

# DOMESTIC VIOLENCE: HOW GHANA AND UGANDA CAN BECOME LEADERS IN AFRICA

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## INTRODUCTION

Adroa, a 30 year-old woman, lives in a rural village in Northern Uganda with her three children and long-term boyfriend, who she refers to as her husband. People in her village describe her as kind and full of laughter. She makes barely enough to feed her family by selling food at the local market, and her boyfriend finds work, when he can, driving his small motorcycle (referred to locally as a bodaboda), transporting people from place to place. The average person passing Adroa's smiling face on the orange dirt road outside her village would never know that Adroa lives in a home where she is constantly abused by her boyfriend. From being violently raped when her boyfriend comes home drunk to being beaten when she disagrees with him, she has learned to suffer through the abuse with a smile on her face just like her mother and grandmother did before her. When asked why she does not report such abuse, she responds, "What am I to report? My mother, her mother, and my grandmother's mother all lived the same type of life. We endure or we risk losing our homes, families, and children. I pray he does not kill me, but I do not have much choice." Adroa will likely never report the abuse she has suffered at the hands of her boyfriend.<sup>1</sup>

Abenaa is a 26 year-old woman living in the Ashanti region of Kumasi, Ghana, with her three children and husband. She works as a seamstress and provides approximately half of the family's income. Her husband finds work building when he can. Abenaa loves ice cream and spending time with her children. She is well-known in her community and sings at church on Sunday mornings. However, Abenaa harbors a similar secret. She, like Adroa in Uganda, suffers physical and mental abuse at the hands of her husband. Her husband likes to drink and will beat her when they disagree. Though she does not claim to have been raped by her husband, she does admit to being abused. Like Adroa, she lives in a small community where wives stay with their husbands for life despite the husband's abuse or infidelity. However, unlike Adroa, Abenaa was told

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<sup>1</sup> Interview with "Adroa" in Northern Uganda (Names have been changed to protect the privacy of the subjects of this story).

about Ghana's Domestic Violence Victims' Support Unit (DOVVSU). She filed a report with DOVVSU, which investigated her case of abuse. Thanks to the investigation, evidence was provided to Abenaa's attorney and her case against her abusive husband has been filed with the court. Though awaiting trial, Abenaa no longer lives with her husband and has moved to the city of Kumasi with her children, where she works and finds support through her new church.<sup>2</sup>

Nelson Mandela stated, "[F]reedom cannot be achieved unless women have been emancipated from all forms of oppression."<sup>3</sup> Domestic violence constitutes a form of discrimination and oppression in Africa, especially in Ghana and Uganda.<sup>4</sup> Ghanaian and Ugandan women live with an inordinately high risk of being a victim of domestic violence due to the Ghanaian and Ugandan custom of treating a wife as property.<sup>5</sup> However, both Ghana and Uganda are known for their relatively advanced legal systems on the continent of Africa.<sup>6</sup> Despite having advanced legal systems and having passed similar laws against domestic violence, the response in the two nations has been drastically different.<sup>7</sup> In that vein, both countries passed a Domestic Violence Act – Ghana in 2007 and Uganda in 2010.<sup>8</sup> However, the courts in Ghana have prosecuted many more cases in the past nine years using Ghana's Domestic Violence

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<sup>2</sup> Names have been changed to protect the privacy of the subjects of this story. Interview with "Abenaa" in Kumasi, Ghana (Names have been changed to protect the privacy of the subjects of this story).

<sup>3</sup> Nelson Mandela, President of S. Afr., State of the Nation Address (May 24, 1994) (transcript available at Nelson Mandela Found.: O'Malley Archives, <https://www.nelsonmandela.org/omalley/index.php/site/q/03lv02424/04lv03370/05lv03427.htm>).

<sup>4</sup> Takiwaa Manuh, *African Women and Domestic Violence*, OPENDEMOCRACY (Nov. 26, 2007), <https://www.opendemocracy.net/content/african-women-and-domestic-violence>.

<sup>5</sup> Gender Studies & Human Rights Documentation Center., *Facts on Violence Against Women in Ghana* (Mar. 2011), <http://gendercentreghana.org/wp-content/uploads/2015/04/Facts-on-Violence-against-Women-mar-2011.pdf>; Human Rights Watch, *Just Die Quietly: Domestic Violence and Women's Vulnerability to HIV in Uganda* (Aug. 2003), <https://www.hrw.org/reports/2003/uganda0803/uganda0803full.pdf> [hereinafter *Just Die Quietly*].

<sup>6</sup> See Asante Fordjour, *What is Wrong with Ghana's Legal System?*, JUSTICEGHANA, <http://justiceghana.com/blog/law-justice/what-is-wrong-with-ghanas-legal-system/> (last visited Sept. 30, 2017); Brenda Mahoro Updated by Lydia Matte, *UPDATE: Uganda's Legal System and Legal Sector*, N.Y.U. L. GLOBAL: GLOBALEX (Oct. 2016), <http://www.nyulawglobal.org/globalex/Uganda1.html>.

<sup>7</sup> See *infra* Part IV.

<sup>8</sup> See generally Immigration and Refugee Board of Canada, *Ghana: Domestic violence, including protection, services and recourse available to victims*, GHA103468.E (June 10, 2010), <https://www.justice.gov/sites/default/files/eoir/legacy/2014/09/25/GHA103468.E.pdf> [hereinafter Immig. & Refugee Bd. of Can., *Ghana*]; Domestic Violence Act, 2010 (Uganda).

Act than Uganda, which seems to have only prosecuted one case using the Domestic Violence Act in the past six years.<sup>9</sup>

This Note seeks to differentiate between the two Domestic Violence Acts and governmental changes that followed from the passage of these Acts to determine why Ghana has done a greater job implementing the Act than Uganda. Section I introduces the topic of domestic violence by telling the stories of women living in Uganda and Ghana. Section II will provide an overview of domestic violence, including the history of domestic violence in Ghana and Uganda. Section III examines the Domestic Violence Acts of both Ghana and Uganda and other relevant law from each country. Section IV discusses the hurdles to defeating domestic violence in Africa. Section V then compares the tactics taken in each country against domestic violence and makes recommendations for improvement in Uganda's approach to defeating domestic violence.

## I. OVERVIEW OF DOMESTIC VIOLENCE

No typical victim of domestic violence exists, as victims come from all ages, ethnicities, religions, and sexual orientations. However, most domestic violence occurs due to the power inequality in a relationship between men and women; thus, women tend to be the victims.<sup>10</sup> Domestic violence has been defined by the United States Department of Justice as “a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner.”<sup>11</sup> Physical or sexual abuse tends to be the most common form of domestic violence and includes “hitting”, “slapping”, “biting”, “denying a partner medical care”, “forcing . . . drug[s] . . . [on a partner]”, “marital rape”, “treating [a partner] in a sexually demeaning manner”, and forcing any sexual act on a partner without consent.<sup>12</sup> However, domestic violence includes more than just causing harm physically or coercing someone to commit a sexual act through the threat of physical harm. Domestic violence also includes both economic abuse through the deprivation of economic or financial resources and emotional, verbal, and psychological

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<sup>9</sup> See generally *Uganda v. Kamuhanda*, Uganda Legal Information Institute (ULII), (HCT-01-CR-SC-0024 of 2012) [2014] UGHCCRD 21 (Feb. 13, 2014) (discussing the newly recognized precedent under the Domestic Violence Act of 2010).

<sup>10</sup> Strengthening Health System Responses to Gender-based Violence in Eastern Europe and Central Asia: Defining Gender-Based Violence, HEALTH-GENDER VIOLENCE, <http://www.health-genderviolence.org/training-programme-for-health-care-providers/facts-on-gbv/defining-gender-based-violence/21> (last visited Sept. 22, 2017) [hereinafter *Strengthening Health System*].

<sup>11</sup> *Domestic Violence: What is Domestic Violence?*, DEP'T JUST.: OFF. ON VIOLENCE AGAINST WOMEN, <https://www.justice.gov/ovw/domestic-violence> (last updated June 16, 2017) [hereinafter *DEP'T JUST.: OFF. ON VIOLENCE AGAINST WOMEN*].

<sup>12</sup> *Id.*

abuse through a pattern of degrading or humiliating conduct towards a victim using insults, name-calling, threats, possessiveness, or abuse of a minor.<sup>13</sup> “Domestic violence can [also] result in physical injury, psychological [abuse, [or] . . . even death]”.<sup>14</sup>

Victims of domestic violence suffer from emotional trauma at the hands of the perpetrator.<sup>15</sup> Victims may experience an array of emotions both during and following the relationship with their offender.<sup>16</sup> Some of those emotions include the following: isolation, depression, helplessness, wanting to escape the relationship, embarrassment, emotional withdrawal, aggressiveness, financial dependence on the abuser, shame, suicidal thoughts, alcohol abuse, religious reasons for staying in the relationship, fear of no support if they leave, and/or distrust of law enforcement or the court systems.<sup>17</sup> Even if a victim is able to escape the relationship, victims often must live with long-lasting effects on their health, including physical problems, psychological damage, negative views of other relationships, and inability to support themselves and their families.<sup>18</sup>

Victims of domestic violence, specifically women, face numerous health problems.<sup>19</sup> Physical abuse can result in depression, post-traumatic stress disorder (PTSD), and/or physical injuries to the body.<sup>20</sup> Sexual violence, such as rape, can “result in genital injuries and gynecological complications, such as bleeding, infection, [sexually transmitted diseases (STDs),] chronic pelvic pain, pelvic inflammatory

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<sup>13</sup> *Id.*

<sup>14</sup> *Learn More: What is Domestic Violence?*, NAT'L COAL. AGAINST DOMESTIC VIOLENCE (NCADV), <https://ncadv.org/learn-more> (last visited Sept. 22, 2017).

<sup>15</sup> Michael O. Schroeder, *The Psychological Impact of Victim-Blaming – and How to Stop It*, U.S. NEWS & WORLD REP. (Apr. 19, 2016, 11:20 AM), <https://health.usnews.com/wellness/articles/2016-04-19/the-psychological-impact-of-victim-blaming-and-how-to-stop-it>.

<sup>16</sup> *The 4 Stages of Battered Woman's Syndrome*, LAWS, <http://marriage.laws.com/domestic-violence/battered-person-syndrome/stages-of-battered-womens-syndrome/stages-of-battered-womans-syndrome> (last visited Sept. 22, 2017).

<sup>17</sup> *See Emotional and Physical Reactions to Violence and Abuse*, OUR BODIES OURSELVES (Mar. 14, 2005), <http://www.ourbodiesourselves.org/health-info/emotional-and-physical-reactions-to-violence-and-abuse/>; *Why do Abuse Victims Stay?*, SUDBURY-WAYLAND-LINCOLN DOMESTIC VIOLENCE ROUNDTABLE, <http://www.domesticviolenceroundtable.org/abuse-victims-stay.html> (last visited Sept. 23, 2017).

<sup>18</sup> *See Samantha Gluck, Effects of Domestic Violence, Domestic Abuse (On Women and Children)*, HEALTHY PLACE, <https://www.healthyplace.com/abuse/domestic-violence/effects-of-domestic-violence-domestic-abuse-on-women-and-children/> (last updated May 26, 2016).

<sup>19</sup> *Health Effects of Domestic Violence*, ADVOCES. FOR HUM. RTS., [http://www.stopvaw.org/health\\_effects\\_of\\_domestic\\_violence](http://www.stopvaw.org/health_effects_of_domestic_violence) (last updated Aug. 2013).

<sup>20</sup> *Effects of Domestic Violence*, JOYFUL HEART FOUND., <http://www.joyfulheartfoundation.org/learn/domestic-violence/effects-domestic-violence> (last visited Sept. 22, 2017).

disease, and urinary tract infections [(UTIs)].”<sup>21</sup> Sexual violence can also result in unwanted or “forced pregnancies, forced sterilization, forced abortion, . . . female genital mutilation, virginity tests, and/or incest.”<sup>22</sup> “Victims of [both physical and] sexual [abuse] can experience . . . [self-blame], anxiety, . . . sexual dysfunctions, . . . stomachaches, headaches, . . . [suicidal thoughts], [and/or] psychiatric problems.”<sup>23</sup>

The victims themselves are not the only victims of domestic violence. Children of victims also experience much violence and similar health problems after escaping abuse.<sup>24</sup> First, children may experience “[p]hysical [harms] such as damage to [the] child’s . . . brain, . . . cognitive delays, . . . emotional difficulties, . . . [suicidal thoughts,] [d]epression, . . . anxiety, . . . smok[ing], . . . [and] alcohol or drug[] [abuse]”.<sup>25</sup> If the child was sexually abused or if the child becomes involved in high-risk behaviors, like alcohol and drug abuse, the child risks contracting STDs.<sup>26</sup> Children who were abused or witnesses of abuse are more likely than other children to abuse others as they grow older.<sup>27</sup>

#### A. Domestic Violence History – Ghana

A study conducted by the Institute of Development Studies, a “global institution for development research, . . . teaching and learning, . . . and communication[] based at the University of Sussex”,<sup>28</sup> found in 2008 that out of 4,916 women that responded to the Women’s Questionnaire regarding domestic violence, 37 percent of ever-married women between the ages of 15 and 49 in Ghana had experienced some form of physical, sexual, or emotional violence by a husband or partner at some point in their lives.<sup>29</sup> Women 20 to 39 reported the highest number of cases of sexual, physical, and mental abuse.<sup>30</sup> “Women who [were] employed but .

