



Breaking Through, Building Up and Binding

ACTION FOR DEVELOPMENT

HANDBOOK ON DOMESTIC VIOLENCE

Guidelines of Handling Gender Based Violence & Domestic Violence



MAY 2014

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Violence*

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Foreword

This handbook is a simplified version of the Domestic Violence Act and clearly stipulates the provisions in handling cases of domestic violence. It aims at providing clear protection guidelines for survivors of domestic violence and the punishments/penalties for perpetrators.

It also provides procedures and guidelines to be followed by different stakeholders/service providers who are the referral points where survivors seek redress and support. The booklet highlights their roles in protecting the survivors within the communities.

This booklet does not in any way change the contents of neither the Domestic Violence nor the guidelines to be followed in the protection of survivors of the roles played by the Health practitioners as one of the key referral points in the fight against GBV has also been highlighted

The handbook provides useful information on basic counseling skills relevant to all stakeholders and community members who attend to survivors of Gender Based Violence.

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List of abbreviations

ACFODE	Action for Development
CEDAW	Committee on the Elimination of Discrimination against Women
ECPs	Emergency Contraceptive Pills
FGM	Female Genital Mutilation
GBV	Gender Based Violence
HIV	Human Immune Virus
STDs	Sexually Transmitted Diseases
STIs	Sexually Transmitted Infections
VAW	Violence against Women
WHO	World Health Organisation

Definition/interpretation of terms

Court:

Means a magistrates court, a local court or family and children court.

Domestic relationship:

Means family relationship in a domestic setting that exists or existed between the survivor and a perpetrator.

Abuse:

Is the misuse of power through which the perpetrator gains control or advantage of the abused, using and causing physical or psychological harm or inflicting or inciting fear of that harm.

Coercion:

Is forcing, or attempting to force, another person to engage in behaviors against his/her will by using threats, verbal insistence, manipulation, deception, cultural expectations or economic power.

Power:

Is understood as the capacity to make decisions. When power is used to make a decision regarding one's own life, it becomes an affirmation of self acceptance and self-respect that, in turn, fosters respect and acceptance of others as equals. When used to dominate, power imposes obligations on, restricts, prohibits and makes decisions about the lives of others.

Domestic violence:

Constitutes an act or omission of a perpetrator which harms, injures, harasses and endangers the health, safety and life of the survivor.

Protection order:

Means a court order prohibiting domestic violence.

Consent:

A person consents when he or she makes an informed choice to agree freely and voluntarily to do something.

Survivor:

Means a person in a domestic relationship who directly or indirectly suffers threatened or actual domestic violence.

Perpetrator:

This is a person, group, or institution that directly inflicts, supports and condones violence or other abuse against a person or a group of persons.

Practitioner:

Means a person who is providing medical, surgical or dental services and includes a clinical officer.

Penalty:

Means a punishment that is given to a person who has broken a law.

Introduction

Gender Based Violence is a global phenomenon. GBV is universally present in many forms like wife battering, sexual assault and abuse, female genital mutilation and rape, in war and peacetime, etc. It is the fate of millions, mainly women, all over the world and this is affecting their productivity both in the homes, communities and places of work. GBV denies women (and at times men) security, the right to enjoy fundamental freedoms and forces them into subordinate positions compared to men (and accordingly at times women). This handbook attempts to discuss the types of gender based violence, especially violence at house hold level commonly known as domestic violence. The handbook intends to raise awareness on the causes and effects of the evil especially on the females. It also suggests the responses as well as referral paths for the survivors and states the roles of duty bearers.

In light of the above, this handbook introduces the gender concept to enable readers and users get a deeper understanding of domestic violence.

Definition of Sex and Gender

Sex refers to the biological and physiological characteristics that define men and women.

Gender refers to the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women.

Some examples of sex characteristics include:

- Women menstruate while men do not
- Females can breastfeed their babies, males can't
- Males have deeper voices than females
- Females can get pregnant, males can't

Some examples of gender characteristics include:

- Women do more housework than men
- Nursing is often seen as a woman's job, although many men enter the profession
- In some countries women have to cover their heads when they go outside the house
- Women are more likely to receive a lower wage for similar work than men
- Women are also less likely to be promoted to higher position within an organisation

Definition of Gender Based Violence

Gender Based Violence refers to violence that targets individuals or groups on the basis of their gender. While Violence against Women is defined as any act of gender based violence that results in, physical, sexual or psychological harm or suffering to women the term is often used interchangeably with GBV as it is mainly inflicted by men on women and girls.

