ADDRESSING SEXUAL VIOLENCE IN THE UNIVERSITY: HOW DO WE PREVENT AND PUNISH SEXUAL VIOLENCE AT CAMPUSES? A CASE OF MAKERERE UNIVERSITY.

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Abstract

Sexual violence is a common human rights violation among campus students. Students within the university, faculty committees, and members of staff are not only involved in sexual violence, but also in addressing its causes. This thesis describes sexual violence victimization and perpetration awareness, its relationship with human right and punitive measures accorded to it in a sample of 150-university students. A cross sectional survey design was used to contact students through voluntary gatherings. Eighty-four percent of the sample i.e. (n=126) were between the ages of 18-24. A gendered sample of 54.7% (n=82) and 45.3 % (n=68) of females and males respectively, was selected. Categorically a 66.7% (n=100) sample of third year students was selected compared to the 16.7% (n=25) and 16.7 %( n=25) of the second and first year students respectively. Five key informants were interviewed due to their expertise in the field of sexual violence.

The study found out that most common occurrences of sexual violent acts at Makerere were; sexual bullying, coercive sex and rape, unsolicited physical contacts and unwanted kisses and assaults, and insecurity among undergraduate students. It also revealed that a 36% (n=54) of the respondents did not know anything about the policy and procedure of the university on sexual violence. Criminal law was identified as a very important instrument in preventing and punishing sexual violence, but it is unreliable when it comes to implementation. The study continually revealed that there is a significant relationship between human rights norms and sexual violent acts. Social deviations like; moral decay, indecent dress code, poverty and greed for money, and drug abuse have led to justifiability of sexual violence. A very important human rights prerequisite known as presumption of innocence is respected to a varying degree when handling suspects of violence attached to sexual acts. There is an overwhelming agreement by respondents that Uganda has not fulfilled its mandate in addressing matters of sexual violence.

The study recommends the need to increase sensitisation and awareness on sexual violence institutionally among students at Makerere University, the need for the government of Uganda to invoke state obligation to prosecute perpetrators of sexual violence as per Articles 2 and 3,of CEDAW. This study points to the need to increase sensitisation and awareness of sexual violence, imperativeness of presumption of innocence in relation to article 17(1) of the Makerere Sexual Harassment policy, and the need to allocate more funds to the
prevention and punishment of sexual violence by the government and the universities. Introduction of a situational approach to sexual violence, building-based intervention (e.g., use of building-based restraining orders) is also needed. This will confront the silence, of unwanted sexual experiences and help move campuses toward an adequate response. And conclusively, justifications of violence against victims which is referred to as 'victim blaming' should be dealt with in further research as a preventive measure to escalation rather than de-escalation of sexual violence in university campuses.
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CHAPTER ONE

INTRODUCTION

Sexual violence is a pervasive and devastating spectrum of sexual behaviours that are imposed on an unwilling recipient that results in physical, psychological and social consequences (Christensen, 2013 :1444 & 1445). Nearly two-thirds of college students experience some type of sexual harassment. The few sexual harassment cases that are pursued as a legal matter—those that reach the front pages of newspapers—are simply the tip of the iceberg (Hill and Silva, 2005 :2). Reports of aggressive and intimidating behaviour, unsolicited physical contact such as touching, kissing and groping, assault, sexual bullying, coercive sex and rape are all components of sexual violence applicable to sexual relationships between teachers and learners, or learners and learners (Garnets et al., 1990 :309). Makerere University Sexual Harassment policy defines sexual violence in terms of sexual harassment which means unwelcome sexual advances, requests for sexual favours or unwanted physical, verbal or non-verbal conduct of a sexual nature ",(...)” (Makerere University Senate, 2006 : 6, art. 4 (1)

Article 2(b) of the United Nations General Assembly (UNGA) Declaration on the Elimination of Violence against Women, defines violence as but not limited to physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.¹ This definition thus engulfs the wider definitions by other organisations as revealed in the preceding part of the thesis. Attention to the sexual victimization of college women, however, also has been prompted by the rising fear that college campuses are not ivory towers but, instead, have become hot spots for criminal activity (Fisher et al., 2000 :1).

From another perspective, the World Health Organisation Working Report of 1996 defines violence as, “The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal-development or deprivation.” This particular definition encompasses all types of violence and covers the wide range of acts of commission and omission that constitute violence and outcomes beyond deaths and injuries” (Krug et al., 2002

Victims of violence are at risk of psychological and behavioural problems, including depression, alcohol abuse, anxiety, and suicidal behaviour, and reproductive health problems, such as sexually transmitted diseases, unwanted pregnancies, and sexual dysfunction (Krug et al., 2002 :1085). In respect to this definition, I tend seek to find ways of dealing with negative connotations of sexual violence in my thesis.

Available research demonstrates that the study of sexual assault has come full circle and is no longer ignored; talk of incest, rape, and date rape are everyday occurrences in the media and have even become litmus tests for cultural critics. Although public and professional recognition and acceptance of the magnitude of these social problems has increased tremendously, the research base in many ways is still in its infancy. Early research on sexual assault, though often anecdotal, began to reveal the significant, damaging effects suffered by victims (Arata and Burkhart, 1996 :79& 80). An important impediment to studying the negative sequelae of sexual victimization is that the preponderance of women who have experienced sexual contact that meets the legal or research criteria for rape, attempted rape, or unwanted sexual contact, do not label their experiences as such and may never come to the attention of researchers or therapists (Cleere and Lynn, 2013 :2594).