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<sup>21</sup> *Health Consequences of Sexual Assault*, ADVOCS. FOR HUM. RTS., [http://www.stopvaw.org/Health\\_Consequences\\_of\\_Sexual\\_Assault](http://www.stopvaw.org/Health_Consequences_of_Sexual_Assault) (last updated Feb. 1, 2006).

<sup>22</sup> Strengthening Health System, *supra* note 10.

<sup>23</sup> *Health Consequences of Sexual Assault*, *supra* note 21.

<sup>24</sup> CHILD WELFARE INFO. GATEWAY, CHILD. BUREAU, LONG-TERM CONSEQUENCES OF CHILD ABUSE AND NEGLECT 1, 2–6 (July 2013), [https://www.childwelfare.gov/pubpdfs/long\\_term\\_consequences.pdf](https://www.childwelfare.gov/pubpdfs/long_term_consequences.pdf).

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* at 2, 5–6.

<sup>27</sup> *Id.* at 6; DEPT’ JUST.: OFF. ON VIOLENCE AGAINST WOMEN, *supra* note 11.

<sup>28</sup> *About us*, INST. DEV. STUD., <http://www.ids.ac.uk/about-us> (last visited Sept. 23, 2017).

<sup>29</sup> See GHANA STAT. SERV. & GHANA HEALTH SERV., GHANA DEMOGRAPHIC AND HEALTH SURVEY 2008 AT XXI, 302–03 (2009), <https://dhsprogram.com/pubs/pdf/FR221/FR221%5B13Aug2012%5D.pdf> [hereinafter GHANA DEMOGRAPHIC AND HEALTH SURVEY 2008].

<sup>30</sup> See *id.* at 302.

. . . not paid in cash [were] more likely to report having . . . [been abused] in the past twelve months . . .”<sup>31</sup> Interestingly, abuse spans the country, but the highest rate of abuse is found in the Upper West region at 24 percent and lowest in the capital at 12 percent.<sup>32</sup> Further, 27.6 percent of Ghanaian males, currently married or recently separated/widowed aged 15-49, had experienced physical or emotional violence by their wives or girlfriends at some point in their lives.<sup>33</sup> The study focused on physical intimate partner violence by asking if the women had been slapped, had their arms twisted, had their hair pulled, been pushed, been shaken, had something thrown at them, been kicked, been drug, been beaten, been choked, been burned on purpose, been threatened or attacked with an object that could kill them, been physically forced to have sexual intercourse, or been forced to perform sexual acts they did not want to perform.<sup>34</sup> The survey also focused on emotional violence including the man saying something to humiliate the woman “in front of others, [t]hreaten[ing] to hurt or harm” someone the woman loves, or insulting the woman.<sup>35</sup>

In 2016, Ghana Statistical Service (GSS) conducted another survey.<sup>36</sup> This survey found that in the past twelve months, 28 percent of women and 20 percent of men had experienced some form of domestic violence.<sup>37</sup> Further, the survey found that “the most common form of domestic violence” was economic violence at 12.8 percent and social violence at 11.6 percent.<sup>38</sup> Physical violence fell at 6 percent and sexual violence at 2.5 percent.<sup>39</sup> Women ages 25 to 29 reported one of the highest rates of violence.<sup>40</sup> Though these numbers remain relatively high, the numbers have decreased since the 2008 study, indicating that the passage and enforcement of the Domestic Violence Act has been helping the country make progress towards eliminating domestic violence in Ghana.<sup>41</sup>

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<sup>31</sup> *Id.* at 302.

<sup>32</sup> *Id.* at 304.

<sup>33</sup> *Id.* at 316.

<sup>34</sup> *Id.* at 300.

<sup>35</sup> *Id.*

<sup>36</sup> INST. OF DEV. STUD. ET AL., *Domestic Violence in Ghana: Incidence, Attitudes, Determinants and Consequences* 7, 9 (July 2016), [http://www.statsghana.gov.gh/docfiles/publications/DV\\_Ghana\\_Report\\_FINAL.pdf](http://www.statsghana.gov.gh/docfiles/publications/DV_Ghana_Report_FINAL.pdf) [hereinafter *Domestic Violence in Ghana*].

<sup>37</sup> *Id.* at 113.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> INST. OF DEV. STUD. ET AL., *Summary Report Domestic Violence in Ghana: Incidence, Attitudes, Determinants and Consequences* (July 2016), [http://www.statsghana.gov.gh/docfiles/publications/DVSummary\\_Report.pdf](http://www.statsghana.gov.gh/docfiles/publications/DVSummary_Report.pdf) [hereinafter *Summary Report Domestic Violence in Ghana*].

<sup>41</sup> Compare *id.* at 5 (reporting that 28% of women in Ghana had experienced domestic violence within 12 months), with GHANA DEMOGRAPHIC AND HEALTH SURVEY 2008, *supra*

### B. Domestic Violence History – Uganda

“In August 2007, the Uganda Bureau of Statistics [found that] 68 percent of ever-married women [between] 15 [and] 49 [ ] had experienced some form of [domestic] violence.”<sup>42</sup> Further, “a 2006 study by the Uganda Law Reform Commission [concluded] that 66 percent of [ ] men and women [ ] had experienced domestic violence [in their lifetimes].”<sup>43</sup> Domestic violence in Uganda is most prevalent in Northern Uganda, but can be found throughout the entire country.<sup>44</sup>

Northern Uganda, specifically, faces its own problems of domestic violence. The war in Northern Uganda began in 1986 as a resistance led by Alice Lakwena against President Yoweri’s oppression of Northern Uganda.<sup>45</sup> “When Alice Lakwena was exiled, Joseph Kony took over [and] chang[ed] the name of the rebel group to the Lord’s Resistance Army, or LRA.”<sup>46</sup> Kony began filling the ranks of his army with kidnapped children and stolen supplies.<sup>47</sup> In 1996, the government of Uganda, who failed to stop Kony and the LRA, required northern Ugandans to “leave their [land to live in] government-run camps for internally displaced persons (IDPs).”<sup>48</sup> During “the height of the conflict, [approximately] 1.7 million people lived in” the squalor of the camps where disease ran rampant and the ability to make a living did not exist.<sup>49</sup> As Kony and the LRA moved to the Democratic Republic of Congo (DR Congo) in 2006 during the Juba Peace Talks hosted by current South Sudan, the war, which lasted approximately twenty years, drew to an end in Northern Uganda.<sup>50</sup> Thus, an entire “generation of Acholi[s] [were] born and raised in [the horrendous] conditions” of the IDP camps.<sup>51</sup>

As a result of domestic violence and the lower socio-economic status of women in Acholi culture, women have fewer options and fewer resources at their disposal to avoid or escape abusive situations and to seek justice. In 2013, the Uganda

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note 29, at 302–303 (reporting that 17% of women who have experienced physical violence since the age of 15 had experienced physical violence with 12 months).

<sup>42</sup> Immigration and Refugee Board of Canada, *Uganda: Domestic violence, including legislation, statistics and attitudes toward domestic violence; the availability of protection and support services*, UGA102881.E (June 19, 2008), <https://www.justice.gov/sites/default/files/eoir/legacy/2013/11/07/UGA102881.E.pdf>) [hereinafter Immig. & Refugee Bd. of Can., *Uganda*].

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *History of the War: 1986 to Now*, INVISIBLE CHILD., <http://invisiblechildren.com/conflict/history/> (last visited Sept. 19, 2017).

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

Bureau of Statistics conducted a study that found that approximately 70 percent of women between the ages of 15 and 49 who were or had been married “had experienced some form of [domestic] violence” by their spouse.<sup>52</sup> Another 2013 study conducted by the Department of Psychology at Bielefeld University in Germany found that in a pool of 235 couples in seven rural communities in Northern Uganda: 80 percent of women experienced verbal/psychological abuse, 71 percent experienced physical abuse, 52 percent suffered isolation, and 23 percent suffered sexual abuse.<sup>53</sup>

Women are often reluctant to use legal remedies [for reasons such as]: they do not believe that they are entitled to protection . . . they are afraid of additional violence from the perpetrator . . . they are pressured to avoid bringing “shame” upon their family, or . . . jailing the perpetrator [may] cut off the family’s economic support.<sup>54</sup>

Thus, many cases of abuse are not reported.

A study that took place in Gulu from 2008 to 2009 and was published in 2012 found that of the 1,880 patients admitted for trauma to Gulu Hospital, 454 or 24.1 percent were admitted due to trauma caused by domestic violence.<sup>55</sup> Of the 24.1 percent admitted for domestic violence, 73.6 percent were females.<sup>56</sup> 52.9 percent of the females admitted were housewives.<sup>57</sup> The two main groups of perpetrators held responsible for these crimes were soldiers (39.3 percent) and bodaboda drivers (31.7 percent) “accounting for 71.3 [percent] of all cases.”<sup>58</sup> Alcohol abuse was “a factor in one out of five” cases, with most cases occurring between noon and 7:00 in the evening.<sup>59</sup> According to the study’s finding, the five main reasons domestic violence occurred were “alcohol intake, perceived

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<sup>52</sup> Nyangoma Patience, *An Analysis of Domestic Violence Problem in Uganda*, DEP’T OF JOURNALISM & COMM. C. OF HUM. & SOC. SCI. MAKERERE U., <https://jocom.mak.ac.ug/news/analysis-domestic-violence-problem-uganda> (last visited Sept. 20, 2017).

<sup>53</sup> Regina Saile et al., *Prevalence and Predictors of Partner Violence Against Women in the Aftermath of War: A Survey Among Couples in Northern Uganda*, 86 SOC. SCI. & MED. 17, 20 (Mar. 14, 2013).

<sup>54</sup> ENIKŐ HORVÁTH ET. AL., GENDER-BASED VIOLENCE LAWS IN SUB-SAHARAN AFRICA 3 (2007), <http://www.nybar.org/pdf/report/GBVReportFinal2.pdf>.

<sup>55</sup> D.L. Kitara et. al., *Domestic Violence in Gulu, Northern Uganda*, EAST & CENT. AFR. J. OF SURGERY, Mar./Apr. 2012, at 29, <https://www.ajol.info/index.php/ecajs/article/download/76491/66948>.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.* at 31.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*



HIV/AIDS status, sexual disagreement, [fights over resources,] and a new spouse [being] discovered.”<sup>60</sup> Most cases were reported in December and June with the fewest cases being reported in February and March.<sup>61</sup> The high number of cases in December can be contributed to the festivities that include celebrations resulting in increased alcohol consumption; whereas, the high number of cases in June can be contributed to the dry spell and low food availability in homes.<sup>62</sup> The low number of cases in February and March can be contributed to the depletion of family funds, the end of the festive season, and the focus of farmers to prepare for the next season.<sup>63</sup>

## II. LAWS IN GHANA AND UGANDA

### A. *Domestic Violence Act and Other Laws – Ghana*

In the 1990s, activist groups across Africa encouraged civil society organizations (CSOs) to begin conducting studies on domestic violence in Ghana, Uganda, Tanzania, and South Africa.<sup>64</sup> Beginning in 1992, the Government of Ghana “enact[ed] a number of national laws to protect” women and children and ban violence against females.<sup>65</sup> This push towards legislation began as a reflection of the wider global movement towards recognizing women’s rights.<sup>66</sup> Between 1984 and 1998, Ghana made changes to the Constitution to prohibit discrimination based on sex and added amendments that criminalized “widowhood rites [ ], female genital mutilation [ ], and child abuse”.<sup>67</sup> These legislative acts led to the enactment of the Domestic Violence Act in 2007.<sup>68</sup>

#### 1. Constitution of Ghana

The Constitution of Ghana provides clear protections for all human beings regardless of race, sex, and age.<sup>69</sup> Specifically, Article 12

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<sup>60</sup>*Id.* at 31–32.

<sup>61</sup>*Id.* at 30.

<sup>62</sup>*Id.* at 33–34.

<sup>63</sup>*Id.* at 34.

<sup>64</sup>*Domestic Violence in Ghana*, *supra* note 36, at 22.

