered some gains in narrowing the gender gap, especially in providing no extra protection for female victims as against male victims in situations of domestic violence¹⁶. Domestic violence perpetrators are usually possessive, dominant, and much of what they speak must make sense to them only; they also experience anger problems. Victims of domestic violence financially depend on perpetrators and are, hence, weak. The 2011 Annual Crime and Traffic Report includes family wrangles, poverty, and excessive drinking as some of the aspects contributing to domestic violence¹⁷. Moreover, it identified other causes of these ideals of violence against men, such as men being unable to be fathers, their failure to provide for the family, abuse of alcohol, and children from other marriages. As per the Uganda Police Annual Crime Report, 2017, a total of 15,325 cases of domestic violence in 2017, while 13,135 cases were noted in 2016, thus indicating at least 16.67% increase. According to the Ministry of Gender, Labour, and Social Development, domestic violence does exist regardless of the sex of the perpetrator and victim, and there are even more practical ways

¹⁰ Ibid

¹¹ Ibid

¹² CAS Karamagi and others, 'Intimate Partner Violence Against Women in Eastern Uganda: Implications for HIV Prevention' (2006) 6 BMC Public Health 284

¹³ GE Siu, D Wight and J Seeley, 'Men's Involvement in a Parenting Programme to Reduce Child Maltreatment and Gender-Based Violence: Formative Evaluation in Uganda' (2014) 26(5) The European Journal of Development Research 572

¹⁴ Ibid

¹⁵ Ibid

¹⁶ F Mutumba, 'Examining the Legal Framework Regulating Domestic Violence in Makindye Division of Uganda' (2024) 9(1) IDOSR Journal of Banking, Economics and Social Sciences 38

¹⁷ S Namy and others, 'Towards a Feminist Understanding of Intersecting Violence Against Women and Children in the Family' (2017) 184 Social Science & Medicine 40

underway to curb the vice¹⁸. Wiehe argues that the number of domestic violence cases reported is just a fraction of what takes place in society. Cook maintains that denial prolongs the under-reporting of this kind of violence. He adds that with time, things will change, causing men to remain in their abusive relationships and homes.

According to Carney, female domestic violence against men has been the most controversial subject in the field of domestic violence. Literature indicates that domestic violence is the norm for women. Such violence against men is not only perceived to be the exception but also almost non-existent¹⁹. Such a conceptualization of domestic violence has historical underpinnings; from medieval times in societies controlled by men, it has been considered a great taboo against a man being a victim of violence instigated by a woman, owing to their masculine power. Most male victims have really suffered negative influence from this, and rather die in silence than report their suffering to a kind of society that will laugh at them and call them "not man enough." Domestic abuse against men is still poorly researched. Most academic material has been directed at female victims and perpetrated by males, focusing on prevalence studies and complexities. The notable first academician to note the existence of male victims of domestic violence was Steinmetz, who studied what she termed "battered husband syndrome." She has noted the heavy burden on men to assert control over women, and this often explains their reluctance to confess their vulnerability to outsiders²⁰. Critics of this syndrome argue that it does not recognize the fact that women use violence in self-defense.

Domestic violence is usually considered a gendered issue, one that mainly affects women, children, and girls. The Dispatches qualitative survey of 1998-the largest survey ever conducted on male victims of domestic abuse in England- argues that constructions of domestic violence discursively render it a 'gendered, heterosexual phenomenon that tends to be conceptualized as physical in nature.' The impact of the construction of domestic abuse is on male victims who are the unintended casualties in society's categorizations, which assume heterosexual males to be perpetrators and women as their innocent victims. Dutton and White maintain that one of the reasons for this stigma, which prohibits male victims from seeking help, is that they have been socialized not to show pain under a 'veil of private regard'²¹.

From the above, several authors have lent their voice in the discussion of domestic violence, however, much was not said as it concerns the domestic violence faced by males. Hence, this study tends to examine domestic violence against males and the laws regulating domestic violence as they concern males.