How to deal with such victimisation and the so-called ‘lad culture’, prevalent in many colleges lies in the realm of preventive and punitive mechanisms, I suggest. Take note that, the primary prevention of sexual violence is particularly important because it is one of the most difficult crimes to detect, deter, police or punish. This prevention to date, has focused on persistent efforts over the past 30 years, to render sexual violence a visible concern of the public and the state by challenging the idea that it is a private matter (Carmody, 1992 :200). Thus, the question of how private matters conjoined to sexual violence ought to be considered private. The answer is 'limited privacy' in order to address the violence attached to such issues as the thesis clarifies in the chapters that follow. In their study Dansky et al., reported 13.6% of the respondents had experienced rape at some point during their lives. The lifetime prevalence rates for sexual molestation, nonsexual contact/ attempted assault, and aggravated assault were as follows: 2.%, 9.5%, and 8.9%, respectively (Dansky et al., 1997 :219). This thus reiterates the need to not to limit sexual violence issues to privacy but to publicity. In light of these lessons and out of the "need to create some way ahead," (Steeves, 1999), the following research topic is not only timely but unduly and extremely important especially in the context of sexual violence in university campuses, which has shown increased attention in earlier years.
1.2 Research questions

In order to answer the main research question on how to prevent and punish sexual violence in university campuses, I sought to describe the nature, perception, and response of and to sexual violence acts that are manifest and latent among university students. After which I identified the different university policies and regulations on sexual violence within Makerere University. I proceed with discussing the criminalisation of sexual violence in Uganda's domestic legislation and then discuss the challenges linked to criminalising sexual behaviour. Then, an examination of the current situation on the implementation of international law on elimination of sexual violence by Uganda is explored. Finally, I call for the need for reaffirmation of the philosophical and theoretical foundations of human rights in order to challenge the cultural and normative justifications of the sexual violence. These questions helped me answer the question of how sexual violence can be adequately addressed.

1.3 Problem statement

During the past decade, concern over the sexual victimization of female college students has escalated. In part, the interest in this problem has been spurred by increasing attention to the victimization of women in general; until the relatively recent past, female victims received very little attention. However, this is no longer true. Terms such as “date rape” and “domestic violence” have entered the public lexicon and signify the unprecedented, if still insufficient, notice given to women who have been victimized (Fisher et al., 2000:1). Various forms of sexual harassment have been reported at Makerere University in Kampala, Uganda; however, no systematic study has been carried out to investigate the types, form and magnitude of the sexual harassment problem (Nyende, 2006:126). Most researchers have paid little attention to peer harassment where both the target and perpetrator are at the same level, for example, both may be students at university (Nyende, 2006:127). It is this revelation that formed the basis of my inquiry.

Researches on college sexual crime indicate that the female student is more at risk than her peers who are not students (The Sexual Victimization of College Women Research Report, 2003). Contrary to the traditional image of college campuses as safe havens for young adults, students, and women in particular, are exposed to high risks of sexual victimization on campus (Karjane et al., 1999:vi). Although the rates of rape between women and men are significantly different, men
are still affected by sexual assault (Christensen, 2013 :1455). This research therefore never focused on one sex but both because there is a wide agreement that sexual victimisation of males is neglected and that of females underscored. According to feminist theory, it is possible for men to harass women even when the men are of lower status than the women, as in the case of male students harassing female professors (McKinney, 1992 :296).

In communities, where cases of sexuality are seen only from the male-lens and not from a more holistic approach or women’s perspective, it is evident that such an unbalanced analysis must have negative impacts on the orientation of the people and the community in general, on the actual values about womanhood and manhood (Wondieh, 2011:1). Although the majority of adult sexual crimes are committed by men against women, other forms of sexual assault, such as those perpetrated against men, are often ignored (Turchik, 2012 :243). Therefore, in order to assess sexual violence in universities needs a balanced gendered approach to the former, which the thesis tried to factor in.

Walker et al., observes that, researchers also ignore homophobic violence because gay male victims tend to experience problems with their sexual orientation. When behaviour that is formerly associated with consensual sexual activity becomes associated with violence, gay men can experience difficulty in defining their sexuality in a positive way (Walker et al., 2005 :70). The reason is simply that they might, for example, experience internalized homophobia or interpret the assault as “punishment” for their sexuality (Garnets et al., 1990 :372). However, this research is limited to heterosexual violence and does not delve much into homophobic violence due to the need for a researchable limitation.

Although research has demonstrated the potential negative mental and physical health effects of male sexual victimization (Walker et al., 2005) only a few studies have examined such issues among college students. Most researchers investigating sexual harassment have treated women as the victims and men as the perpetrators of coercive sexual acts (Nyende, 2006 :127). More so building on the existing research which suggested that the sexual harassment of young males in schools also remains to be investigated (Chireshe and Chireshe, 2009 :95). It was because of this reason that I found sexual violence in universities a researchable phenomenon in order to analyse its magnitude by looking at both male and female students as victims and perpetrators.
1.4 Hypothesis.

The study discovered students' perceptions on the sexual violence and the mechanisms through which it can be eliminated. I hypothesised that these may be assumed to be human rights violations but even those that are assumed may either be un-reported 'dark-figures' or may be informally settled between the perpetrators and victims. This was alternative given the percentages that agreed with the above statement. There may be university committees that are set up to deal with sexual violence problems among students. It came out to be an alternative hypothesis in regards to the students' perception of the subject studied. The view that the sexual violence reports are dealt with was wrong hypothetically.
CHAPTER TWO

2.0 LITERATURE REVIEW


Scientific inquiry has placed emphasis on incidence and prevalence rates of campus sexual assault and has tested theories to better understand and prevent these forms of sexual violent abuse. Traditionally, this literature has focused on offender behaviour by proposing frameworks that explain why college men perpetrate sexual assault (Franklin et al., 2012:1457). Studies carried out in other countries, both developing and developed, also attest to the ubiquity of this form of violence (Garnets et al., 1990:310). For instance, in Nepal, female learners have reported inappropriate touching by both male students and teachers (Gautam, 1999). Thus, this section demystifies the scientific evidence that explains the problems surrounding sexual violence in campuses.