<sup>65</sup>*Id.* at 23.

<sup>66</sup>*Id.* (noting Ghana’s recognition of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the African Charter on Human and Peoples’ Rights (ACHPR), and the Maputo Protocol on the Rights of Women in Africa); *see also* Statement from MDAs of Ghana to the Chairperson of the Committee on the Elimination of Discrimination Against Women (CEDAW) (Feb. 2, 1986), <http://www.un.org/womenwatch/daw/cedaw/cedaw36/statements/CEDAW%20STATEMENT%20Ghana.pdf> (recognizing that Ghana ratified the Convention on Elimination of All Forms of Discrimination against Women on February 2, 1986).

<sup>67</sup>*Domestic Violence in Ghana*, *supra* note 36, at 23.

<sup>68</sup>*Id.*

<sup>69</sup> CONST. OF THE REPUBLIC OF GHANA, §§ 12, 17.

and Article 17 guarantee women the same rights as men in Ghana.<sup>70</sup> Article 12 provides that “(e)very person in Ghana, whatever his race, place of origin, political opinion, colour [sic], religion, creed or gender shall be entitled to the fundamental human rights and freedoms of the individual.”<sup>71</sup> Article 17 provides that all people are “equal before the law” and “shall not be discriminated against” based on sex.<sup>72</sup> Thus, men and women have equal rights in Ghana and should be protected equally under the law of the country.

## 2. Domestic Violence Act of 2007

The Domestic Violence Act of 2007 (Act 732) was enacted to protect children and women from domestic violence.<sup>73</sup> To accomplish this goal, Act 732 (1) comprehensively defines domestic violence, (2) imposes sufficient penalties, (3) provides protection to victims, (4) clearly provides for the issuance of protection orders, and (5) creates the necessary institutions and enforcement mechanisms to ensure the act is enforced and accessible to victims.<sup>74</sup>

First, Act 732 clearly defines domestic violence as any “specific acts, threats to commit, or acts likely to result in physical . . . sexual . . . economic . . . emotional, verbal, or psychological abuse . . . harassment including sexual harassment . . . and behaviour [sic] or conduct that in any way harms or may harm another person.”<sup>75</sup> Act 732 further defines each type of abuse.<sup>76</sup> Physical abuse includes “physical assault or use of physical force” to confine, detain, or deprive another person.<sup>77</sup> Sexual abuse includes forcing another person to commit a sexual act without consent or sexual contact with a person “infected with human immunodeficiency virus (HIV)” or another communicable disease without a partner’s consent.<sup>78</sup> Economic abuse means “depriv[ing] or threaten[ing] deprivation of . . . financial resources . . . a person is [legally] entitled to, disposi[ng] . . . of movable or immovable property in which [a] person has a material interest,” and hindering a person’s use of his or her property.<sup>79</sup> “[E]motional, verbal or psychological abuse” includes any action that causes a person humiliation, fear, or depression.<sup>80</sup> Further, Act 732

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<sup>70</sup> *Id.*

<sup>71</sup> *Id.* § 12(2).

<sup>72</sup> *Id.* § 17(1)-(2).

<sup>73</sup> *See generally* Domestic Violence Act (Act No. 732/2007) (Ghana) [hereinafter Act 732].

<sup>74</sup> *See id.* §§ 1, 3, 7–8, 12, 14–15, 18–21, 26, 29, 31.

<sup>75</sup> *Id.* § 1.

<sup>76</sup> *Id.* § 1(b).

<sup>77</sup> *Id.* § 1(b)(i).

<sup>78</sup> *Id.* § 1(b)(ii).

<sup>79</sup> *Id.* § 1(b)(iii).

<sup>80</sup> *Id.* § 1(b)(iv).

defines a domestic relationship as “a family relationship, a relationship akin to a family relationship or a relationship in a domestic situation that exists or has existed between a complainant and a respondent.”<sup>81</sup> Act 732 defines a domestic relationship as a domestic relationship both within and outside the confines of marriage, which protects women from husbands, ex-husbands, live-in boyfriends, fiancés, men who are courting the victim, men who are dating the victim, fathers to the children of the victim, any man having a perceived or actual sexual relationship with the victim, male friends of the victim, male family members, male tenants, parents, grandparents, in house help, or any other relationship the court deems to be a domestic relationship.<sup>82</sup> The court will determine a domestic relationship by considering “(a) the amount of the time the persons spent together, (b) the place where that time [was] ordinarily spent, (c) the manner in which that time [was] spent, and (d) the duration of the relationship.”<sup>83</sup> Thus, Act 732 comprehensively defines domestic violence and a domestic relationship with the intent of protecting men, women, and children.

Second, should a person commit any form of domestic violence, he or she will be sufficiently penalized by being liable for a fine or prison term of no more than two years plus restitution to the victim.<sup>84</sup> Under Act 732, a person may only be tried for a misdemeanor or an act that requires punishment of two years or less.<sup>85</sup> A case can be filed in any court where the victim “resides, carries on business or is employed”; where the “respondent resides, carries on business or is employed;” or in the area where the domestic violence is occurring.<sup>86</sup> Cases involving domestic violence against children will be referred to a Family Tribunal.<sup>87</sup> If a victim, in a non-aggravated case or a case with a punishment of no more than two years, desires to have the matter settled out of court, the matter will be settled by a dispute resolution method.<sup>88</sup> In addition to an alternative dispute method, the victim and abuser will be referred to counseling services and a probation officer will be appointed for the abuser if necessary.<sup>89</sup> All criminal charges and claims for civil damages will be tried in addition to the domestic violence accusation.<sup>90</sup>

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<sup>81</sup> *Id.* § 2(I).

<sup>82</sup> *Id.* § 2(I)(a)–(j).

<sup>83</sup> *Id.* § 2(2)(a)–(d).

<sup>84</sup> *Id.* § 3.

<sup>85</sup> *Id.* § 3(1)–(2).

<sup>86</sup> *Id.* § 12(2).

<sup>87</sup> *Id.* § 18(1).

<sup>88</sup> *Id.* § 24(1).

<sup>89</sup> *Id.* § 24(2).

<sup>90</sup> *Id.* §§ 26–27.

Third, the law provides protection to victims.<sup>91</sup> A victim of domestic violence can file a complaint with the police and the police shall respond to a request for assistance by interviewing the parties involved, “record[ing] the complaint in detail, assist[ing] the victim [in] obtain[ing] medical treatment . . . assist[ing] the victim to a place of safety,” protecting the victim while he or she retrieves belongings, preserving evidence, and informing the victim of his or her rights.<sup>92</sup> Police are obligated to help victims obtain “free medical treatment from the State” by giving the victim a medical form and sending the victim to the appropriate medical facility.<sup>93</sup> A child can also file a report of domestic violence with the assistance of a friend or family member.<sup>94</sup> A police officer can arrest a perpetrator with a warrant.<sup>95</sup> An officer can also arrest a perpetrator without a warrant, if (a) the act of domestic violence was committed in the presence of the officer, (b) the police officer is obstructed from completing his duties, (c) the person escaped from lawful custody, (d) the officer has a reasonable suspicion that an act of domestic violence has been committed, (e) the perpetrator is about to commit an act of domestic violence and no other way exists to prevent the act, or (f) the person has broken or is about to break a protection order.<sup>96</sup>

Fourth, Act 732 provides for the granting of protection orders or interim protection orders for the victim.<sup>97</sup> Any court with jurisdiction over the matter may issue an ex-parte protection order.<sup>98</sup> A protection order can be issued for any person in order to prevent any person in a domestic relationship “from carrying out a threat of domestic violence” against the person who applied for the protection order.<sup>99</sup> A criminal court can issue a protection order with or without the application of the victim.<sup>100</sup> An interim protection order, or a temporary and urgent legal protection order that can be sought pending police investigation that ends upon completion of the investigation,<sup>101</sup> can be issued when the court deems it “to be in the best interest of the applicant.”<sup>102</sup> The court must consider (1) “whether

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<sup>91</sup> *See id.* §§ 6–8.

<sup>92</sup> *Id.* §§ 6(1), 7–8(1).

<sup>93</sup> *Id.* § 8(1)(c), (2)–(3).

<sup>94</sup> *Id.* § 6(2), (4)

<sup>95</sup> *Id.* § 9(1).

<sup>96</sup> *Id.* § 9(2)–(4).

<sup>97</sup> *Id.* §§ 11–17.

<sup>98</sup> *See id.* §§ 11, 12(3).

<sup>99</sup> *Id.* § 12(1).

<sup>100</sup> *Id.* § 12(4).

<sup>101</sup> *What Is A Domestic Violence Interim Protection Order? What Is A Domestic Violence Protection Order? What Are the Differences?*, LAWYERMENT, [http://www.lawyerment.com/library/kb/Families/Domestic\\_Violence/1039.htm](http://www.lawyerment.com/library/kb/Families/Domestic_Violence/1039.htm) (last visited Sept. 20, 2017).

<sup>102</sup> Act 732, *supra* note 73, § 14(1).

there is risk of [immediate] harm to the applicant,” (2) “whether . . . the applicant will be deterred” from applying if not issued immediately, and (3) whether the person applying “will be prejudiced by the delay . . . in effecting service.”<sup>103</sup> The interim protection order cannot last more than three months, and the respondent to the order can offer proof why the order should not be granted.<sup>104</sup> If no proof is offered, the order becomes final.<sup>105</sup> The interim protection order can be granted for, but is not limited to, the following reasons: prohibiting the respondent from physically assaulting the applicant, depriving the applicant of food, contacting the applicant at work, destroying the applicant’s property in which he or she has a material interest, threatening abuse, emotionally abusing the applicant, or getting “within fifty metres of the applicant.”<sup>106</sup> A final protection order can be issued for no more than twelve months, although a court may extend the order.<sup>107</sup> The final protection order can “bind the respondent to . . . good behavior, direct the respondent to [find a counselor] . . . direct the respondent to move, . . . and require the respondent to pay . . . medical expenses [for the] victim.”<sup>108</sup> Thus, victims have full protective services of the police force before, during, and after trial.

Finally, Act 732 created the necessary institutions and enforcement mechanisms to ensure the act is enforced and accessible to victims.<sup>109</sup> Act 732 mandated the Ministry of Women and Children Affairs to fight domestic violence and help survivors through victim support.<sup>110</sup> Further, the act created the Domestic Violence and Victim Support Unit (DOVVSU), which has offices in the capital and all ten regions, with toll free lines for women to call if faced with domestic violence.<sup>111</sup> The Domestic Violence Act also organized a 10-Year Domestic Violence National Plan of Action, which established a Domestic Violence Management Board (Board) and a Domestic Violence Secretariat to play an advisory role and serve as a liaison between the government agencies and domestic violence victims to help ensure that the Domestic Violence Act is carried out in all ten regions of Ghana.<sup>112</sup> The Board oversees the

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<sup>103</sup> *Id.* § 14(2).

<sup>104</sup> *Id.* § 14(3)–(4).

<sup>105</sup> *Id.* § 14(5).

<sup>106</sup> *Id.* § 15(2).

<sup>107</sup> *Id.* § 16.

<sup>108</sup> *Id.* § 17(1).

<sup>109</sup> *See id.* §§ 29, 35.

<sup>110</sup> *Id.* §§ 36–37; GHANA DEMOGRAPHIC AND HEALTH SURVEY 2008, *supra* note 29, at 299.

<sup>111</sup> GHANA DEMOGRAPHIC AND HEALTH SURVEY 2008, *supra* note 29, at 299.

<sup>112</sup> *See Act 732, supra* note 73, §§ 35, 37; *Summary Report Domestic Violence in Ghana, supra* note 40, at 1; *Agencies & Secretariats: The Ministry has Six Agencies*, MINISTRY OF GENDER, CHILDREN & SOC. PROT. (last visited Oct. 17, 2017), <http://mogcsp.gov.gh/about/agencies-secretariats/>.

management of the Victims of Domestic Violence Support Fund, which will be used for material support of victims, training of victims' families, and any reason needed to care for and rehabilitate victims.<sup>113</sup>

### *B. Domestic Violence Act and Case Law – Uganda*

After ratifying several international treaties in the 1980s, Uganda began moving towards recognizing women's equality and protection in Uganda.<sup>114</sup> Uganda's Constitution provided equality for women in 1995.<sup>115</sup> However, a domestic violence law was not presented to Parliament until 2003.<sup>116</sup> Parliament tabled the bill from 2005 to 2008 and finally passed the bill into law in 2010.<sup>117</sup> Since 2010, the law has been in effect in Uganda as a means of protecting men, women, and children from domestic violence.