Causes of Gender Based Violence

These are varied depending on the types of violence. Such causes include;

- Power imbalances between men and women
- Over crowding
- Poverty
- Financial insecurity
- Alcohol and substance abuse
- Poor communication
- Poor upbringing
- Ignorance
- HIV status
- Poor family relationships
- Mental illness

Also, **Harmful Traditional Practices** can cause GBV. These include Female Genital Mutilation (FGM), early marriage, forced marriage, honour killing, neglect and denial of education for girls or women.

Effects of gender based violence

The effects of Gender based violence can be devastating and long lasting. They pose danger to a woman's reproductive health and can scar a survivor psychologically. They include;

- Physical injury and illness
- Psychological and emotional trauma
- Depression and aggressiveness
- Communication break-down
- Unwanted pregnancies
- Infection with HIV and other Sexually Transmitted Infections
- Family break up
- Reduced productivity leading to poverty
- Death

Types of Gender Based Violence

Although it is difficult to distinguish between its different forms/types, since they are not mutually exclusive, Gender Based Violence includes:

Sexual violence

Sexual violence includes any conduct of a sexual nature that abuses the dignity of a person such as forcing one to have sex. Forms of sexual violence include; rape, attempted rape, defilement, attempted defilement, forced sodomy, forced prostitution and using sex as a punishment.

Physical Violence

This means any act or conduct which can cause bodily pain, harm or endanger one's life. It includes; physical assault (beating, punching, kicking, biting, killing), forced labour or services, slavery and removal of organs.

Emotional Violence

This refers to a pattern of humiliating behavior towards the victim of violence such as verbal abuse, insults, name calling, making threats to cause fear, jealousy, lack of privacy, isolating a person from friends, denying basic expenses for family survival, degrading and restriction of the right to free movement.

Socio or Economic Violence

This includes denying a survivor economic or financial resources entitled to him or her. It includes; denial of house hold items, refusal to pay rent related to a shared house, denial of assets (shares, land), denial of property jointly held together and denial of access to education and health assistance.

Definition of Domestic Violence

Domestic relationship

A domestic relationship means a family relationship in a domestic setting that exists or existed between the survivor and a perpetrator. Such relationships include; a blood relative, spouse to the perpetrator, people who share a house and people employed in the house (servants, house girls, shamba boys).

Domestic violence

The definition of domestic violence varies depending on the context in which the term is used. In civil laws, domestic violence can be defined as attempting to cause or causing bodily injury to a family or household member or placing a family or household member in fear of physical harm. In criminal laws, domestic violence may be defined as any criminal offense involving violence or physical harm or threat of violence or physical harm committed by one family or household member against another. Domestic violence can be of physical, emotional, sexual or economic nature (see forms above).

Research shows that domestic violence is most commonly experienced by women and perpetrated by men.

Referral paths for Domestic Violence

When a person in the community is faced with domestic violence, they may seek for redress or remedies or solution by making a complaint to the local council, police or the court.

Duties of the local council

The local council courts may hear or listen to cases of GBV during the week or weekend. When the LC receives a complaint, it is recorded, thereafter, it proceeds to hear or listen to the case. The LC will then make its order/judgment for the survivor after hearing the case against the perpetrator. It is a role of the LC to;

- Accompany the survivor to the police station
- Ensure that the abuse is reported immediately at the police station
- Participate in any meeting that could be called between both parties at the station
- Follow up with the investigating Police Officer to ensure that the matter is treated attentively
- Represent the survivor in court most especially when the victim is a child

The LC court may make the following order/judgment or give the following solutions to the survivor;

- Caution
- Apology to the survivor
- Counseling
- Community service
- Fine
- Compensation of the victim
- Reconciliation
- Attachment and sale of property of the perpetrator

The LC court may also make a written referral to the police or any magistrate court to handle the case. The LC may also make a written order to the probation and social welfare officer to inquire and take action where children are involved in the domestic relationship. A

survivor who is not satisfied with the decision of the LC may appeal against the decision to a higher court such as a magistrate or family or children court.

Duties of the police

These duties and responsibilities are adopted from the Domestic Violence Act and the Uganda Constitution Article 21(3).