2.1.1 Campus coercive sex or rape

Rape myths about female victims have been found to play a central role in the misperceptions and treatment of female rape victims (Chapleau et al., 2008:601). Similarly, the latter argue that there are myths about male victims of rape that need to be explored and understood. College men also report unwanted sexual experiences (Banyard et al., 2009:446). Victims of acquaintance rape face problems specific to their assault because their assailant may have been part of their everyday lives as someone with whom they socialize, work, attend classes, or live; they may also date, or even love, this person. Because students who have been raped often attend the same classes or live in the same dormitories as their assailants, they may experience the constant threat of encountering the perpetrators, which can affect their ability to put the rape behind them, feel safe, and fully engage in their own healing process (Karjane et al., 1999:5).

2.1.2 A case of Makerere University.

Sexual harassment is one form of sexual discrimination and more so violence. This arises out of unfair use of influence, power, or authority by one person over another or a lack of respect for
another person. Sexual harassment can involve persons of authority, fellow students or workers by subjecting one person or a group of persons to unwanted sexual attention. Sexually suggestive dressing among the female students is naturally bound to elicit sexually connotative attention from their male counterparts (Nyende, 2006 :126). This thinking tends to suggest that possibly without suggestive dressing, sexual violence may be impossible. I tend to think not because since men are also victims yet they may not suggestively dress, sexual violence from women can equally take place. In line with Nyende's findings, I think this is one reason why university authorities have proposed the banning of mini-skirts and tight clothes (Twinamasiko, 2008).

In November 2014 for example, five girls from Makerere University reported to the university hospital for post rape care within days of each other; their descriptions of the perpetrator were also similar (Banyard et al., 2009). By the time the fifth victim narrated their story, it was beginning to sound like the same man who was luring the girls to dates. These dates would quickly turn into setups where he forcibly had sex with them, took away their valuables, personal property and then disappears. Though each of the girls had the presence of mind to visit the clinic as soon as they could after the rapes, they were hesitant to report. Only Phillipa after much convincing filed a report at the Makerere Police Post case number SD REF 109/03/12/2014 (Wanjala W. Christine 2014). Hence proving right what (Hossain et al., 2014 :1343) said that, most sexual assaults occurring in colleges are never reported despite the fact that colleges spend colossal amounts of resources on student safety.

Nyende just like (Cahill, 2000) stated that it is ironical from the foregoing account that female students, who are more sensitive to sexual harassment than their male counterparts, do encourage it upon themselves in terms of their body language (Nyende, 2006 :129). However on the contrary, it is unclear how accurate or willing men would be in self-reporting that unwanted sexual contact, especially from women which caused negative sequelae (Turchik, 2012 :244). Because male and female victims experience similar social sanctions and negative sequelae, it follows that similar social forces and ideologies work against rape victims of both genders (Chapleau et al., 2008 :601). Thus, research is clear about the importance of changing attitudes of both men and women as key antecedents to reduce unwanted sexual experiences (Banyard et al., 2009 :447). This is partly because those who experience sexual harassment usually remain silent, because they fear retribution or assume that speaking out would be futile (Twinamasiko, 2008).
(Gelfand et al., 1995 :164) identified three types of sexual harassment using the sexual experience questionnaire: gender harassment, unwanted sexual attention and sexual coercion. Gender harassment includes both verbal and non-verbal behaviours that are insulting, degrading or hostile across the gender divide. Unwanted sexual attention includes a broad range of sexual behaviours, e.g. from repeated requests for dates to persistent attempts to establish unwanted sexual relationships. They stipulate that sexual coercion includes the use of threats or bribes to solicit sexual involvement in order to gain a job-or school-related benefit, which may or may not be implicitly stated.

Research has consistently shown that gender harassment is the most common form of sexual harassment followed by unwanted sexual attention and then sexual coercion. Unwanted sexual attention includes a broad range of sexual behaviours, e.g., from repeated requests for dates to persistent attempts to establish unwanted sexual relationships (Matchen and DeSouza, 2000 :297). This is one of the serious concerns that this research sought to address.

The background of the students at the university has a significant impact on the nature of sexual violence meted upon them and this must be factored in order to control their victimhood and rights. To put the cat out of the bag, Female undergraduate students at Makerere University with a "Single Sex Boarding School background" were found significantly to be more sensitive to sexual harassment than their counterparts with "Mixed Sex Boarding School" background. On the other, whereas sexual harassment depressed female students' self-esteem, it boosted that of male students though not significantly in either case (Nyende, 2006 :130).

Whereas it is widely believed that men are the aggressors and women the victims of sexual harassment, the study on, 'Experiences of sexual harassment of female and male students at Makerere University', revealed that female to male sexual harassment is as prevalent as male to female sexual harassment among undergraduate students at Makerere University (Nyende, 2006 :131). It appears though, that drinking alcohol may be a risk factor for sexual assault victimization, and research involving college students has indicated that certain populations drink more frequently and in larger quantities than others (Krebs et al., 2011 :3643).
2.1.3 Violence against learners with disability

In South Africa, it was found out that coercive sex or females who were in a relationship with arranged boyfriends reported rape. Apparently, rape was a strategy to punish a girlfriend who was perceived by a male student as “cheeky” (Phasha and Nyokangi, 2012 :315). There is evidence of sexual violence among female learners with intellectual disability in other countries around the world (Phasha and Nyokangi, 2012 :310).

A number of limited studies have highlighted an array of abuse (Phasha and Nyokangi, 2012 :311). A clear example to this is what (Nieves, 2000 : A20) revealed; an incident in which a 12-year-old girl with intellectual disability was sexually abused by her male peers at school, only to be raped 2 weeks later at a new school to which she had been moved. Sexual violence at schools for intellectually disabled learners tends to be reinforced by a school’s tendency to ignore or conceal reports by female learners. They become silenced for fear of revenge and being bullied by their male counterparts and come to learn that their reports are considered insignificant and that the sexual violence is regarded as acceptable and normal behaviour, and ultimately they are subordinated to men at school and in the broader society (Phasha and Nyokangi, 2012 :318).

In the European Court of Human Rights, in X and Y v. the Netherlands, a girl with a mental handicap (the second applicant) was raped, in the home for children with mental disabilities where she lived, the day after her sixteenth birthday (which was the age of consent for sexual intercourse in the Netherlands) by a relative of the person in charge. The Court therefore unanimously concluded, taking account of the nature of the wrongdoing in question, that the second applicant had been the victim of a violation of Article 8 of the Convention (ECHR, 1985 : par 40(1).