#### 1. Ugandan Constitution

The Ugandan Constitution, adopted in 1995 and modern Ugandan laws are modeled after the British system.<sup>118</sup> Uganda's justice system also shares similarities with the United States' legal system.<sup>119</sup> However, British-type laws must also function within a system shaped by the customary law of the 17 Ugandan tribes.<sup>120</sup>

Chapter four of the Ugandan Constitution states, "All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law."<sup>121</sup> Thus, the Constitution of Uganda protects the rights of all people in all spheres of life.<sup>122</sup> The Constitution of Uganda further states, "[A] person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion,

<sup>113</sup> Act 732, *supra* note 73, §§ 29–32.

<sup>114</sup> Immig. & Refugee Bd. of Can., *Uganda*, *supra* note 42, at 1 (noting that Uganda ratified the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1985).

<sup>115</sup> *See id.*

<sup>116</sup> *Id.*

<sup>117</sup> *See* Domestic Violence Act (Preamble/2010) (Uganda).

<sup>118</sup> Aili Mari Tripp, *The Politics of Constitution Making in Uganda*, in *FRAMING THE STATE IN TIMES OF TRANSITION: CASE STUDIES IN CONSTITUTION MAKING* 158, 159 (Laurel E. Miller ed., 2009).

<sup>119</sup> Brenda Mahoro, *Uganda's Legal System and Legal Sector*, HAUSER GLOB. L. SCH. PROGRAM (August 2006), <http://www.nyulawglobal.org/globalex/Uganda.html>.

<sup>120</sup> *Tribes, People and their culture*, CONSULATE OF THE REPUBLIC OF UGANDA IN THE SLOVAK REPUBLIC, <http://www.uganda-consulate.sk/index.php?tribes> (last visited Sept. 1, 2017); C. Mbazzira, *Uganda: Constitutional, legislative and administrative provisions concerning indigenous peoples* at 2.1 (2009), [http://www.chr.up.ac.za/chr\\_old/indigenous/country\\_reports/Country\\_reports\\_Uganda.pdf](http://www.chr.up.ac.za/chr_old/indigenous/country_reports/Country_reports_Uganda.pdf).

<sup>121</sup> CONST. OF THE REPUBLIC OF UGANDA, ch. 4 § 21(1).

<sup>122</sup> *See id.*

social or economic standing, political opinion or disability.”<sup>123</sup> Section 24 states that “No person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment.”<sup>124</sup> Therefore, human rights are inherent for both male and female. However, due to the taboo nature of discussing abuse and sexual encounters, women throughout the country remain silent regarding domestic abuse.<sup>125</sup>

Section 33 of the Ugandan Constitution guarantees the rights of women.<sup>126</sup> This section states, “The State shall protect women and their rights, taking into account their unique status and natural maternal functions in society.”<sup>127</sup> Further, the Constitution protects women as “women shall be accorded full and equal dignity of the person with men.”<sup>128</sup> In section 34, the Constitution protects the rights of children by stating that children, defined as persons under the age of 16, “shall have the right to know and be cared for by their parents.”<sup>129</sup> Children also have the right “to basic education which shall be [provided by] the State and the parents of the child.”<sup>130</sup>

## 2. Domestic Violence Act of 2010

The Domestic Violence Act of 2010 (Act of 2010) was created to (1) “provide for the protection and relief of victims of domestic violence” and (2) set guidelines for the court to follow in prosecuting domestic violence cases.<sup>131</sup> First, the Act of 2010 provides for the protection and relief of victims of domestic violence by defining domestic violence as “any act or omission” to act which harms another person, physically or mentally, or harasses a victim with the idea of coercing the victim to do something against her will.<sup>132</sup> Domestic violence includes “physical abuse, sexual abuse, emotional [abuse], verbal [abuse], . . . psychological abuse and economic abuse.”<sup>133</sup> Domestic violence must occur within a domestic relationship, meaning “a family relationship, a relationship similar to a family relationship or a relationship in a domestic setting that exists or existed between a victim and a perpetrator.”<sup>134</sup> The courts have to make

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<sup>123</sup> *Id.* § 21(2).

<sup>124</sup> *Id.* § 24.

<sup>125</sup> See *Just Die Quietly*, *supra* note 5, at 3; Irene Nabusoba, *Uganda Hailed For Fighting Violence Against Women*, NEW VISION (Aug. 24, 2009 3:00 AM), [https://www.newvision.co.ug/new\\_vision/news/1201079/uganda-hailed-fighting-violence-women](https://www.newvision.co.ug/new_vision/news/1201079/uganda-hailed-fighting-violence-women).

<sup>126</sup> CONST. OF THE REPUBLIC OF UGANDA, ch. 4 § 33.

<sup>127</sup> *Id.* § 33(3).

<sup>128</sup> *Id.* § 33(1).

<sup>129</sup> *Id.* § 34(1), (5).

<sup>130</sup> *Id.* § 34(2).

<sup>131</sup> Domestic Violence Act (Preamble/2010) (Uganda).

<sup>132</sup> *Id.* § 2.

<sup>133</sup> *Id.* § 2(a).

<sup>134</sup> *Id.* § 3(1).

the determination regarding whether a domestic relationship existed or not by considering (1) “the legal nature of the relationship,” (2) the place where the victim and perpetrator spent most of their time, (3) the amount of time they spent together, (4) how the time together is spent, and (5) any other factors which may help them determine such a relationship.<sup>135</sup>

Second, the Act of 2010 set guidelines for the court to follow in prosecuting domestic violence cases.<sup>136</sup> Three courts have jurisdiction over domestic violence cases – “magistrate court[s], . . . local council court[s] [and] . . . family and children court[s].”<sup>137</sup> The punishment for committing an act of domestic violence is “a fine [of no more than] forty eight currency points or imprisonment not exceeding two years or . . . both.”<sup>138</sup> The perpetrator may also be required to pay restitution for the victim.<sup>139</sup> Should a victim desire to have his or her case heard in a local council court, the court has the right to order counseling, an “apology to the victim,” “reconciliation,” “compensation,” or “community service.”<sup>140</sup> However, if “the perpetrator is a second or repeat offender” or the court believes the victim is still in danger, “the local council court [will] make a written referral to the police and the magistrates court.”<sup>141</sup> Further, if a child is involved, the court must “make a written order to the Probation and Social Welfare Officer.”<sup>142</sup> A person may choose to file a case using this Act in a magistrate court, which shall apply the procedures of the “Family and Children Court Rules.”<sup>143</sup> A victim may also choose to file suit under this Act in a family and children court regardless of whether or not a child was involved in the incident.<sup>144</sup>

### 3. Case Law

Although the Domestic Violence Act has been in effect since 2010, very little has been done to fully implement the Act, particularly in the legal system.<sup>145</sup> However, in one case, the judge considered the Domestic Violence Act in 2012 to set a precedent for victims of domestic violence

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<sup>135</sup> *Id.* § 3(2).

<sup>136</sup> *See id.* §§ 9–17.

<sup>137</sup> *Id.* § 2.

<sup>138</sup> *Id.* § 4(2).

<sup>139</sup> *Id.* § 4(3).

<sup>140</sup> *Id.* § 6(5).

<sup>141</sup> *Id.* § 6(6).

<sup>142</sup> *Id.* § 6(8).

<sup>143</sup> *Id.* § 9.

<sup>144</sup> *Id.* § 17(1).

<sup>145</sup> *See* Hanibal Goitom, *Uganda: Women Judges Voice Concern over Domestic Violence*, GLOB. LEGAL MONITOR (July 8, 2013), <http://www.loc.gov/law/foreign-news/article/uganda-women-judges-voice-concern-over-domestic-violence/>; *see also* International Federation for Human Rights, *Women’s Rights in Uganda: Gaps Between Policy and Practice*, 1, 4 (2012), <https://www.fidh.org/IMG/pdf/uganda582afinal.pdf>.



who respond to the abuse by committing a crime.<sup>146</sup> In *Uganda v. Kamuhanda Emmanuel*, the accused was placed on trial for killing his father.<sup>147</sup> The accused claimed that his father had beaten and abused him, his sisters, and his mother for years.<sup>148</sup> Finally, the accused grew tired of the way his father domestically abused his family and took matters into his own hands.<sup>149</sup> Thus, he admitted to killing his father by hitting him on the neck, back, and hand with a panga.<sup>150</sup> The judge made the following statement concerning the judgment, “I am now setting a precedent by considering accumulated anger arising from repeated acts of domestic violence . . . as a partial defence to murder in a domestic setting. It is . . . a very serious mitigating factor for sentences in homicides . . . committed in a domestic sphere.”<sup>151</sup> The judge therefore followed the punishment set out in the Domestic Violence Act and sentenced the accused to two years imprisonment.<sup>152</sup> Thus, a precedent has been set in the country protecting both men and women, as the Domestic Violence Act is gender-neutral, from the evil of domestic violence.<sup>153</sup>

Though the judge did not use the Domestic Violence Act while determining the sentence of the accused, *Uganda v. Drazua* set precedent for the recognition of homicides caused by domestic violence.<sup>154</sup> In this case, the accused shot and killed his wife.<sup>155</sup> The accused was charged with murder and pled not guilty.<sup>156</sup> However, the court found that (1) the accused killed the deceased, (2) the deceased died because of the accused’s unlawful act, (3) the accused had malice aforethought, and (4) the accused directly caused the deceased’s death.<sup>157</sup> Further, the Court recognized that the deceased was killed due to a domestic violence dispute and the accused should be punished to the full extent of the law “to serve as a general lesson for members of the general public.”<sup>158</sup> The Court sentenced the accused to death.<sup>159</sup> Thus, the Court recognized that (1) “[d]omestic violence is one of the greatest social problems [in] Uganda,” (2) women

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<sup>146</sup> Kamuhanda, *supra* note 9, at Sentence.

<sup>147</sup> *Id.* at Judgment.

<sup>148</sup> *Id.*

<sup>149</sup> *Id.*

<sup>150</sup> *Id.*; Panga, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/panga> (last visited Sept. 12, 2017) (noting that a panga is an African bladed instrument like a machete).

<sup>151</sup> Kamuhanda, *supra* note 9, at Sentence.

<sup>152</sup> *Id.*

<sup>153</sup> *Id.*

<sup>154</sup> See generally *Uganda v. Drazua*, 1 Uganda Legal Information Institute (ULII), (Criminal Case No.032 of 2012) [2012] UGHCCRD 09 (Jan. 15, 2014).

<sup>155</sup> *Id.*

<sup>156</sup> *Id.* at 1–2.

<sup>157</sup> *Id.* at 9, 14.

<sup>158</sup> *Id.* at 19–20.

<sup>159</sup> *Id.* at 20.

should be protected under the law, and (3) men should be punished if they break the law.<sup>160</sup>

### III. HURDLES TO DEFEATING DOMESTIC VIOLENCE

With the legal frameworks in mind, hurdles to enforcing the Ghanaian and Ugandan Acts must be considered. Several potential legal, aftercare, and security ramifications exist to tackling domestic violence within the court system of both Ghana and Uganda. First, there is a problem of awareness. In Uganda, for example, the court system rarely recognizes the Domestic Violence Act and few people – including attorneys and judges – know the act exists.<sup>161</sup> Thus, most cases would have to be based on criminal charges already existing in the Penal Code of Uganda. Therefore, unless a woman can make a case for assault, battery, defilement, incest, or attempt to murder, she will likely not have a case to present in court. Even if she does have evidence, prosecuting may only make the abuser angrier and put the woman at greater risk.<sup>162</sup> The court systems must begin recognizing and using the Acts to prosecute cases.

Second, victims are often hesitant to contact the police for help due to societal concerns and distrust of the police.<sup>163</sup> In Ghanaian and Ugandan culture, family remains important and integral to society.<sup>164</sup> Most women approach their families before approaching the police about the abuse.<sup>165</sup> Further, women in both countries may not have access to police services.<sup>166</sup> Without adequate protection, a place to go, or a way to provide for themselves and their children, most women will not leave their abusers. Even if a man is prosecuted, once he gets out of jail, he may return for the bride price, kill his wife, or take her back as his wife.<sup>167</sup> Thus, adequate protection is an integral part of providing services for domestic violence victims.<sup>168</sup>

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<sup>160</sup> *Id.* at 1, 17–19.

<sup>161</sup> J. Emodek et al., *Domestic Violence Cases Soar*, NEW VISION (Uganda) (June 18, 2013, 2:34 PM), [http://www.newvision.co.ug/new\\_vision/news/1323390/domestic-violence-soar](http://www.newvision.co.ug/new_vision/news/1323390/domestic-violence-soar).

<sup>162</sup> *Abusive Relationships*, BYU COUNSELING CTR., <http://www.byui.edu/counseling-center/self-help/abusive-relationships> (last visited Sept. 14, 2017).

<sup>163</sup> *Domestic Violence in Ghana*, *supra* note 36, at 19.