3 Theoretical Framework

The generational theory of abuse posits that exposure to violence, whether as a victim or a witness, predisposes individuals to enter violent relationships in adulthood. The symbolic interaction theory considers the self-concept and the perception of the world around a person. The "world perception" aspect implies that people must symbolize their understanding of others and then act according to that understanding²². Theoretical interpretations about abuse in total would encompass the three approaches: Intra-individual approaches study the biological components of violence and answer the question of why people react this way to

¹⁸ MA Koenig and others, 'Domestic Violence in Rural Uganda: Evidence from a Community-Based Study' (2003) 81 Bulletin of the World Health Organization 53

¹⁹ Ibid

²⁰ Ibid

²¹ S Shamu and others, 'A Systematic Review of African Studies on Intimate Partner Violence Against Pregnant Women: Prevalence and Risk Factors' (2011) 6(3) PLoS One e17591

²² S Kishor and K Johnson, 'Profiling Domestic Violence: A Multi-Country Study' (2004) DHS Analytical Studies No 9

violence. The social-psychological approach emphasizes the learning aspect in relation to violence. The socio-cultural approaches deconstruct violence as a culture and how cultures influence relationships.

Freda Adler, regarding the hold the Female Emancipation Theory had on her, believed that the arrival of the Second Wave of Feminism during the 1970s consequently coincided with a dramatic rise in women's crime²³. This was effectively elaborated from the background that studies of violent crimes had fingered aggression in manhood through male or masculine hegemony and social systems as primarily responsible for crime. She argued that the 1970s movement for women's liberation increased economic opportunities for women and allowed for their participation in crimes such as domestic crime that men had hitherto committed.

4. The Legal Framework on Domestic Violence Against the Male Gender in Uganda

The Constitution of the Republic of Uganda, 1995, is the cornerstone of human rights, including the equality of all persons and freedom from violence in all matters. It provides for equal treatment and protection against torture, cruel, inhuman, or degrading treatment or punishment. It protects an individual from discrimination on account of sex, implying that even men can be free from domestic violence like women. However, nowhere in the Constitution is domestic violence against men mentioned, but it forms the foundation for equal protection under the laws. The said Constitution is not the primary law dealing with domestic violence; the Domestic Violence Act Cap. 123 is the primary law on domestic violence. More legislation and attendant regulations will thus be evaluated hereunder. The application of the Domestic Violence Act Cap 123 consolidates the law concerning relationships of men and women in the intimate setting of relationships. It contains provisions that, by interpretation, impose laws that were critical during the setting of conflicting relations in the domestic setting. For example, the introductory part of the Act clearly states that it consolidates the law regarding domestic violence. The Act was an important milestone in Uganda's legal regime, which promised to deal with domestic violence problems that affect both men and women. Thus, although gender neutral in the language of most provisions, its more frequent application is to female victims. By societal perceptions, it is not intended to exclude a male victim. However, the law states different forms of violence and what orders of protection can be granted to the victims of not just women but also men. It provides instructions for establishing shelters for victims and lays down provisions for counselling and legal assistance. The application and enforcement of the law has traditionally been gender-centric, with a downward emphasis on women victims only, and it does not define "domestic violence" in the same comprehensive and stand-alone phrase; the objective was to regulate relationships in the event of violence. Domestic Violence can be described as an occasion where one person sustains physical, sexual, emotional, verbal, psychological, and economic abuses because of actions done by or left undone by individuals while in a domestic relationship with each other.

Although the legislation is not comprehensive in terms of providing and regulating violence-related matters in homes, it has several other laws and guidelines within itself, to wit: The Penal Code Act Cap.128, which provides on violence and abuse related provisions which can be availed in domestic violence situations. It further provides for offenses such as assault, battery, and Section 129A criminalization of acts of sexual violence, which may apply in cases of sexual violence in a domestic context, wherein the male victim and grievous bodily harm are criminalized under this Act. Both men and women are entitled to justice under these provisions whenever subjected to such crimes. However, the legal principles do not adequately provide

²³ Ibid

for domestic violence as experienced by an individual male victim, as they tend to do for women. In the case of male victims suffering domestic violence, the Marriage Act Cap. 146 is legal for both the male and female spouse; with this, the Act provides for separation or divorce regarding cruelty or abuse. The Children's Act Cap. 62 would be relevant also where domestic violence entailed child witnesses or victims. Male parents who are victims of domestic violence may also be taken in by cases concerning child protection, especially where children are exposed to violence at home. Such an act enables male victims of domestic violence to seek justice in Uganda's Magistrates Courts, according to the Magistrates Courts Act, Cap.19, under which relief can be sought together with protective orders. To further entrench the law about injunctions of domestic violence, restraining orders and seeking remedies for harm occasioned by acts of violence would thus be affected.