2.2 University Policy on Sexual Harassment Makerere University

The prevalence and persistence of sexual violence on college campuses need to be addressed through innovative and effective means. Encouraging institutions of higher education to develop and implement interventions that inspire college students to use an ethic of care in social situations has the potential to subvert the acceptability of sexual violence by creating non-sexist social norms (Christensen, 2013 :1455). Research on prevention programs indicated that there
were promising results from one 'bystander sexual violence prevention program' to a new campus and that the program appeared to work on both campuses (old and new) in changing attitudes about sexual violence and the role each person can play in ending it (Cares et al., 2015 :183).

Female students, who make up about 42% of the student body, complained of being lured by lecturers, which compelled the University Council to pass the Sexual Harassment Prevention Policy. It applies to all students, academic, administrative and support staff (Twinamasiko, 2008). However, this research focused on the violence that sexually takes place between students and their peers. The next steps in sexual and relationship violence prevention need to be grounded in an understanding of how campuses may be at-risk environments (Banyard et al., 2009 :447).

The preamble of Makerere's sexual harassment policy and regulations, observes sexual harassment as a negation of reciprocal respect in addition to being a violation of the fundamental rights, dignity and integrity of the person and that it undermines the environment required for the advancement of learning, and in line with the Ugandan Bill of Rights, 1995 which provides inter alia that all persons are equal in all aspects of life and shall enjoy equal protection of the law (Makerere, 2006 :4)". Thus in its form, the policy not only defines the act but tries to show that in order for sexual violence to be eliminated, an environment that is safe should also be created for better learning goals. Hence, its scope stretches to the geographical application of the policy.

Despite the fact that college campus communities are at-risk environments for sexual violence, a recent report by Karjane et al. (2005) finds great variability nationally in the extent to which campuses are working to prevent this problem. Their study of college and university responses to sexual violence found that fewer than half of the schools in their study offered training related to sexual assault (Banyard et al., 2009 :446).

However Makerere's objectives for the sexual harassment policy include mechanisms of sensitising the University community about the evils of sexual harassment, thereby engendering a sense of social responsibility and zero tolerance for such behaviour; establishing an institutional framework that encourages victims of sexual harassment to exercise their rights, maintain their dignity and refuse to submit to the pressures of sexual harassment; and also to take action in eliminating sexual harassment at Makerere University and impose corrective action as is necessary, including disciplinary action where appropriate (Makerere, 2006 :2). It is therefore credited for stipulating pro-active mechanisms, which are preventive, structuring the policy, and
promotion of human dignity as envisaged in rights instruments plus, punitive sanctions for those found culpable of sexual assault. If the provisions of the policy are applied successfully for their intended purposes, I argue that, sexual violence can be eliminated in campuses.

However, such objectives may not be of help unless guardians or caretakers are identified and placed in close contact with students especially in their housing units. For example, given the close proximity of many college students in residence halls, apartments, and many other aspects of student life, capitalizing on this pool of informal helpers seems crucial for future prevention efforts (Banyard et al., 2009:448). The latter agree for example that visible, influential campus peer leaders can be important resources for such efforts, and that indeed; these individuals serve as cornerstones of campus community building as student advisors in residence halls and peer educators in health education.

Makerere University Guild passed a dress code policy banning mini dresses and other indecent attire. Indecent dressing by female students at Makerere University has been blamed for everything from AIDS, rape, sexual harassment to the disintegration of the family which Nyende (2006) refers to as "suggestive dressing". Sexual harassment is thus an epitome of unequal power between males and females (Chireshe and Chireshe, 2009:89). The practice of some male lecturers at Makerere demanding sex from female students in exchange for degrees and carpet grades- indicating where the transaction takes place - has been widely covered in media (Twinamasiko, 2008). The intended outcome of this intervention is for students to embody an ethic of care when creating solutions to social problems within their communities (Christensen, 2013:1455).

2.3 University campus policy on sexual violence in the United States

There are theories of intervention, which are central to the control of sexual violence within the United States Campuses. These bring on members of the audience to involve themselves into participatory control programs against sexual violence. Critical pedagogy for example encourages individuals and communities to identify problems and create solutions, rather than have outside experts authorise or define issues and sanctify solutions. This in a way motivates community members to explore a given issue and reflect upon how to take action that leads to social justice. Theatre for Social Change techniques on the other hand is employed with an aim to abolish
passivity and transform audience members into ‘spectators’, creating their own scripts and providing solutions that empower the oppressed (Christensen, 2013:1458).

Critical Pedagogy Theory and Theatre for Social Change theory have influenced many sexual assault prevention programmes. Many universities in the USA have created programmes using critical pedagogies and the methods of Augusto Boal and Michael Rohd to engage students in an active learning experience about how to prevent sexual assault (Christensen, 2013:1459).

Nationally, the United States Congress has maintained an interest in campus crime issues, passing legislation that requires higher educational institutions to address the rights of victims of sexual victimization and to collect and publish additional crime statistics (Fisher et al., 2000:1). Congress for example amended the act in 1992 to include the Campus Sexual Assault Victims’ Bill of Rights, which obligates colleges and universities to develop and publish as part of their annual security report their policies regarding the awareness and prevention of sexual assaults and to afford basic rights to sexual assault victims.2 College health and student affairs professionals are increasingly playing a role in these efforts (Banyard et al., 2009:447). The development and evaluation of evidence-based programs targeted at dating violence and healthy relationships is therefore very important (Peterson et al., 2016:8).