<sup>164</sup> Brian Siegel, *African Family and Kinship*, ANTHROPOLOGY PUBL'NS 1 (1996), <http://scholarexchange.furman.edu/cgi/viewcontent.cgi?article=1002&context=ant-publications>.

<sup>165</sup> *Domestic Violence in Ghana*, *supra* note 36, at 19.

<sup>166</sup> *Id.*

<sup>167</sup> Amnesty Int'l, *I Can't Afford Justice*, 1, 24, 27, 39, 41 AFR 59/001/2010 (April 2010) [hereinafter *I Can't Afford Justice*].

<sup>168</sup> *Id.* at 43, 56.

Third, even if women were willing to leave or seek help, many women in Uganda and Ghana do not know their rights.<sup>169</sup> They do not know that they have protection under their Constitutions to be equal with a man and to be treated with dignity and respect.<sup>170</sup> Even if they do know their rights, many lack the funds to hire attorneys or have medical exams.<sup>171</sup> Thus, many women are hesitant to report abuse due to lack of funds or dependence on a male for funds.<sup>172</sup> Women need access to healthcare in order to provide enough evidence of abuse to take the case to court if the woman so desires. Further, women need to know that they have access to free legal aid in their respective country should they desire to pursue a case or work through the abuse in mediation or another form of alternative dispute resolution.

Fourth, victims of domestic violence endure many physical, sexual, economic, and mental abuses that have a lasting impact on the woman and her children.<sup>173</sup> Thus, aftercare for domestic violence survivors will look different than the aftercare for other crimes. Counseling and healthcare services must be provided to help both the woman and her children work through the traumatic experiences that have occurred.<sup>174</sup> Children who have witnessed domestic violence need special counseling to help them process and work through their anger before they begin abusing substances or partners.<sup>175</sup> Unfortunately, the cycle of abuse will likely never end if a woman and child are not given the proper aftercare.<sup>176</sup> A woman may also have physical injuries that need considering, such as bruises, broken bones, pelvic pain, intimacy issues, vaginal tears, and other such problems.<sup>177</sup> Further, a woman may have no way of supporting herself or her children.<sup>178</sup> Thus, job training needs to be provided in order to help a woman gain skills needed in the workforce. Partnerships with other organizations that provide training would be invaluable.<sup>179</sup>

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<sup>169</sup> *The Pro-Bono Project of ULS*, UGANDA L. SOC'Y, <http://www.uls.or.ug/projects/pro-bono-project/pro-bono-project/> (last visited Sept. 15, 2017).

<sup>170</sup> CONST. OF THE REPUBLIC OF UGANDA, ch. 4 § 33(1).

<sup>171</sup> *I Can't Afford Justice*, *supra* note 167, at 24, 34–35.

<sup>172</sup> *Id.* at 34–35.

<sup>173</sup> *Violence Against Women*, WORLD HEALTH ORGANIZATION [WHO] (2016), <http://www.who.int/mediacentre/factsheets/fs239/en/>.

<sup>174</sup> *Id.*

<sup>175</sup> *See id.*; *Interventions for Children Exposed to Domestic Violence*, NAT'L CHILD TRAUMATIC STRESS NETWORK, <http://www.nctsn.org/content/interventions-children-exposed-domestic-violence-core-principles> (last visited Sept. 17, 2017).

<sup>176</sup> *See Violence Against Women*, *supra* note 173.

<sup>177</sup> *See Domestic Violence in Ghana*, *supra* note 36, at 327.

<sup>178</sup> *Violence Against Women*, *supra* note 173.

<sup>179</sup> *See id.*

Finally, bribes remain a part of the judiciary system in Uganda, specifically Northern Uganda.<sup>180</sup> Unfortunately, a man may never be investigated if he pays a bribe. Further, he may be arrested, pay off the police or other officials, and be let out on bail.<sup>181</sup> However, the man could once again pay a bribe and be released.<sup>182</sup> The police force must be trained to understand the importance of investigating, reporting, and conducting investigations in a manner that helps the victim. A strict punishment for bribe taking should be established. Unfortunately, bribes may be an issue before, during, and after the trial and must be countered before a lasting impact can be made on domestic violence.<sup>183</sup>

Since passing the Domestic Violence Act in Ghana, the Ghanaian government and Non-Governmental Organizations (NGOs) have implemented programs throughout the country to overcome the aforementioned hurdles.<sup>184</sup> Though the programs are new, they have been successful to defeat both gender-based violence and domestic violence, specifically.<sup>185</sup> Uganda still lags behind Ghana in most areas.<sup>186</sup> Thus, the next section discusses the programs Ghana has implemented to protect women and children across the country and offers recommendations for Uganda based on the success of the programs in Ghana.<sup>187</sup>

#### IV. COMPARISON OF TACTICS IN GHANA AND UGANDA

On September 17, 2015, the Immigration and Refugee Board of Canada released a report concerning domestic violence in Ghana from 2011-2015.<sup>188</sup> Though the publication reported an alarming number of domestic violence issues still occurring in Ghana each year, great progress has been made throughout the country in regards to protecting women and children and working to eliminate all forms of domestic violence.<sup>189</sup> The United States Department of State released a report in 2014 stating that although reported cases of domestic violence had risen in Uganda from 2011-2014, little progress had been made regarding the elimination

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<sup>180</sup> Uganda Corruption Report, GAN BUSINESS ANTI-CORRUPTION PORTAL, <http://www.business-anti-corruption.com/country-profiles/uganda> (last visited Oct. 26, 2017).

<sup>181</sup> *See id.*; *see also* COMMONWEALTH HUM. RTS. INITIATIVE, A REVIEW OF THE UGANDA POLICE FORCE BUDGET AND ITS EFFECT ON CRIME MANAGEMENT 32 (2006) (discussing bribery in the Ugandan police force).

<sup>182</sup> *See* Uganda Corruption Report, *supra* note 180; *see also* COMMONWEALTH HUM. RTS. INITIATIVE, *supra* note 181.

<sup>183</sup> *See* Uganda Corruption Report, *supra* note 180.

<sup>184</sup> *See* discussion *infra* Part IV.A & IV.E.

<sup>185</sup> *See* discussion *infra* Part IV.

<sup>186</sup> *See* discussion *infra* Part IV.

<sup>187</sup> *See infra* Part IV.

<sup>188</sup> Immig. & Refugee Bd. of Can., *Uganda*, *supra* note 42.

<sup>189</sup> *See id.*

of domestic violence across the country.<sup>190</sup> Though Ghana remains further ahead in fighting domestic violence, Uganda has the same opportunity to become a leader in the battle to combat domestic violence on the continent of Africa.

After passing Act 732, Ghana created a comprehensive approach to defeating domestic violence in all public and private spheres. This section outlines the efforts of the government, police, judiciary, support services, Department of Social Welfare, civil society organizations, shelters, and hotlines to implement programs aimed at defeating domestic violence across Ghana. Further, each sector of change in Ghana will be compared to the same services being offered in Uganda. Finally, each section will offer recommendations for improvement in Uganda.

#### A. Government Efforts

The Ministry of Gender, Children, and Social Protection, which provides guidelines and strategies for achieving gender equality in Ghana,<sup>191</sup> reported in June 2014 that the government of Ghana created a Domestic Violence Board and Secretariat and a Domestic Violence Fund, which would help domestic violence victims by providing them with job training and paying for medical bills.<sup>192</sup> At the 57<sup>th</sup> Session of the United Nations Commission on the Status of Women, the Minister for Gender, Children and Social Protection announced the opening of gender-based violence courts in the cities of Accra and Kumasi.<sup>193</sup> These courts were “created . . . to expedite the determination of violence and abuse cases.”<sup>194</sup> In addition to expediting these cases, these specialized courts refer cases with enough evidence to the High Courts to be prosecuted.<sup>195</sup> Due to the success of these courts, in 2016, with the funding of the Danish Government, Ghana opened a third gender-based violence court in the city

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<sup>190</sup> US DEP’T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., UGANDA 2014 HUMAN RIGHTS REPORT 28 (2014) [hereinafter UGANDA 2014 HUMAN RIGHTS REPORT].

<sup>191</sup> *About Us*, MINISTRY OF GENDER, CHILD. & SOC. PROT., <http://mogesp.gov.gh/about/> (last visited Oct. 23, 2017).

<sup>192</sup> Ministry of Gender, Child., & Soc. Prot., Ghana’s 4th Progress Report on the Implementation of the African and Beijing Platform of Action and Review and Review Report for Beijing +20 21 (2014) [hereinafter Ghana’s 4th Progress Report].

<sup>193</sup> HON. NANAY OYE LITHUR, MINISTER FOR GENDER, CHILDREN AND SOC. PROT., STATEMENT AT THE 57TH SESSION OF THE UNITED NATIONS COMMISSION ON THE STATUS OF WOMEN (Mar. 2013).

<sup>194</sup> Ghana’s 4th Progress Report, *supra* note 192.

<sup>195</sup> *Saturday Courts Help Tackle Sexual and Gender-Based Violence in Sierra Leone*, U.N. DEV. PROGRAMME, [http://www.sl.undp.org/content/sierraleone/en/home/ourwork/democraticgovernance/success/stories/Saturday\\_Courts\\_Help\\_Tackle\\_SGBV/](http://www.sl.undp.org/content/sierraleone/en/home/ourwork/democraticgovernance/success/stories/Saturday_Courts_Help_Tackle_SGBV/) (last visited Sep. 1 2017) [hereinafter *Saturday Courts*].

of Sekondi-Takoradi.<sup>196</sup> A female judge will preside over the court in Sekondi-Takoradi, as a way of emphasizing to other women the achievements women are making in defeating gender-based violence and domestic violence, specifically.<sup>197</sup>

Uganda currently prosecutes cases of domestic violence in magistrate courts, local council courts, and family and children courts, as the Ugandan government has not created specific gender-based violence courts.<sup>198</sup> However, as of November 2016, a group of female Ugandan Parliament members, called the Uganda Women Parliamentary Association (UWOPA), presented a proposal asking the government to create specialized gender-based violence courts.<sup>199</sup> Monicah Amoding Kumi, chairperson of UWOPA, stated, “The rampant occurrence of sexual and gender-based violence is a result of lack of specialized courts and trained staff to handle GBV, which delays timely justice to all.”<sup>200</sup> Tina Musuya, the executive director of the Center for Domestic Violence Prevention, further supported Kumi’s argument by informing Parliament that the average rape case in Uganda can last for over ten years, leaving women and children vulnerable to the same or worse abuse during the time the case is being handled.<sup>201</sup>

Although Uganda has not currently implemented gender-based violence courts, Parliament has taken the first step toward implementing these important courts by hearing UPOWA’s presentation.<sup>202</sup> The government of Uganda should consider the success of these specialized courts in both Ghana and Sierra Leone, which utilizes specialized “Saturday” courts to handle gender-based violence cases,<sup>203</sup> and implement similar courts to hear any cases reported under Uganda’s Domestic Violence Act. Female judges should preside over these specialized courts as is being done in Ghana. A female judge portrays the strength of women, encourages other women to be honest, and highlights the fact that women can be and are successful in fighting back against domestic violence.

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<sup>196</sup> Alfred Adams, *Gender-Based Violence Courts Inaugurated in Sekondi*, CHRONICLE (Ghana) (Jan. 13 2016), <http://allafrica.com/stories/201601131502.html>.

<sup>197</sup> *Id.*

<sup>198</sup> Act 732, *supra* note 73, § 2.

<sup>199</sup> Paul Kiwuuwa & Christopher Bendana, *MPs Want Specialized Courts for Gender Based Violence Cases*, NEW VISION (Uganda) (Nov. 23, 2016, 8:26 AM), [http://www.newvision.co.ug/new\\_vision/news/1440681/women-mps-specialized-courts-gender-violence](http://www.newvision.co.ug/new_vision/news/1440681/women-mps-specialized-courts-gender-violence)

<sup>200</sup> *Id.*

<sup>201</sup> *See id.*

<sup>202</sup> Act 732, *supra* note 73, §§ 6–17.

<sup>203</sup> *Saturday Courts*, *supra* note 195 (utilizing Saturday Courts and weekday courts to adjudicate matters arising from the Gender Acts of Sierra Leone. Cases of gender violence are speedily heard and the ones with evidence are sent to the Higher Courts for hearings).