Uganda is a signatory to many human rights treaties at the international level, including, inter alia, the Universal Declaration of Human Rights of 1948 and the International Covenant on Civil and Political Rights of 1966, which reiterate equality before the law and protection against all aberrations of violence for both men and women. The International Human Rights Frameworks, i.e. The United Nations Declaration on the Elimination of Violence Against Women of 1993 and the Convention on the Elimination of All Forms of Discrimination Against Women, tend to focus on gender-based violence against women; this, however, provides the first significant legal argument for the recognition of male victims of domestic violence. These treaties do declare certain standards for the protection of human rights that should apply in equal force to any violence with a domestic character. Uganda has already laid down measures for legal protection against domestic violence, but male domestic violence heralds the need for a more comprehensive legal establishment; one that protects everyone, and this must be diligently enforced so as not to infringe unreasonably on human rights. Fast-tracked responses should also be deliberate and focused on the most at-risk groups to better address crises without compromising individual freedoms.

5. The Legal Challenges Concerning Domestic Violence Against Male Gender In Uganda

The studies address the legal, social, political and economic causes and effects of domestic violence against men, while the reasons for the domestic violence vary, but are mostly about perceived infidelity, infertility, failure to provide for the family, children of other marriages, drug abuse, and as a means to revenge or retaliate against male dominance. Most of the time, the victimized men do not report to the Police or Local councils; unlike the women who immediately run to the Local councils or Police in the case of any abuse. Most men resort to either reporting to their friends, who make fun of it, to relatives and family, or just shutting it up. Gender-based violence against men is largely invisible and unrecognized. For example, when an abused man goes crying for help as a victim of domestic violence, everybody in society is going to laugh it out. This builds an unbearable silence. Most importantly, domestic violence has been conceptualized and tackled within this context of violence against women and children, while male victims are often forgotten, underrepresented, or completely ignored. But domestic violence, whatever the sex of the victim, is a very serious matter, and there should be legal protection and intervention against that. It is therefore a matter of consideration for the rights of men in Uganda, speaking about how society views domestic violence based on media coverage surrounding issues of domestic violence. It is time now when more concerted efforts ought to be directed toward creating awareness of how serious the issue is and implementing policies that can end this violence. There remain many gaps in linking the existence of this act in terms of modalities, causes, levels of reporting, and consequences of female domestic violence against men. This warrants more research as a means of coming up with a solution to the problem.

Domestic violence in Uganda is defined within the context of the Domestic Violence Act, 123, as an act that aims to avert and respond to violence in the home or family sphere. It encompasses all forms of violence: physical, emotional, psychological, sexual, and economic. The Act protects the victim, provides legal remedies, and raises public awareness about domestic violence; more importantly, it marks significant legal progress and recognizes that some form of legal protection must be afforded to those who face such abuse in a domestic environment. The emphasis of this law is primarily focused on the protection of women and children, who historically have been deemed the primary victims of domestic violence. Some of these are protection orders, legal remedies such as restraining orders, etc. But male victims, perhaps, do not feel entitled or empowered to access them.

Publicly, the subject of domestic violence against men remains less spoken of; nevertheless, background research and numerous anecdotes show that men indeed fall victim to domestic abuse. The barriers that male victims of domestic violence in Uganda may face when seeking help include social stigma, stereotypes, and misconceptions about male vulnerability, and the absence of support services directed toward men. In Uganda, socially constructed masculine gender norms often deny the male role as a potential victim in the domestic sphere (stereotype). Such social attitudes deter even the most courageous male victims from reporting their abuse and seeking help for fear of ridicule and emasculation. Furthermore, the courts may not seem favorable to them. Such discussions tend to focus more on female victims than male ones; therefore, male victims may presume that the domestic violence law is neither unbiased nor adequately supportive of them. While the Domestic Violence Act, 2010 is one of the important acts for male and female protection, its provisions, in the main, are tailored for protecting female victims.

Protection orders meant to stop further violence against victims are inbuilt into the Domestic Violence Act. The orders may prohibit the alleged perpetrator from coming to the shared home with the victim or contacting the victim at all. The ability of the alleged victim to request such orders is likely very difficult for male victims because of the social stigma they face if they seek any legal remedy, and the fear that pursuing any sort of remedy will not draw positive attention towards their cause. The police are undeniably lawfully bound to give an immediate response to domestic violence cases; however, so far, they have been rather neglectful of the cries for assistance from male victims. The focus of police training and public awareness campaigns to date has been overwhelmingly on female victims, and this bias only serves to further isolate male victims. Sometimes disparities arise because of men themselves when telling society that they are assaulted; male victims have a challenge for their claims to be taken seriously, especially in cases where there are allegations of physical violence, cases in which society will say "men should defend themselves, not report violence."