2.4 Criminalisation of sexual violence in Uganda

The criminal code however deals with sexual violence against women and girls and does not cater for the violence against men. However, in Mukasa and Another v Attorney-General, Judge Arach Amoko in reference to article 1 of UDHR noted that he presumed ‘brotherhood’ includes ‘sisterhood’(Mukasa and Another v Attorney-General, 2008: par.42(i)). Thus meaning that when interpreted broadly, the criminal code as well refers to male victims. Chapter XIV articles 123-151 of the Ugandan Penal Code Act (2000) identifies offences against Morality and punishes three described forms of sexual violence: Rape, Indecent Assault, and Defilement (Penal Code of Uganda, 2000). Thus, the law does not look at sexual violence from the eye of human rights and as a violation of dignity. This maybe burdensome for the prosecution to prove that the act was not only sexually violating but also a human rights issue.

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Defilement proscribes unlawful sexual intercourse with girls under the age of 18 in Article 129 of the Penal Code Act of Uganda. It is also defined as forced penile-vaginal penetration and, like rape, the crime constitutes a death penalty. The solutions posited by the Ugandan criminal code focus on punishment of the perpetrator and leave little space for the victim's desires. In other words, Ugandan law tends to hold a perpetrator-centric view of sexual violence against women, thereby inadequately addressing the human rights of women it is obligated to protect (Kigganda, 2007:50).

The procedural requirements of the Ugandan criminal justice system are also biased against women. Kigganda reports that Tibatemwa-Ekirikubinza annihilates the inconsistent approach to corroboration in sexual violence cases. In some cases, women deemed "truthful" by trial judges are not required to corroborate their accusation. Yet, officially, she argues that, the courts require independent evidence or testimony supporting an allegation in a sexual assault case. Deplorably, no specific rules define what constitutes appropriate corroborative evidence, leaving women and girls to face the inconsistent and humiliating requests of law enforcement officials (Kigganda, 2007:50).

### 2.5 Challenges to policy and legal controls against sexual violence

Victims not identifying and naming events that meet legal definitions of rape and sexual assault has serious implications for reporting campus sexual assault since one must conceptualize an event a crime before she, or he, attempts to seek justice, or heal (Karjane et al., 1999:vii).

Victims of rape by people familiar or known to them also face problems of reporting perpetrators who may have been part of their everyday lives, like those they socialize, work, attend classes, or live with; and worst of all those they may have dated, or even loved. Thus this may make the formers' experience of sexual assault increasingly challenging in respect to the unique campus environment (Karjane, 2002:5). In response, the federal government has mandated that all higher education institutions receiving federal funds must provide rape prevention programs (Juntunen and Atkinson, 2002). These programs may lead to escalation of sexual violence among campus students hence the reason as to why my research focused on its controllability.
Some scholars believe that the failure of women to define a victimization as a rape calls into question whether researchers have truly measured the crime of rape (Gilbert, 1997). Women may not define a victimization as a rape for many reasons (such as embarrassment, not clearly understanding the legal definition of the term, or not wanting to define someone they know who victimized them as a rapist) or because others blame them for their sexual assault (Pitts and Schwartz, 1993). Which of these reasons is more or less correct cannot be definitively substantiated here because little systematic research has examined why women do or do not define as a rape an incident that has met the researcher’s criteria for a rape (Fisher et al., 2000:15).

There is a problem of application of university policies outside campuses that pose a great incapacitation towards control of sexual violence. Thus, it is due to this that there is need to establish when the country's laws come into effect in protecting the university students and whether university policy should be invoked wherever a campus student is i.e. on and off campus. This is imperative because (Fisher et al., 2000:19) observed that college women are victimized both on campus and off campus. For nearly all types of sexual victimization, however, off-campus victimization is more common. A conclusion they suggested, must be qualified because off-campus sexual victimizations may take place in bars and nightclubs or in student residences close to campus. Thus, even if a student is victimized off campus, she may be engaged in an activity that is connected to her life as a student at the college she attends.

Reporting incidents of sexual violence are low which may hamper the control mechanisms of sexual violence. In their study, (Fisher et al., 2000:23) found few incidents of sexual victimization were reported to law enforcement officials. They traced, fewer than 5 percent of completed and attempted rapes were reported to law enforcement officials. In about two-thirds of the rape incidents, however, the victim did tell another person about the incidents. Most often this person was a friend, not a family member or college official as also argued by (Hossain et al., 2014).

Victims gave a number of reasons for not reporting their victimizations to law enforcement officials, ranging from the fact that they did not see the incidents as harmful or important enough to bring in the authorities, incident was not serious enough to report and that it was not clear that a crime was committed, barriers to reporting, responses from the family or other people who would know about the incident, lack of proof the incident happened, fear of reprisal by the assailant,
fear of being treated with hostility by the police, and anticipation that the police would not believe the incident was serious enough and/or would not want to be bothered with the incident (Fisher et al., 2000:23). It is because of such challenges that sexual violence may escalate. Thus, it is by dealing with the confidence and trust of the public that reporting can increase in order to bring the perpetrators to justice and deter scores of sexual violent incidents at campuses.

2.6 Uganda's Obligation under International Law on Eliminating Sexual Violence

Since the 1990s, the elimination of violence against women has maintained a place on the international political agenda. The Vienna (1993) and Beijing (1995) declarations are but two examples of the decade's renewed emphasis on the rights enshrined in the Convention on the Elimination of Discrimination Against Women (CEDAW) and the fight against violence against women (Kigganda, 2007:45). Feminist legal critiques often highlight discrepancies between codified law and women's lived realities (MacKinnon, 1983:635 & 642).

General Comment 19 emphasized that discrimination under the Convention is not restricted to action by or on behalf of Governments as per article 2 (e), 2 (f) and 5 of CEDAW. It reiterates article 2 (e) of the Convention which calls on States parties to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise. Under general international law and specific human rights covenants, the committee noted that States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation (General Comment 19 of CEDAW: par. 19).