### B. Police Efforts

Prior to the passing of the Domestic Violence Act in Ghana, complaints abounded regarding the polices' unwillingness to assist domestic violence victims due to the belief that private domestic disputes should not be handled by public police forces.<sup>204</sup> Thus, Ghana has had to overcome the reluctance of women to report cases of domestic abuse stemming from this widely held belief.<sup>205</sup> In 1998, the Ghanaian Police Force established the Women and Juvenile Unit (WAJU) to handle specialized cases of abuse against women and children.<sup>206</sup> In 2005, with the backing of the Convention on the Elimination of Discrimination against Women (CEDAW), WAJU was renamed the Domestic Violence and Victim Support Unit (DOVVSU).<sup>207</sup> DOVVSU provides advice on crime prevention to the public, handles investigations of abuse against women and children, creates databases for prevention and prosecution of domestic violence and child abuse cases, and collaborates with NGOs to provide for the needs of victims.<sup>208</sup> With the enactment of Act 732, DOVVSU's role grew as Sections 7 and 8 of Act 732 mandates that police must interview the parties of a domestic violence complaint, assist the victim in obtaining free medical treatment when necessary, assist the victim to a safe place, preserve evidence, and inform the victim of her rights.<sup>209</sup> Since 2014, DOVVSU has investigated, "prosecuted, and sentenced numerous perpetrators of domestic violence."<sup>210</sup> Further, in 2014, DOVVSU, with the help of the Ministry of Gender, Children and Social Protection, created a training manual to be used in police training schools in order to better handle the increasing number of cases being reported each year.<sup>211</sup> In addition, as of 2016, DOVVSU has opened 97 offices across Ghana and "provides training for police [officers, lawyers, judges,] healthcare providers[,] and social welfare officers."<sup>212</sup>

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<sup>204</sup> See Rosemary Ofeibea Ofei-Aboagye, *Domestic Violence in Ghana: An Initial Step*, 4 COLUM. J. GENDER & L. 1, 22 (1994).

<sup>205</sup> Nancy Cantalupo et al., Report, *Domestic Violence in Ghana: The Open Secret*, 7 GEO. J. GENDER & L. 531, 540 (2006).

<sup>206</sup> Immig. & Refugee Bd. of Can., *Uganda*, *supra* note 42.

<sup>207</sup> *Id.*

<sup>208</sup> *Id.*

<sup>209</sup> Act 732, *supra* note 73, § 7.

<sup>210</sup> Immig. & Refugee Bd. of Can., *Uganda*, *supra* at 42.

<sup>211</sup> Emelia Ennin Abbey, *17,655 Domestic Violence Cases Reported to DOVVSU in 2014*, GRAPHIC ONLINE (Ghana) (Mar. 20, 2015), <https://www.graphic.com.gh/news/general-news/17-655-domestic-violence-cases-reported-to-dovvsu-in-2014.html>.

<sup>212</sup> Immig. & Refugee Bd. of Can., *Ghana*, *supra* note 8. See generally Emelia Ennin Abbey, *DOVVSU Personnel Learn Data Management*, GRAPHIC ONLINE, <http://dailyguideafrica.com/dovvsu-personnel-learn-data-management/> (last visited Sep. 8 2017) (describing DOVVSU emphasis on training).

The Uganda Police Force established the Gender Desk in 1986, which became the Child and Family Protection Unit (CFPU) in 1989.<sup>213</sup> UNICEF helped CFPU create a training manual in 2006.<sup>214</sup> However, the manual has not been updated since that time or if it has been updated, the updates have not been released to the public. The last reported information regarding the CFPU was by Emmanuel Kajubu of the Uganda Radio Network.<sup>215</sup> The report stated that CFPU in Fort Portal, one of the largest towns in the western part of Uganda, was understaffed and only ten out of sixty-five cases reported in a two-month period had been investigated.<sup>216</sup> Unfortunately, very similar articles were posted before the radio report in 2011.<sup>217</sup> Further, a cursory glance of CFPU's page revealed no posts, a telephone number that did not work, and an e-mail address.<sup>218</sup> On June 16, 2016, the Uganda Police Force posted a statement on Twitter urging people to "[r]eport cases of child abuse to the Child and Family Protection Unit," yet did not provide any information on how to contact the unit.<sup>219</sup>

As the Act of 2010 requires police officers to assist a victim in finding shelter, to provide access to a medical exam, to advise a victim of her rights, and to offer guidance on safety issues,<sup>220</sup> CFPU could serve an active role in the protection of women and children across Uganda and could lead investigations to help Ugandan courts prosecute cases. However, much work must be done in order to make the unit helpful to women and children in Uganda. First, CFPU must be more accessible by the general public. As of 2016, 19 percent of Ugandans can access the Internet at home using any device and connection.<sup>221</sup> This number has been rising steadily from 0.2 percent in 2000.<sup>222</sup> As more of the population

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<sup>213</sup> Immig. & Refugee Bd. of Can., *Uganda*, *supra* note 42.

<sup>214</sup> Uganda Police Force, *Training Manual: Role of the Uganda Police in the Protection of Women and Children's Legal Rights* (2006), <http://www.evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/full%20text/africa/uganda%20%20police%20training%20manual%20%20govunicef.pdf>.

<sup>215</sup> *Police: Child & Family Protection Unit Understaffed*, <https://ugandaradionetwork.com/story/police-child-family-protection-unit-understaffed> (last visited Sep. 7, 2017).

<sup>216</sup> *Id.*

<sup>217</sup> *See I Can't Afford Justice*, *supra* note 167, at 21–22 (containing a report on understaffing of CFPU).

<sup>218</sup> *See* Uganda Police Force/Child and Family Protection Department, FACEBOOK (July 12, 2011), <https://www.facebook.com/Uganda-Police-ForceChild-and-Family-Protection-Department-226999987330929/about/>.

<sup>219</sup> Uganda Police Force (@PoliceUg), TWITTER (June 16, 2016, 3:32 AM), <https://twitter.com/policeug/status/743390662498856965>.

<sup>220</sup> Domestic Violence Act 2010 (Uganda), § 7.

<sup>221</sup> *Uganda Internet Users*, INTERNET LIVE STATS, <http://www.internetlivestats.com/internet-users/uganda/> (last visited Oct. 12, 2017).

<sup>222</sup> *Id.*



gains access to the Internet, the Internet presence of CFPU must grow. Further, the Ugandan government should provide more funds to expand and train CFPU. As the Domestic Violence Act of 2010 has been passed and more women are educated about the Act of 2010, more people will likely be reaching out to CFPU for help. The current state of CFPU cannot handle more cases in an efficient manner. Thus, the government and current members of CFPU should discuss how to implement some of the programs started by DOVVSU in Ghana. The police force in Ghana and DOVVSU have created a partnership that should be studied and implemented in a similar manner by the Ugandan Police Force and CFPU.

### C. Judiciary

Government organizations and NGOs throughout Ghana continually complain that the judicial system is slow and favors males.<sup>223</sup> Therefore, even if a woman is brave enough to report her abuse, she will likely not win in court, even if she can afford to take her case to court.<sup>224</sup> However, realistically, more cases of domestic abuse and gender-based violence in general are being reported and investigated each year.<sup>225</sup> In 2015 alone, DOVVSU reported that 1,291 gender-based cases, which include all forms of domestic violence, were sent to court.<sup>226</sup> However, “only 139 of those cases” resulted in a conviction.<sup>227</sup>

The Institute of Development Studies (IDS) & Ghana Statistical Services (GSS) reported that “75 percent of respondents in urban areas and 61 percent in rural areas knew that Ghana has a law against domestic violence.”<sup>228</sup> Though many leaders of NGOs, foreign governments, and non-lawyers are questioning the low conviction rate, Justice Dennis Adjei, the director of the Judicial Training Institute and an appellate judge, stated, “Conviction is not based on morality but rather conviction is based on the evidence adduced on record and if you convict, you must act within the tenet of the law.”<sup>229</sup> Lawyers and judges in Ghana are aware of the low conviction rate, but are continually working with the police to offer training to ensure that the police are conducting thorough investigations so enough evidence to convict can be introduced in court.<sup>230</sup> Without

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<sup>223</sup> See RAYMOND A. ATUGUBA, KISSI AGYEBENG & ENYONAM DEDEY, ACCESS TO JUSTICE IN GHANA: THE REAL ISSUES 26 (2006) (describing issues of access to justice for women and poor).

<sup>224</sup> *Id.*

<sup>225</sup> Ibrahim Abubakar, *Gender-based Violence Conviction Rate ‘Unacceptable’* – *Victoria Natsu*, 3NEWS (Ghana) (Apr. 6, 2016), <http://3news.com/gender-based-violence-conviction-rate-unacceptable-victoria-natsu/>.

<sup>226</sup> *Id.*

<sup>227</sup> *Id.*

<sup>228</sup> *Domestic Violence in Ghana*, *supra* note 36, at 223.

<sup>229</sup> Abubakar, *supra* note 225.

<sup>230</sup> Abbey, *supra* note 212.

enough evidence, a conviction cannot occur regardless of a person's gender. Further, these reports fail to report the numbers of cases of domestic violence that are handled through alternative dispute resolutions, as victims are given the choice to handle the matter through these means instead of going to court.<sup>231</sup>

Unfortunately, reports conclude that many judges, lawyers, victims, and police officers in Uganda do not have knowledge of the Domestic Violence Act or do not have access to a copy of the legislation.<sup>232</sup> In 2013, Stella Arach Amoko, a Ugandan Supreme Court Judge and President of the National Association of Women Judges-Uganda (NAWJU), stated, "Our research has revealed that some judges and magistrates do not have access to this law while others do not care and they take such cases to be women issues."<sup>233</sup> According to the Deputy Inspector General of Police, Okoth-Ochola, "1,339 cases of domestic violence had been reported by April" 2013 and a total of "2,793 cases of domestic violence" had been reported in 2012.<sup>234</sup> However, the United States Department of State's report conflicts, stating that the Ugandan Police Force reported a total of 315 cases of domestic violence in 2013 and 154 total cases in 2012.<sup>235</sup> In 2016, the United States Department of State reported that "bureaucratic delays hampered enforcement of judgments that granted financial compensation" in civil courts across Uganda.<sup>236</sup> As mentioned above, Uganda has not completely failed to use the Domestic Violence Act to prosecute perpetrators of domestic violence or to find perpetrators of domestic violence guilty of murder.<sup>237</sup>

Although Ugandan judges have prosecuted cases of domestic violence, prosecuting one case a year remains unsatisfactory. As in Ghana, the Ugandan judiciary will likely not prosecute a large number of domestic violence cases for years to come. The Uganda Police Force needs more training regarding how to collect evidence of domestic violence. Further, judges, lawyers, and victims need access to the law and training on the subject matter of the law. As Ghana has partnered the judiciary, the police force, and local NGOs to ensure knowledge of the law throughout the country, Uganda must take similar action to ensure widespread knowledge of the Act of 2010.<sup>238</sup> Progress will not be made until the key

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<sup>231</sup> See generally Act 732, *supra* note 73; *Domestic Violence in Ghana*, *supra* note 36.

<sup>232</sup> Emodok et al., *supra* note 161.

<sup>233</sup> *Id.*

<sup>234</sup> *Id.*

<sup>235</sup> UGANDA 2014 HUMAN RIGHTS REPORT, *supra* 190, at 27–28.

<sup>236</sup> *Id.* at 27.

<sup>237</sup> See generally Kamuhanda, *supra* note 9; Drazua, *supra* note 154, at Judgment (describing prosecution of a domestic violence case).

<sup>238</sup> Abbey, *supra* note 211.

players in the judiciary have the requisite knowledge to adequately protect victims under the law of Uganda.

#### *D. Department of Social Welfare*

The Ministry of Gender, Children and Social Protection oversees the operation of the Department of Social Welfare in Ghana.<sup>239</sup> The Children's Act of Ghana gives the Minister of Gender, Children and Social Protection oversight of all homes for orphaned and abused children in Ghana.<sup>240</sup> The Social Welfare Department inspects all cases of child abuse, including domestic violence, and refers the child to a children's home for care and protection until the child can be returned to his or her family or a foster home.<sup>241</sup> As of 2015, the Social Welfare Department began making changes to add a Family Unit to assist victims of domestic violence other than children.<sup>242</sup> Nana Oye Lithur, the sector Minister, announced that the Department of Social Welfare had been renamed the "Department of Social Development" as the Department will be adding new programs for children and families over the upcoming years.<sup>243</sup> Over the past year, the Department has provided training to over a hundred managers of children's homes, partnered with the School of Social Work in Accra, Ghana, and closed twenty-eight children's homes that were not being managed according to the law.<sup>244</sup> The renaming is part of a new initiative to strengthen the family unit in Ghana.<sup>245</sup> Thus, the Department has also provided training to social workers and counselors who work with victims, both children and adults, and perpetrators of domestic violence to educate them on the law concerning domestic violence and the proper way to counsel victims and perpetrators.<sup>246</sup> The Department of Social Development has made great strides in providing counseling and support for victims and perpetrators of domestic violence.