In Uganda, traditional gender norms and conceptions of masculinity heavily influence the way domestic violence is perceived. Men are socialized to be strong and emotionally resilient. Therefore, men feel they might become a subject of ridicule when they report any abuse. Protection ought to come naturally, and this society now finds it difficult for male victims to come forward and report domestic violence. Domestic violence prevention programs in Uganda have targeted mainly female victims due to the high incidence of violence against women. However, this focus often leaves male victims with no support and resources. Another social stereotype continues to reinforce the notion that men cannot be victims of domestic violence, thus affecting the comprehensive discussion of the issues. Whereas it was assumed yet again that men had to be the principal perpetrators of domestic violence, such a notion, at times, denies male victims even the acknowledgement. In the eyes of the public and law

enforcement agencies alike, there is a general lack of awareness regarding domestic violence against men.

For the protection and support of all victims of domestic violence, both equally deserving of it, before and after the enactment of the legislation, Uganda shall, therefore, be mandated to pursue an approach that goes beyond male and female inclusivity. This must include such areas as awareness of males in need, protection of these males via gender-neutral legal means, promotion of law enforcement practices that are both cognizant and responsive to the issue, and training of new male-specific support services. By acknowledging and responding to the needs of all victims regardless of gender, Uganda is still on the road to establishing an equitable and just legal framework of domestic violence. In Uganda, the legal perspective on domestic violence is centered mainly on women under the shelter of several strong legislative tools: the Domestic Violence Act of 2010 and the National Policy on Elimination of Gender Based Violence. These target physical, sexual, emotional, and economic forms of violence. While certainly very important, these frameworks most time sidestep the issue of male victims of domestic violence.

Very few provisions speak solely to male victims. Whereas abuse against persons under the Domestic Violence Act by any act or conduct that harms another or endangers his health, safety, life, limb, or well-being, whether mental or physical; such abuse also includes physical, sexual, emotional, verbal, and psychological and economic abuse, hurls into oblivion the plight of male victims. More specifically, domestic violence against male victims would involve physical violence, psychological injury, economic exclusion, isolation, and other forms of violence, including the infliction of fear, depression, and low self-esteem. Men suffer equal consequences of domestic violence as women, and this article is an eye-opener to government players, legislators, Non-Government Organisations, and the media fraternity to refocus on domestic violence against the male gender.

6. Conclusion/Recommendation

The study exposes the legal, social, sexual, and economic abuse against the male gender in Uganda. In this regard, the study has been able to identify the fact that domestic violence against men exists. However, it suffices to state that legal reforms, public awareness campaigns, and the establishment of support services tailored to male victims of domestic violence. Ensuring that male victims have access to protection, justice, and resources is essential for fostering an inclusive approach to combating domestic violence in Uganda, and it is crucial for promoting gender equality in the country's legal and social. The study also brings it out that men suffer equal significance of domestic violence as women, and opportunities for protection should be put in place for both male and female victims of domestic violence. This study clearly shows that there is a small percentage of men suffering domestic violence compared to women. To address these issues discussed above, it is therefore recommended that; A growing call for legal reforms that recognize and protect male victims of domestic violence should be guaranteed. Such reforms would involve revising existing laws to be more inclusive, enhancing public awareness campaigns to challenge traditional gender norms, and establishing support services tailored to the needs of male survivors. These steps are essential to ensure that all victims of domestic violence, regardless of gender, receive the protection and support they need. The Domestic Violence Act should be modified to explicitly recognize and provide legal protection for male victims of domestic violence. While the Act applies to all citizens, additional provisions could be made to ensure that male victims are not overlooked. This could include establishing specific provisions for men's access to protection orders, legal remedies, and police intervention.

Police officers and other law enforcement personnel should receive training on handling cases involving male victims of domestic violence. This will improve the response to male victims and help in the proper implementation of the law. There is a need for further research into the occurrence of domestic violence against men in Uganda, as well as the experiences of male victims, to address issues concerning domestic violence. Government and Non-Governmental Organizations (NGOs) should launch awareness campaigns to educate the public about domestic violence against men. Public awareness efforts should focus on changing societal attitudes that stigmatize male victims. These campaigns should challenge cultural stereotypes and encourage male victims to report abuse. Campaigns should highlight those men, too, can experience domestic violence and should be entitled to legal protection. Developing counseling services that are dedicated to male victims of domestic violence is crucial. These services would provide a safe space for men to seek help and support without fear of discrimination or ridicule. Punishment given to perpetrators should be severe so that abusers can act as an example, hence preventing the vice of domestic violence against the male gender.