Article 5(a) of CEDAW requires all state parties to take all appropriate measures to eliminate prejudices and all other practices based on inferiority or the superiority of either the sexes or on stereotyped roles for men and women. Uganda being a signatory to this convention is obliged to protect males and females in this research pointing to the university students against sexual violent acts in the name of superiority complexities and inferiority one. In this view, Uganda submitted that to deal with this problem, Implementation of the Gender in Education Policy and putting the handbook into use by school teachers would contribute to efforts to address gender stereotyping in the learning environment (CEDAW, 2009: par.69).
Therefore, in the same vein, I argue that if Uganda fulfils its international obligations, there would be control of sexual violence not only in universities, which are a centre of my focus, but also in the country at large. This will be realised when students for this matter are informed about the protection enshrined within this optional protocol.

The state party in line with the Optional protocol to the Convention on the Elimination of Discrimination Against women under article 13 is expected to make widely known and to give publicity to the convention and the present protocol. Uganda in its 2009 report under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women submitted that, the Ministry of Gender, Labour and Social Development had conducted regional awareness sessions on the provisions of CEDAW in addition to disseminating the National Action Plan on CEDAW. At district level, Local Councils, Civil Society Organisations, judicial officers, etc. had participated in the elaboration of regional action plans for the follow–up of CEDAW recommendations (CEDAW, 2009 : par.29) . This however does not cover universities in order to combat sexual victimisation in institutions of higher learning. Such lacunae should be addressed in order to control the problem.

Part III of CEDAW article 10 further gives the state party room to take all appropriate measures in its ability to eliminate discrimination against women in order to ensure to them equal rights in the field of education and in particular to ensure on the basis of equality of men and women. This implies that all that takes place within the environment of education should not be discriminatory including sexual discrimination against males and females (Fauchald and Tuseth, 2007 : 921). Equality in this sense should be interpreted with consideration of men's possible victimisation. It should be interpreted in good faith to ensure equality of all men and women of victimhood in the education institutions.

In light with the above, Uganda in its report to CEDAW committee, presented a mitigation of inequality when it revealed that the Senate Standing Committee on Gender Mainstreaming, which is the key policy making body on gender issues and has oversight function over the Gender Mainstreaming Program (hereafter referred to as GMD), had been instrumental in engendering the University’s strategic planning process. The GMD was credited with commissioning a study titled “Situational Analysis of the Gender Terrain at Makerere University”; which identified gender inequalities and recommended interventions for reduction of gender inequalities. Sensitization
sessions for new university students during the orientation week were (are still) being spearheaded by the GMD (CEDAW, 2009: par.46). This is a step in the right direction because with equality rights in the university, inferiority complex is debased and thus victimisations are likely to reduce since all persons will know their rights.

The fact that there is no reservation that can be made by Uganda or any other state party to this convention, as provided for in article 17 of the optional protocol to the CEDAW, it shows that this deters countries from forsaking their human rights duty of protecting women and men from all forms of violence and thus I argue that this is a better mechanism in which sexual violence in universities can be controlled once the state fulfils its roles.

There is a lacuna in the international law enforcement especially in regards to the protection of children. In Yazgül Yılmaz v. Turkey for example, the applicant complained that, at the age of 16, she was sexually harassed while in police detention. The Court held that there had been a violation of Article 3 (prohibition of inhuman treatment) of the Convention concerning both the gynaecological examinations of the applicant while in police custody and the inadequate investigation concerning those responsible (ECHR, 2011 : app.no.36369/06). This casts votes of disbelief over the true effectiveness of international human rights instruments in preventing and punishing sexual violence.

The challenge to the implementation of sexual violence is inherently proscribed in the wording of CEDAW which purports to protect women against men and it is only in ‘uber fidei’ (act of good faith) that it can be interpreted to include protection of men. This can be a big challenge to Uganda's protection of male students against victimisation by fellow students. For example, Gorris argues that, though ‘gender-based violence’ might reasonably be thought to include both sexes (as both have a perceived or socially constructed gender), within international human rights law, as codified, it only describes female victimization. This observation, she notes, is not a criticism of CEDAW, as its definition of GBV is entirely legitimate, given its focus on women (Gorris, 2015 :415).

Effective domestic laws need to be given attention by the enforcement agencies if there is hope for preventing and punishing sexual violence and the violated rights that come with its occurrence. In M.C. v. Bulgaria for example, the applicant, aged 14 (which was the age of consent for sexual intercourse in Bulgaria), was raped by two men; she cried during and after being raped
and was later taken to hospital by her mother, where it was found that her hymen had been torn. Stressing that States had an obligation to prosecute any non-consensual sexual act, even where the victim had not resisted physically, the Court found both the investigation in the case and Bulgaria law to be defective (ECHR, 2003 : app.no.39272/98). In his concurring opinion, judge Tulkens observed that rape infringes not only the right to personal integrity (both physical and psychological) as guaranteed by article 3, but also the right to autonomy as a component of the right to respect for private life as guaranteed by article 8.

Even within university campuses, the arm of the state must prevail over university policy in order to address sexual violence and harassment. In O’Keeffe v. Ireland for example, the question concerning the responsibility of the State for the sexual abuse of a schoolchild, aged nine, by a lay teacher in an Irish National School in 1973, arose. The Court held that there had been a violation of Article 3 (prohibition of inhuman and degrading treatment) and of Article 13 (right to an effective remedy) of the Convention concerning the Irish State’s failure to protect the applicant from sexual abuse and her inability to obtain recognition at national level of that failure (ECHR, 2014).

This practice supports the view that sexual violence and gender-based violence solely refer to female victimization, thus leaving the victimization of men and boys invisible, under-researched and under addressed (Linos, 2009 :1549). Take note that one of the challenges Uganda can face is categorisation of sexual violence under conventions like the one against torture (Stemple, 2009 :637 & 637) for example qualifies my argument when he says that its description is often ‘too general’, and does not include the words ‘sexual’ or ‘gender-based’, and that advocacy work on the victimization of men and boys could therefore ‘stretch these legal tools to fit a problem for which they were not explicitly crafted.

2.7 Reaffirmation of the dignity and respect of Human Rights: The Challenges arising from Justifications of Sexual Violence.