The Ministry of Gender, Labour, and Social Development of Uganda (MGLSD) exists to promote "gender equality . . . social protection,

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<sup>239</sup> *About MOGCSP*, MINISTRY OF GENDER, CHILD. & SOC. PROT., <http://mogcsp.gov.gh/about/departments/> (last visited Oct. 25, 2017) (As of late 2017, the Department of Social Welfare no longer exists. It is now called the Department of Social Development).

<sup>240</sup> The Children's Act of 1998, Part VI, Sub-Part I, §§ 105–114 (Ghana).

<sup>241</sup> *Id.* at Part I, Sub-Part II, §§ 17–18.

<sup>242</sup> *About MOGCSP*, *supra* note 239.

<sup>243</sup> *Department of Social Welfare Changes Name*, GHANA NEWS AGENCY (Oct. 26, 2015), <http://www.ghananewsagency.org/social/departement-of-social-welfare-changes-name--96242>.

<sup>244</sup> *Id.*

<sup>245</sup> *See About MOGCSP*, *supra* note 239 (promoting social, economic and emotional stability in families).

<sup>246</sup> *See generally* LOCAL GOVERNMENT SERVICE, SOCIAL WELFARE AND COMMUNITY DEVELOPMENT TRAINING MANUAL 86 (2014) (This is a comprehensive training manual for Social Workers).

and transformation of communities.”<sup>247</sup> The MGLSD provides programs aimed at alleviating poverty in five parts of Uganda.<sup>248</sup> Beginning in 2010, MGLSD was tasked with implementing a project titled “GOU-UNFPA Gender Component (Gender Mainstreaming; and Sexual and Gender Based Violence).”<sup>249</sup> This project focuses on eradicating poverty and providing a better quality of life for Ugandans by “improving sexual and reproductive health and rights, and ensuring sustainable population growth and enhancing gender equity and equality.”<sup>250</sup> The project will reach these goals by “[r]epackaging the Revised National Gender Policy and Action Plan,” “promoting . . . partnerships with stakeholders handling [Sexual and Gender-Based Violence] (SGBV),” developing SGBV laws, and “conducting advocacy workshops for [] SGBV” bills.<sup>251</sup> Further, MGLSD focuses on the Uganda Women Entrepreneurship Programme (UWEP) and Youth Livelihood Programme (YLP).<sup>252</sup> Both focus on training and educating women and children in order for them to find jobs or start businesses as a means of alleviating poverty.<sup>253</sup>

MGLSD has made great strides in educating the public about issues facing women and children in Uganda. However, no part of the Ministry focuses specifically on domestic violence or the Domestic Violence Act already in force in Uganda.<sup>254</sup> As stated previously, the GOU-UNFPA project focuses on “developing simplified [] SGBV . . . bills,”

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<sup>247</sup> *Ministry of Gender Labour and Social Development*, GOV'T OF UGANDA, <http://www.gou.go.ug/ministry/ministry-gender-labour-and-social-development> (last visited Sept. 3, 2017).

<sup>248</sup> *GOU-UNFPA Gender Component (Gender Mainstreaming; And Sexual Gender Based Violence)*, MINISTRY OF GENDER, LABOUR & SOC. DEV. (2010), [http://www.mglsd.go.ug/Project/GOU-UNFPA%20GENDER%20COMPONENT%20\(GENDER%20MAINSTREAMING;%20AND%20SEXUAL%20GENDER%20BASED%20VIOLENCE\).pdf](http://www.mglsd.go.ug/Project/GOU-UNFPA%20GENDER%20COMPONENT%20(GENDER%20MAINSTREAMING;%20AND%20SEXUAL%20GENDER%20BASED%20VIOLENCE).pdf).

<sup>249</sup> *Id.*

<sup>250</sup> *Id.*

<sup>251</sup> *Id.*

<sup>252</sup> *Uganda Women Entrepreneurship Programme*, ZIMBA WOMEN (Feb. 10, 2016), <https://zimbawomen.wordpress.com/2016/02/10/uganda-women-entrepreneurship-programme/>.

<sup>253</sup> *Id.*; Paul Rwabihurwa, *Why More Effort Is Need For Youth Livelihood Programme to Deliver Jobs*, NEW VISION (Uganda) (Feb. 27, 2017, 9:51 AM), [https://www.newvision.co.ug/new\\_vision/news/1447186/effort-youth-livelihood-programme-deliver-jobs](https://www.newvision.co.ug/new_vision/news/1447186/effort-youth-livelihood-programme-deliver-jobs).

<sup>254</sup> Faith Nakanwagi, *ACFODE Holds a Policy Dialogue on Domestic Violence Act 2010*, ACTION FOR DEV. (Apr. 15, 2016), <http://acfode.org/2016/04/15/acfode-holds-a-policy-dialogue-on-domestic-violence-act-2010/> (explaining lack of awareness of the provisions of the Domestic Violence Act); see also *The gender committee of parliament to task MGLSD to allocate funds for implementation of the DOMESTIC VIOLENCE ACT 2010 (DVA)*, CTR. FOR DOMESTIC VIOLENCE PREVENTION, <http://www.cedovip.org/index.php/news-events/latest-news/61-the-gender-committee-of-parliament-to-task-mglsd-to-allocate-funds-for-implementation-of-the-domestic-violence-act-2010-dva> (last visited Sept. 18, 2017) (stating that there are no programmes under MGLSD targeting implementation of DVA).

“[c]onducting advocacy workshops for [] SGBV law[s],” and training the judiciary on gender sensitive issues.<sup>255</sup> However, this project fails to focus on a serious component of SGBV – domestic violence. The Domestic Violence Act remains law in Uganda and should be utilized. The GUO-UNFPA project must be amended to include educating women, the judiciary, and stakeholders in the project about this law and how the law should be implemented in the court system just as Ghana is doing through the Ministry of Gender, Children and Social Protection and the Department of Social Development.

Further, the Ministry in Uganda needs to focus on informing their male action groups and other partners of the prevalence of domestic violence against both women and children throughout the country. As the Department of Social Development has begun focusing on both victims and perpetrators, in Northern Uganda, 31 Bits (Bits) has become the first program to start empowerment programs for men alongside empowerment programs for women.<sup>256</sup> Bits found that as they began empowering their female employees through job training, loans, and providing income, domestic violence rose dramatically among their female employees at home.<sup>257</sup> Thus, Bits opened a male empowerment program as a space for men to discuss gender roles, alcohol abuse, and other such topics.<sup>258</sup> The empowerment program also gives men access to job training and other skills that will help form a stable household where both husband and wife are respected members of the family.<sup>259</sup> As men began joining the program, Bits has seen a decrease in domestic violence among its female employees.<sup>260</sup> Thus, promoting programs for the entire family can reduce the prevalence of domestic violence.

#### *E. Legal Aid Scheme*

NGOs and academics complain that legal and medical fees prevent women in Ghana from reporting and pursuing domestic violence cases.<sup>261</sup> However, the Legal Aid Scheme (LAS), created by the Legal Aid Scheme Act of 1997 (Act 542), provides free advisory services for all people and free legal services for people who cannot afford to pay for attorney

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<sup>255</sup> See *supra* text accompanying note 251.

<sup>256</sup> Interview with 31 Bits Director, in Gulu, Uganda (July 2016) [hereinafter 31 Bits].

<sup>257</sup> *Id.*; See Alicia Jessop, *Female Created Southern California Accessory Company, 31 Bits, Works to Empower Ugandan Women One Necklace Sale at a Time*, HUFFINGTON POST: THE BLOG (Nov. 26, 2014, 4:01 PM), [http://www.huffingtonpost.com/alicia-jessop/female-created-southern-c\\_b\\_6222274.html](http://www.huffingtonpost.com/alicia-jessop/female-created-southern-c_b_6222274.html).

<sup>258</sup> 31 Bits, *supra* note 256; see Jessop, *supra* note 257 (discussing how 31 Bits engages men in talks about domestic violence).

<sup>259</sup> 31 Bits, *supra* note 256.

<sup>260</sup> *Id.*

<sup>261</sup> Immig. & Refugee Bd. of Can., *Uganda*, *supra* note 42.

services.<sup>262</sup> The Ministry for Justice of Ghana operates LAS offices “in all [ten] . . . [r]egional capitals.”<sup>263</sup> The purpose and goal of LAS is to ensure that constitutional democracy, law, and justice is accessible and applies to all people, including those who would be considered the most vulnerable in Ghana.<sup>264</sup> LAS provides representation in both civil matters, including family issues and land disputes, and criminal matters, including assault, rape, child molestation, and murder.<sup>265</sup> LAS provides Alternative Dispute Resolution (ADR) services, “legal representation for juveniles”, and legal representation for adults who cannot afford to pay for private legal representation.<sup>266</sup> Services are free and the offices are easily contacted through their websites, social media pages, phone numbers, or office visits.<sup>267</sup>

The Uganda Law Society and the Ministry of Justice and Constitutional Affairs created the Pro-bono Scheme of the Uganda Law Society (PSULS) in 2008.<sup>268</sup> The group was created to represent women and the marginalized in society, as women tend to experience greater difficulty accessing the justice system due to illiteracy, “lack [of] information about legal rights”, and less money.<sup>269</sup> The project has offices in eleven cities in Uganda.<sup>270</sup> However, unlike the Legal Aid Scheme in Ghana where the attorneys work full-time for LAS and are paid by the government, the attorneys at PSULS work pro-bono and do not receive payment for the legal services they offer.<sup>271</sup> Thus, the attorneys who participate offer their services when they have the time. Arguably, Ghana’s approach makes the attorneys more accessible as their full-time job is to provide pro-bono services to the marginalized in society. Uganda’s government should consider adding full-time, paid attorneys to the staff at PSULS to further promote the great work that PSULS has done for the poor and marginalized in Ugandan society.

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<sup>262</sup> LEGAL AID SCHEME, GHANA, <http://www.legalaidghana.org/web/> (last visited Nov. 30, 2016).

<sup>263</sup> *Id.*

<sup>264</sup> *Id.*

<sup>265</sup> *Id.*; Memorandum from Latham & Watkins LLP to Pro Bono Inst. (Mar. 2016) (on file with Latham & Watkins LLP).

<sup>266</sup> *What We Do*, LEGAL AID SCHEME, GHANA, <http://www.legalaidghana.org/web/index.php/about-us/duties> (last visited Sept. 3, 2017).

<sup>267</sup> *Who We Serve*, LEGAL AID SCHEME, GHANA, <http://www.legalaidghana.org/web/index.php/about-us/who-we-serve>, (last visited Sept. 3, 2017).

<sup>268</sup> UGANDA L. SOC’Y, *supra* note 169.

<sup>269</sup> *Id.*

<sup>270</sup> *See id.* (listing the offices of the Pro-Bono Project in “Where We Are”).

<sup>271</sup> *Id.*

*F. Civil Society Organizations*

The Ghanaian government formed partnerships with Civil Society Organizations (CSOs) and Non-Governmental Organizations (NGOs) to provide counseling, provide legal services, conduct advocacy, provide rehabilitative services, conduct court monitoring, and educate the public concerning domestic violence.<sup>272</sup> The following three CSOs and NGOs have provided services for domestic violence victims: FIDA-Ghana, the Ark Foundation, and Women's Initiative for Self Empowerment (WISE).<sup>273</sup> These three organizations work closely together and refer victims to each other to provide holistic support for victims of domestic violence.<sup>274</sup>

FIDA-Ghana provides free legal services to women and children who have been victims of violence, abuse, and discrimination.<sup>275</sup> Further, FIDA provides legal literacy programs that explain the laws to women to teach them about their rights under the law and provide mobile legal aid outreaches to women in the rural areas of Ghana.<sup>276</sup> Since 1999, the Ark Foundation has provided a legal center, crisis center, shelter, and counseling center as part of an Anti-Violence Program (AVP) that responds to violence against women and children.<sup>277</sup> Further, women staying at the shelter have access to medical care, psychotherapy, legal and pastoral counseling, life skills training for women, and education support for children.<sup>278</sup> WISE was established in Ghana to provide assistance to women and children who were victims of violence.<sup>279</sup> Further, WISE provides counseling and support programs for survivors of violence.<sup>280</sup> Other services of WISE include legal representation, medical support, and skills training.<sup>281</sup> WISE remains active in educating public

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<sup>272</sup> Immig. & Refugee Bd. of Can., *Uganda*, *supra* note 42.

<sup>273</sup> *Id.*

<sup>274</sup> See ARK FOUND., <https://thearkfoundationghana.wordpress.com/about/> (last visited Oct. 18, 2017) (explaining how The Ark works with government and non-government agencies); *What We Do*, INT'L FED'N OF WOMEN LAWYERS, <http://www.fidaghana.org/site/pages/ourwork.php> (last visited Sept. 28, 2017) [hereinafter *What We Do*, WOMEN LAWYERS] (providing that FIDA provides a holistic approach by linking with other organizations); Women's Initiative for Self Empowerment (WISE), *About*, FACEBOOK, <https://www.facebook.com/pg/WomensInitiativeforSelfEmpowerment/about/> (last visited Sept. 28, 2017) (stating that WISE collaborates with other agencies to complement its services).