- The police officer must show sympathy to the survivor as this will help the survivor feel more comfortable, relaxed and feel safe.
- The police officer may record a statement by the survivor or their representative on the nature of violence. This statement must be taken by a police officer of the same sex as that of the survivor.
- The complaint of the survivor should be taken in writing and offered immediately to the crime section of the police station.
- Investigation should be carried out by the crime and investigation section.
- Where the survivor is in need of medical attention or examination, the survivor should be referred for medical treatment.
- The police officer should assist the survivor with advice in obtaining shelter and also offer guidance and assistance to ensure the well being of the victim, their representative and other witnesses.

Duties of the court

Any magistrate court may hear a case of domestic violence ranging from the Grade II magistrate/family and children court. Any local council court may hear and determine a case. In hearing cases on domestic violence, the magistrate court shall apply the procedures in the family and children court. After hearing the case, the court may issue a protection order where the perpetrator has been found guilty.

A protection order

A survivor of domestic violence or their representative may apply to a magistrate court for a protection order. The application may be brought outside ordinary court hours. It should be accompanied by any report or documents to be relied upon by the survivor such as a

medical report. When the court receives this order, it should issue summons to the perpetrator directing him or her to appear before the court on a specific date. The court should then hear the case within 48 hours after the application has been made. The protection order may contain any of the following;

- Prohibit the perpetrators from committing an act of domestic violence.
- Direct the perpetrator to stay away from the premises where the survivor resides.
- Prohibiting the perpetrator from entering the place of work of the victim.
- Direct the perpetrator to pay maintenance for the needs of the survivor or the child.
- Give custody of any child or dependent of the perpetrator to any person or institution.
- Order the perpetrator to vacate the home.

The court may also issue an interim protection order. This is a temporary protection order as the case is still being heard in the court before the final protection order is made. the court may also vary, revoke or discharge the protection order that it gave for different reasons where an application has been made by a person complaining.

Duties of a health practitioner

A health practitioner who suspects that a person under his or her care is a survivor of domestic violence shall;

- Provide psychosocial support to the survivor. Survivors of sexual violence commonly feel fear, guilt, shame and anger. Health care providers should therefore devote special attention to their psychosocial needs. Survivors should be treated with empathy and care.
- Take a Complete History and Do a Physical Examination. A doctor (or qualified health worker) of the same sex should conduct the initial examination and follow-up. The survivor should be prepared for the physical examination and perhaps accompanied

(if she so wishes) by a staff member who is familiar with the proceedings, or by a family member or friend. Strict confidentiality is essential. A detailed history of the attack as well as the results of the physical examination should be documented, including the nature of the penetration, if any, whether ejaculation occurred, recent menstrual and contraceptive history and the mental state of the survivor.

- Perform the Tests and Treatments as Indicated. The following tests may be indicated to establish pre-existing conditions: syphilis blood test, pregnancy test and HIV test.
- Provide Emergency Contraception, if Appropriate, Along with Comprehensive Counseling. Women should be counseled concerning their future contraceptive needs and choices.
- Provide Follow-up Medical Care. A woman should be counseled to return for follow-up examinations one to two weeks after receiving initial medical care. Health care providers should monitor her follow-up care.
- Inform the survivor of the available options in the judicial system.
- Make the survivor available to testify in court.

Penalties for Domestic Violence

The Domestic Violence Act makes domestic violence an offence and states that; “A person in a domestic relationship shall not engage in domestic violence”. Therefore where one does so, they commit an offence and therefore should undergo penalties like;

- Giving a fine
- Imprisonment for 2 years
- Both fine and imprisonment
- The perpetrator to pay compensation to the survivor

Counselling

What is counselling?

Counselling has been defined differently by different experts and can be summarized as “A process where a trained counsellor listens to another person talk about his or her problems and guides them to self-understanding, make alternative choices either to overcome/ solve or cope with the problem.”

Counselling seeks to help a person deal with or remove frustrations and obstacles that interfere with daily life.

Counselling can cause harm instead of healing when it is not handled well. As elders, teachers, councillors etc in the community there may be a tendency to approach a person with a degree of authority that may be intimidating. This should be avoided as much as possible.

Elements in counselling

- Professional counselling can only be offered by a trained counsellor.
- Counselling is interactive and can be done on an individual basis or group set-up.
- In counselling, the counsellor does not offer quick solutions to problems!
- The counselling process allows the person counselled (client) to determine and set goals and the counsellor helps the person achieves the goals.
- Counselling is a process that helps a person (client) discovers new behaviours, attitudes and modifies the existing ones to make adequate adjustments to his/her life, the life of other people in his/her life and with the other people she or he interacts with.
- Counselling provides an opportunity for learning and enables the person counselled to make voluntary change.
- The counsellor helps the person counselled to choose what is best for him or her and the counsellor is only a catalyst in the process. It is not the counsellor to determine the best solution!