2.7.1 Normative Reasons for Sexual Violence Occurrence
It was discovered in a study carried out on sexual harassment of female students in Zimbabwe, that the causes of sexual harassment were perpetrator-related (emanating from the initiative of the perpetrator wherein the perpetrator is held accountable); victim-initiated (thought to have been caused by the behaviour of the victim); and mystical (having to do with spiritual/supernatural
forces held to influence the behaviour of the perpetrator in which case the perpetrator is exonerated of blame) (Chireshe and Chireshe, 2009:92).

The study further revealed that victim-initiated causes tended to have a lion's share of the blame, while mystical causes were the least in significance. Respondents tended to blame victims for the assault, accusing them of tempting the perpetrator through provocative dress and seductive gestures. The above findings are significantly correlated to (Nyende, 2006) findings on sexual harassment in Makerere University.

Paternalistic affiliations to sexual violence have a role to play in its occurrence and justification. It was qualified that alongside the attribution of sexual harassment to victims' behaviour, the perpetrators' lack of self-control, lust, lack of respect and desire to prove manhood, among others, propelled them to incur the menace and also linked to male expression of masculinity (Chireshe and Chireshe, 2009:93). It is imperative therefore to understand sexual violence not only from the cultural and deviant justifications of perpetrators, but also to factor in the greatest human rights element in them. This is because most cases of sexual harassment go unreported owing to social and cultural factors that place those who are harassed at a disadvantage. Thus signalling the need to take action, such as normative re-education to combat sexual harassment. This can be achieved through awareness campaigns (Chireshe and Chireshe, 2009:94). It is against this background that I seek to approach the control of sexual violence from the human rights based lens.

### 2.8 Towards a Human Rights Based Approach to Sexual Violence

Academics have not extensively attempted to link sexual violence to a violation of an individual’s human rights. More importantly, Nobert qualifies this argument by arguing that no academic has attempted to link this violation of human rights to the CEDAW (Nobert, 2012:64). Not prosecuting sexual assaults, for example, creates an atmosphere of impunity, which perpetuates further human rights violations (Nobert, 2012:65). The CmCEDAW reiterates its stance on creating state obligation to prosecute perpetrators of sexual violence when it observed that Articles 2 and 3 establish a comprehensive obligation to eliminate discrimination in all its forms in addition to the specific obligations under articles 5-16 (General Comment 19 of CEDAW).
Prosecution of students and those strangers in the university campuses who are caught engaging in sexual violence has received less credibility due to normative justifications from the perpetrators and the public. Despite the legal impediments identified for the prosecution of sexual violence both domestically and internationally, none actually explains or justifies this situation. Arguments can also be made regarding cultural impediments to the prosecution of sexual violence (Nobert, 2012:72).

Women and girls may find traditional justice mechanisms to be more in line with their personal expectations of justice and easier to access than the national justice system. However, traditional or clan-based interventions to sexual violence against women can be quite different from those advanced by the Ugandan legal system (Kigganda, 2007:51). For example, Langi and Bagisu clans perform cleansing rituals on both victims and perpetrators following child sexual abuse (ibid). This makes sexual violence look like a mere deviation rather than a serious human rights violation.

It is clear that while the international system is far from perfect, its definitions and attempts to centre the experiences of victims are, theoretically, better positioned to uphold the human rights of those who have experienced sexual violence than those in the Ugandan system. These differences could influence discourse on sexual violence by setting a benchmark for better laws and policies in Uganda (Kigganda, 2007:56). Kigganda argues further that the emphasis on women's advocates place on the physical nature of violence against women rather than moral reasoning mirrors the strides achieved in international law with respect to definitions of sexual violence (Kigganda, 2007:60).

I argue that it is important to have a rights language in order to deal with sexual violence. A holistic understanding of the experiences of victims of sexual assault can be pivotal to the realization of all human rights including a woman's right to a dignified life and bodily integrity, which are engulfed in their health, and possibility of a fair trial. International law's infusion of human rights principles into laws and practices concerning sexual violence could act as a model for Uganda (Kigganda, 2007:60). Makerere University in particular should not be excluded.

A situational approach to sexual violence can also fit into the rights based approach. For example, if it works towards creating an environment free from criminal incidents that culminate into
sexual violence. Among other requirements of this problem-solving process, is a detailed understanding of the particular crime scripts involved so that appropriate situational measures can be matched to each of the stages in the offense-commission process (Hebenton, 2011:144). The application of situational prevention to sexual offenses arguably involves making the theoretical case for the importance of situational factors in relation to sexual offending, and illustrating the practical utility of devising actual primary interventions (ibid).

However, a number of challenges for situational prevention generally and as applied to sexual violence were identified. These challenges include the theoretical and methodological difficulties of the systematic examination of situational variables. Such examination requires the definition of key concepts, the development of conceptual models of the interaction between actors and situations, and the design of appropriate empirical research. Situational researchers need to look at issues of repeat victimisation, at questions of displacement, innovation and escalation in reaction to situational controls as well as anticipating the effects of factors such as changes in technology (Hebenton, 2011:146).

Under the rights approach to elimination of sexual violence, a New York City Classroom-Based Intervention can be borrowed because of its successful results after its use. The classroom intervention included a six-session curriculum emphasizing the laws and consequences for perpetrators of dating violence and sexual harassment (DV/H), the social construction of gender roles, and healthy relationships (Taylor et al., 2013:64). By using the curriculum, educators prompted students to consider their interpersonal interactions and use of physical spaces within the school walls. Activities included exploring the concepts of laws and boundaries, plotting the shifting nature of personal space, considering laws as they apply by gender and activities related to sexual harassment prevention (Taylor et al., 2013:66). As hypothesized, behaviours improved because of the interventions (ibid: 64).

With the building-based intervention, which includes the use of building-based restraining orders, higher levels of faculty/security presence in safe/unsafe “hot spots”, mapped by students, and posters may increase awareness and reporting (Taylor et al., 2013:64); as it was with the New York City interventions on problems of dating violence.