<sup>275</sup> *The FIDA-Ghana Legal Aid Programme*, INT'L FED'N OF WOMEN LAWYERS, <http://www.fidaghana.org/site/pages/aboutus.php> (last visited Oct. 15, 2017).

<sup>276</sup> *What We Do*, WOMEN LAWYERS, *supra* note 274.

<sup>277</sup> See ARK FOUND., *supra* note 274.

<sup>278</sup> See *id.*

<sup>279</sup> WISE, *supra* note 274.

<sup>280</sup> *Id.*

<sup>281</sup> *Id.*

officials about the importance of protecting women and children against violence.<sup>282</sup> These three organizations help women transition from the reporting stage of domestic violence through the courtroom to finding a job and recovering from domestic abuse.

Uganda has many NGOs and CSOs working to provide relief to abused women across the country.<sup>283</sup> However, unlike Ghana, none of these organizations openly partner to provide a holistic approach to defeating domestic violence from the prevention stage, during the court battle or mediation, and after a woman and her children seek recovery when the battle is finished. Most organizations cannot handle all aspects of defeating domestic violence, as funds do not allow for it. For example, International Justice Mission (IJM) provides free legal services to the most marginalized in society.<sup>284</sup> ActionAid Uganda operates a Women's Protection Center where women can connect with other victims of abuse and learn skills to find a job and support their families.<sup>285</sup> However, as of now, these two organizations, though doing excellent work separately, are not providing a holistic approach together to defeat domestic violence in Uganda. As these organizations become more involved with domestic violence issues, partnerships will and must be formed in order to provide the same holistic approach utilized in Ghana to help women and children.

### G. Shelters

As of 2014, Ghana had three shelters for victims of domestic violence.<sup>286</sup> However, since 2014, two have reportedly closed due to lack of funds.<sup>287</sup> As of 2015, two private organizations began raising funds to construct homes for victims of domestic violence in Ghana.<sup>288</sup> The first organization, Aussieghana Relief, began construction of homes in October 2016.<sup>289</sup> The second organization, Where Love Abounds, has partnered with a local Ghanaian pastor to begin construction of a home in Kumasi for abused women in 2017.<sup>290</sup> However, as of 2016, short-term facilities for

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<sup>282</sup> *Id.*

<sup>283</sup> See NAT'L ASS'N OF WOMEN ORGS. IN UGANDA, <http://nawouganda.org/sample-page/who-we-are/> (last visited Sept. 29, 2017); UGANDA WOMEN'S NETWORK, <https://www.uwonet.or.ug/uwonet-membership/> (last visited Sept. 29, 2017).

<sup>284</sup> See INT'L JUST. MISSION, <http://www.ijm.org/who-we-are> (last visited Sept. 28, 2017).

<sup>285</sup> Saida Bogere, *Helping Women at Risk of Domestic Violence in Uganda*, ACTIONAID UGANDA (Mar. 31, 2016), <https://www.actionaid.org.uk/blog/voices/2016/03/31/helping-women-at-risk-of-domestic-violence-in-uganda>.

<sup>286</sup> Immig. & Refugee Bd. of Can., *Uganda*, *supra* note 42.

<sup>287</sup> *Id.*

<sup>288</sup> See *Projects*, AUSSIEGHANA RELIEF, <http://www.aussieghana.com/> (last visited Sept. 22, 2016); *Projects*, WHERE LOVE ABOUNDS, <http://www.whereloveabounds501c3.com/> (last visited Oct. 30, 2016).

<sup>289</sup> See AUSSIEGHANA RELIEF, *supra* note 288.

<sup>290</sup> See WHERE LOVE ABOUNDS, *supra* note 286.



domestic violence victims only exist at the ARK Foundation, which provides an Anti-Violence Program (AVP) for women and children.<sup>291</sup> Children's homes provide clothing, shelter, education, and counseling for child victims of abuse.<sup>292</sup> The ARK Foundation and children's homes have been successful in providing shelter for domestic violence victims, yet more shelters will be needed in the future to handle the growing number of victims and reported cases.

At first glance, Uganda seems to be succeeding at providing shelters for women who are victims of domestic violence. For example, Uganda National Women's Shelter (UNWS), located in Kabale, provides housing for women and their children who seek safety from immediate danger due to domestic violence.<sup>293</sup> Further, ActionAid purportedly runs ten shelters across Uganda, though no further information about these shelters could be found, and MIFUMI runs four shelters.<sup>294</sup> However, the government provides no support for any of these shelters.<sup>295</sup> MIFUMI's website implies that the idea of a women's domestic violence shelter is still new in Ugandan culture.<sup>296</sup> Many women return to their parents or relatives for shelter when facing domestic violence, as the women cannot repay the bride price or the woman will be considered a failure for leaving her husband.<sup>297</sup> MIFUMI has been the most successful at helping victims of domestic violence find shelter from abusers.<sup>298</sup>

Even though Uganda, through MIFUMI, has at least four operable shelters, one in each of the four regions of Uganda, the government needs to be more supportive of these shelters. Further, once more women and children learn about the Domestic Violence Act and perceptions concerning domestic violence begin to change, more women and children will likely be seeking asylum at these shelters. Therefore, more shelters across the country may need to be built and funded. Thus, partnerships must be forged now between these private organizations and the government of Uganda. Also, women need to know that these shelters exist. Though at least one shelter operates in each of the four regions, most women do not have the financial means to access these shelters.<sup>299</sup> For

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<sup>291</sup> ARK FOUND., *supra* note 274.

<sup>292</sup> *See id.*

<sup>293</sup> *Project Activities*, UGANDA NAT'L WOMEN'S SHELTER, <http://unws.weebly.com/project-activities.html> (last visited Oct. 28, 2017).

<sup>294</sup> *No More Than 15 Domestic Violence Shelters in Uganda*, MON PI MON (May 06, 2015), <https://monpimon.wordpress.com/2015/06/05/no-more-than-15-domestic-violence-shelters-in-uganda/>.

<sup>295</sup> *Id.*

<sup>296</sup> *Id.*

<sup>297</sup> MON PI MON, *supra* note 294.

<sup>298</sup> *See* MIFUMI, <https://mifumi.org> (last visited Oct. 1, 2017).

<sup>299</sup> *See* MON PI MON, *supra* note 294; *Uganda: Administrative Division, CITY POPULATION* (Oct. 29, 2016), <http://www.citypopulation.de/php/uganda-admin.php>.

example, Gulu, one of the largest towns in Northern Uganda, is roughly 5 hours via automobile from the only known domestic violence shelter in Northern Uganda.<sup>300</sup> It is unlikely that most women in the Northern part of Uganda have the means of getting to this shelter. Thus, these shelters need to be more accessible to the general population of Uganda.

#### *H. Hotline*

In September 2012, the Ark Foundation, with the support of the Vodafone Ghana Foundation, opened a 24-hour hotline for abuse victims and victims of domestic violence across Ghana.<sup>301</sup> By dialing 5555, every person in Ghana can “have access to trained professionals who” can give “expert advice, counseling, police assistance, legal advice, and interventions for women and children” living in abusive situations.<sup>302</sup> “Mr. Andrew Dunnett, Director of [the] Vodafone Ghana Foundation”, stated that the Vodafone Foundation “was funding the initiative because it felt technology could make a huge impact in tackling issues concerning women, especially domestic abuse in the country.”<sup>303</sup> The Ghana Police Force also operates a hotline for emergencies.<sup>304</sup> The two hotlines are connected in case police intervention is required.<sup>305</sup> A major concern of academics remains that “only [wealthy] women who can afford cell phone[s]” have “access to the hotline.”<sup>306</sup> However, a study conducted by the Pew Research Center found that in 2014, 83 percent of Ghanaians owned a cell phone compared to 8 percent of Ghanaians who owned a cell phone in 2002.<sup>307</sup> In 2014, approximately 83 percent of Ghanaian adults owned cell phones; thus, most women in Ghana would be able to reach the hotline if needed.<sup>308</sup> As of 2012, the Ghana Police Force urged citizens of Ghana to use the police hotline, as use of the number had

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<sup>300</sup> Driving Directions from Gulu, Uganda to Moroto, Uganda, GOOGLE MAPS, <http://maps.google.com> (follow “Directions” hyperlink; then search starting point field for “Gulu, Uganda” and search destination field for “Moroto, Uganda”).

<sup>301</sup> *Vodafone Ghana Foundation Launches Hotline for Domestic Abuse*, GHANA NEWS AGENCY (Sept. 6, 2012), <http://ghananewsagency.org/social/vodafone-ghana-foundation-launches-hotline-for-domestic-abuse-48789>.

<sup>302</sup> *Id.*

<sup>303</sup> *Id.*

<sup>304</sup> Immig. & Refugee Bd. of Can., *Uganda*, *supra* note 42.

<sup>305</sup> *Vodafone Ghana Foundation Launches Hotline for Domestic Abuse*, *supra* note 301.

<sup>306</sup> Immig. & Refugee Bd. of Can., *Uganda*, *supra* note 42.

<sup>307</sup> *Cell Phones in Africa: Communication Lifeline*, PEW RESEARCH CTR. 1, 3 (Apr. 15, 2015), <http://www.pewglobal.org/files/2015/04/Pew-Research-Center-Africa-Cell-Phone-Report-FINAL-April-15-2015.pdf>.

<sup>308</sup> *Id.* at 3–4.

helped the police arrest criminals across the country.<sup>309</sup> The hotline remains an important reporting tool in the community.<sup>310</sup>

The United States Department of State reported that with the help of local NGOs, Uganda now has hotlines in eleven districts across the country.<sup>311</sup> However, the only two numbers provided were for the Uganda Child Rights Network (NGO).<sup>312</sup> The Uganda Child Rights Network initiated a project with the help of MGLSD in 2005 and in 2009, to create “an effective [child protection] network providing integrated reporting, action and referral mechanisms that responds to [child protection] needs throughout Uganda.”<sup>313</sup> In 2014, MGLSD took full control of the Child Helpline.<sup>314</sup> Further, the 2014 survey conducted by the Pew Research Center found that 65% of adult Ugandans owned their own cell phone.<sup>315</sup> As the use of and access to technology and the education of citizens about domestic violence gains ground in Uganda, access to domestic violence hotlines will be an important means of reporting domestic violence. Therefore, like the hotline in Ghana, a hotline in connection with the UPF should be established as a means of reporting domestic violence. The government and local Ugandan NGOs can work to create partnerships between the NGOs, the government, and local cell phone providers to create such a hotline. If hotlines do exist in other districts, as reported by the Department of State, these hotlines must be better advertised so women and children will have better access to support.<sup>316</sup>

#### CONCLUSION

Both Ghana and Uganda have the legal infrastructure to be leaders in preventing and prosecuting domestic violence cases in West and East Africa respectively. Although Ghana has only had a Domestic Violence Act for three years more than Uganda, Ghana has done a better job implementing the Act into the court system. Ghana has also been effective in educating the public concerning the Act and has undertaken a holistic approach to defeating the most widespread human rights violation in the world – domestic violence. However, Uganda’s legal system is comparable to Ghana’s and would be able to enforce the Domestic Violence

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<sup>309</sup> Linda Tenyah, *Police Educates Public on Emergency Number*, MODERN GHANA (June 16, 2012), <https://www.modernghana.com/news/401617/police-educates-public-on-emergency-number.html>.

<sup>310</sup> *See id.*

<sup>311</sup> UGANDA 2014 HUMAN RIGHTS REPORT, *supra* note 190, at 28.

<sup>312</sup> *Global Hotlines List*, U.S. DEP’T OF STATE (Aug. 20, 2009), <https://www.state.gov/j/tip/rls/other/2009/121161.htm> [<https://2009-2017.state.gov/j/tip/rls/other/2009/121161.htm>].

<sup>313</sup> *Programmes*, UGANDA CHILD RTS. NGO NETWORK, <http://www.ucrnn.net/index.php/programmes> (last visited Sept. 2, 2016).

<sup>314</sup> *Id.*

<sup>315</sup> *See* PEW RESEARCH CTR., *supra* note 307, at 2.

<sup>316</sup> UGANDA 2014 HUMAN RIGHTS REPORT, *supra* note 190, at 28.

Act if the government and NGOs worked together to inform society about the Act. As more people learn about the Act and Uganda begins implementing some of the proposed ideas that have worked in Ghana, Uganda will be a leader in defeating domestic violence in East Africa.