Principles of Counselling

- Let client define their world: Do not pretend to understand what the client knows or is going through, ask the client you are counselling their opinion or what they think about their situation.
- Sharing their world: Allow client to explore and help you to understand their world through role playing. Especially children will find it easy to express their day to day experiences through role plays.
- Showing their world: Some clients, especially young children, can better express their experiences through art. This can also assist them to express experiences where they may not be comfortable to verbally explain to you the abuses they go through.

Key attitudes and skills required in counselling:

- Listening skills.
- Being emphatic.
- Being non-judgmental.
- Ability to enable the client to explore options available to get her/him out of the situation.
- Being real or authentic since counselling is a deep intimate kind of relationship.
- Open and sincere.
- Act freely and naturally.
- Express in words and actions an accurate reflection of inner feelings, attitudes and beliefs.
- Show that you care.
- Show that having problems, disturbing feelings or confusion does not affect one's dignity or worth.
- Show that she/he is important.
- You should not accept the client based on what kind of person he or she is or on the basis of her behaviour. If you want to help the client, you have to assist him or her as she or he is.

Useful effective counselling tips when dealing with a survivor (client)

DOS	DONTS
Believe the client.	Do not be judgmental.
Create a rapport with the client.	Do not be overly formal.
Show a measure of trust.	Do not ask accusing questions.
Show a measure of accessibility and reliability.	Do not miss appointments, keep promises.
Ensure that you are also available physically and mentally (psychologically) by listening attentively.	Do not read, talk on the phone and so on when the client is talking to you. That is why it is important to be in a place where you are not interrupted.
Assure the client of confidentiality which is reasonable.	Do not give information about the client to a third party unless professionally required.
Be realistic and explain circumstances as they are likely to happen.	Do not assure the client about matters you have no control over.
Ensure privacy is obtained to enable the client to talk in confidentiality.	Do not interview in open space where there is likely to be interruptions and eavesdroppers.
Agree at the outset on the amount of time you will take.	Do not appear to be in a hurry. A traumatized client needs to feel human.
Be wise, warm and sensitive.	Do not react negatively to any negative reactions of the client.
Be empathetic.	Do not sympathise.
Keep proper physical space.	Do not feel frustrated if the client does not open up.

DOS	DONTs
Be in control of your emotions. You cannot help another person if you are not in control of your emotions.	Do not take personal liberties such as hugs and pecks especially if you are of the opposite sex.
Accept the client the way she/ he is.	Do not pressure the client to speak. Do not keep interrupting.
Be impartial / objective.	Do not project or transpose any personal experience in a situation at hand.
Relaxed atmosphere: The room should also be comfortable where possible and the atmosphere relaxing.	Do not go to a place where the client feels the need to leave as soon as possible.
Be patient: let the client go on at her/his own pace. Changing behaviour is difficult and calls for a lot of patience. You should listen carefully, patiently and with understanding.	Do not rush the client.

Conclusion

In conclusion, it can be stated that the contents of this booklet have simplified the contents of the Domestic Violence Act using the simplest language to enable everyday people in the community understand what is contained in the act.

It has been made as brief as possible by defining gender, sex, GBV and domestic violence, showing the duties of the LC, police, court and health practitioners in assisting survivors of domestic violence, and providing penalties for perpetrators of domestic violence to prevent people from committing acts of domestic violence in the community.

References

ACFODE (2013) Creating a Conducive Learning Environment for Girls in Schools, Uganda

Ann Maree Nobelious (2004) Nursing and Health Sciences, Monash University Medicine

Child Welfare Information Gateway (2013) Definitions of domestic violence, Gateway Publications, Washington, DC, U.S.

Reproductive health in refugee situations: an inter-agency field manual, chapter 4

Sections 2, 4, 6, 7, 8, 9, 10, 13, and 17 of the DVA 2010

The United Nations' Office of the High Commissioner for Human Rights' Committee on the Elimination of Discrimination against Women (CEDAW)

UN Declaration on the Elimination of Violence against Women, adopted by the General Assembly on 20 December 1993

World Health Organisation (2002) Report on violence and health, WHO Publications

World Health Organisation (2009) Women and Health, WHO Geneva Switzerland

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