

THE EQUAL OPPORTUNITIES COMMISSION (EOC)



GENDER-BASED VIOLENCE: A STAMBLING BLOCK TO THE EDUCATION OF DISADVANTAGED POPULATIONS

The Equal Opportunities Commission (EOC) and all Ugandans recall that the year 2015 marks the 24th year of the 16 Days of Activism Against Gender-Based Violence Campaign, initiated in 1991 and internationally coordinated by the Center for Women's Global Leadership.

As we mark this year's events under the theme: "From Peace in the Home to Peace in the World: Make Education Safe for All", the EOC joins the rest of the world to condemn Gender-Based Violence (GBV) in the strongest terms.

Gender-based violence' and 'violence against women' are terms that are often used interchangeably as most gender-based violence is inflicted by men on women and girls. However, it is important to retain the 'gender-based' aspect of the concept as this highlights the fact that violence against women is an expression of power inequalities between women and men. The terms are used interchangeably as it is always understood that gender-based violence means violence against women and vice versa.

For emphasis, Gender-based violence involves men and women, in which the female is usually the target, and is derived from unequal power relationships between men and women. Violence is directed specifically against a woman because she is a woman or affects women disproportionately. It includes, but is not limited to, physical, sexual, and psychological harm. The most pervasive form of gender-based violence is abuse of a woman by intimate male partners.

This form of violence includes: battering, intimate partner violence (including marital rape, sexual violence, and dowry/bride price-related violence, feticide, sexual abuse of female children in the household, honour crimes, early marriage, forced marriage, female genital mutilation (FGM)/cutting and other traditional practices harmful to women, sexual harassment and intimidation at work, in school and elsewhere, commercial sexual exploitation, and trafficking of girls and women.

In 1995, the U.N. expanded the understanding of GBV to include: violations of the rights of women in situations of armed conflict, including systematic rape, sexual slavery, and forced pregnancy; forced sterilization, forced abortion, and coerced or forced use of contraceptives; and prenatal sex selection and female infanticide. It further recognized the particular vulnerabilities of women belonging to minorities: the elderly and the displaced; indigenous, refugee, and migrant communities; women living in impoverished rural or remote areas, or in detention.

The global community typically groups these abuses into three categories, that is:

1. **Family Violence:** The most widespread type of violence against women. This includes any abuse that occurs within the family context where the perpetrator is known to the girl or woman. Common examples are spousal beatings; marital rape; forced marriage; sexual abuse of a girl by a father, uncle, or stepfather; and verbal abuse and trauma related to “dowry” and “not giving birth to a son”.
2. **Community Violence:** This includes violence at the hands of a perpetrator unknown or unrelated to the woman and often comes in the form of rape, sexual harassment, forced prostitution or trafficking, and public humiliation.
3. **State Violence:** This includes violations that are condoned and committed by individuals associated with the government. This is often seen in the form of violence at the hands of police, prison guards, refugee camp guards, border officials, and even peacekeeping troops. In conflict regions of the world, systematic rape and sexual violence is often used as a tool of war.

Whichever the form, GBV is counter-productive to development; and significantly affects the would-be outcomes from the education sector. Education is a public good and fundamental human right recognized in Article 26 of the 1948 Universal Declaration of Human Rights; Article 30 of the National Constitution of the Republic of Uganda; and upheld in various international and regional human rights conventions and treaties. Unfortunately, the right to education is often subject to political, economic, and social shifts and upheavals, leaving certain groups (especially women, girls, and people with disabilities, migrants, and ethnic minorities) particularly vulnerable and liable to being denied this crucial right.

Recent global data shows that approximately 38 million people are internally displaced worldwide, while 16.7 million are refugees. Girls and young women in particular are most adversely impacted by such insecurity and crisis, with the most recent estimates showing that 31 million girls at primary level and 34 million at lower secondary level are not enrolled in school, and 15 million girls and 10 million boys will never see the inside of a classroom. As many as 58 million children of primary school age do not have access to education, with approximately half of these (28.5 million) living in conflict affected areas. The protection of the right to education in conflict affected settings relies on national governments, and the international community’s response and commitment, which are often difficult to obtain.

The right to education is too often affected by weak infrastructure, including: unsafe and unsanitary educational environments; inadequate curricula that are not gender and equity sensitive, and continue to be framed within stereotypical/patriarchal notions of gender and equity; as well as limited resource provision for the delivery of, or access to education by disadvantaged groups in society.

In its legal right as a public body established by Act of Parliament in 2007 and inaugurated in July 2010, the EOC is mandated to give effect to the State’s constitutional mandate to eliminate

discrimination and inequalities against any individual or group of persons on the ground of sex, race, colour, ethnic origin, tribe, creed, religion, social or economic standing, political opinion, disability, gender, age or any other reason created by history, tradition or custom.

Section 14 of the Equal Opportunities Commission Act, 2007 spells out the functions of the Commission. Among others, the Commission is mandated to monitor, evaluate and ensure that policies, laws, plans, programs, activities, practices, traditions, cultures, usages and customs of Organs of state at all levels; Statutory bodies and agencies; Public bodies and Authorities; Private businesses and Enterprises; Non- Governmental Organizations; as well as Social and Cultural Communities, are compliant with equal opportunities and affirmative action in favor of groups marginalized on the basis of sex, race, colour, ethnic origin, tribe, creed, religion, social or economic standing, political opinion, disability, gender, age or any other reason created by history, tradition or custom.

The Commission is charged with redressing societal imbalances, promoting equalization of opportunities, and enforcing compliance with affirmative action and inclusion of marginalized groups and their concerns in the national development. To this end, focus is mainly on poor women and men, orphans and vulnerable children, persons with disabilities, older persons, poor youth and ethnic minorities.

In line with the year's theme of the Campaign against GBV, we implore state and non-state actors to join the Commission in condemning and taking a firm stand against the following, as is often reported in the media:

- Sexual assault in academic or other educational settings;
- Violence committed by State and non-State actors, in schools and other places affecting the right to education;
- Sexual violence with impunity against school children, young and older persons;
- Denial of education to girls stigmatized by sexual violence;
- Vulnerability of girls and boys, young women and young men to be denied education in refugee and internally displaced persons (IDPs) camps;
- Negative cultural traditions and practices that always present girls and women as weak, less important, property of men, and so forth;
- Denial of children with disabilities the right to decent upbringing, health, education and employment;
- Writing off older persons as “worthless stock” destined for death.