To qualify the building-based approach, regarding sexual harassment, overall, when employed was effective in reducing the frequency of both sexual harassment perpetration and victimization,
where as regarding sexually violent behaviour, the building-only treatment and the combined intervention were consistently effective in reducing sexual violence victimization involving either peers or dating partners at 6-months post-intervention (Taylor et al., 2013 :71). With the employment of the building-based intervention and class room based intervention to sexual violence, it's a move towards a human rights approach to sexual violence which is pertinent I to Makerere university if it's to achieve results intended to eliminate sexual violence.
3.0 CHAPTER THREE
METHODOLOGY

3.1 Introduction
A cross-sectional study design was used to guide this study since data was collected over a short period. Also called a snap-shot study, this was conducted within a period of two months. The design combined both quantitative and qualitative methods for respondents’ selection and data collection to mitigate shortcomings associated with either of the methods.

3.2 Participants

The sample comprised of the students from three years of study of undergraduate classes of Makerere university in 2016 (n = 150 students). The reason for this is because I hypothesised that young youthful students go through sexual violence more often than masters students who are commonly mature people above the age of 26 which is in line with (Nyende, 2006 :131) assertion. The number of masters' students is also not good enough for a scientific inquiry as it is with the undergraduates, because the former are small in number, which could give me wrong conclusions from a non-representative sample, yet the latter are numerous.

A balanced proportion of both male and female would have been considered if the victimisation rate were equal in order to eliminate production of gender-biased data. Thus, the sample comprised of more females than males because literature reviewed agrees that mostly females are at risk of being sexually assaulted ( Luke and Kurz, 2002 :7). The latter argued that due to changing social and economic conditions throughout Africa, these imbalances have become even more pronounced in marital and non-marital relationships. Additional data was obtained from five (5) key informants with the purpose of gleaning information that was not necessarily written into reports or publications, as well as to gather researchers’ impressions of the quality and scope of research published in these areas (Luke and Kurz, 2002 : 9)
3.3 Procedure

Participants were recruited from undergraduate classes of Sociology (criminology), and Ethics and human rights courses. The study was carried out as an academic research project that examined numerous social, human rights, and personality factors. It was part of a larger study that focused on measure validation that is described in detail elsewhere (Turchik and Garske, 2009). They gave informed consent and the research was conducted in compliance with the University of Oslo's rules and regulations. A paper-and-pen questionnaire in classrooms was provided. Instructions were given in a fixed order and were self-administered. Because of the sensitive nature of the study material, utmost confidentiality was assured in case participants experienced distress; however, no participants exhibited or reported any problems or distress related to taking part in the study (Turchik, 2012:247).

3.4 Data collection

Data was collected by means of a semi-structured questionnaire with a mix of unstructured and structured questions. Some of the questions and their sequence were determined in advance, while others evolved as the interviews proceeded. Both quantitative and qualitative methods of data collection were applied. Quantitative techniques were used to ensure objectivity, generalization and reliability of the study.

These techniques were used to select participants purposively from the study population in an unbiased manner. The standardized questionnaire and the statistical methods were used to test predetermined hypotheses regarding the relationships between specific variables. Qualitative methods were on the other hand used to understand the perspective of target audience members through in-depth interviews.

3.5 Data processing and analysis

3.5.1 Thematic categorization

Qualitative analysis was used through extraction of vital information (verbatim) from the interviews with key informants. These were presented and interpreted in major themes of the study.
3.6 Editing
This was the process of checking for errors and omissions to ensure accuracy, uniformity of data and completeness. Since the data was placed in specific categories, the researcher was able to make the necessary corrections.

3.7 Tabulation
Qualitative data was coded, organised into quantitative form using frequencies, percentages and tabulated to make conclusion of the research study. To fulfil this, the Statistical Package for Social Scientists (SPSS, 16.0 versions) was used.

3.8 Direct quotations
Quotations were cited in form of verbatim to avoid changing the message of the respondents. This was corrected from the transcripts that were derived from the recordings with key informants.

3.9 Ethical Considerations
Students were orally informed beforehand about the purpose of the questionnaire and were given guidelines for filling it out. A consent form on the front page also contained a written explanation and justification of the research to be signed by the students as acknowledgement of being informed and agreeing to participate.

Contact details for the principal investigator and a research assistant were provided in the event that any questions or personal concerns arose while answering the questions. The research staff ensured that the room was silent while students were engaged in filling out the questionnaires, so that each person could work in private. The consent forms and the questionnaires (the latter containing no identifying information) was then collected separately and carried off by the research assistants.

The questionnaire assessed lifestyle factors, such as students' social interactions/relations, sexual assaults, and dress codes that were perceived to provoke sexual acts; love and sex; human rights committee reporting mechanisms, self-rated health and social and demographic factors, such as area of origin, socioeconomic status (SES), religious affiliation, and the role of enforcement agencies in advocating for rights protection at the university.
3.9.1 Challenges And How They Were Mitigated

Time for this study was limited given the tight schedule of Makerere University in which research was conducted. In order to deal with this challenge, the researcher sought assistance from a research assistant to mobilise the respondents' class representatives in time in order to set dates for the meetings. This assisted the researcher to complete the study on time.

To ensure utmost confidentiality of the information given to me, the respondents were not required to provide their names or identity for the purposes of the study.

Initially, respondents might have expected payment or some sort of stipend because of the belief that researchers from foreign universities have a lot of money on them. This however could have biased the answers from respondents and yet no money was available. This problem was solved by informing the respondents that this was an academic study and was intended to deal with sexual violent experiences that confront their rights situation at the university.

I want to tend to believe that patterns of sexual violence may vary from university to university or from person to person. As a researcher, variability became highly technical because it made it difficult to test some of my ideas including perceptions and discrete reasons that respondents could not reveal. However, based on the scientific evidence, which is in literature, issues of variability were minimised and conclusions were arrived at.
4.0 CHAPTER FOUR
RESULTS AND DISCUSSION

4.1 Introduction

The chapter presents the findings of the study and the inferences or conclusions made after. These are based on scientific evidence presented in statistical data from a representative sample of the affected population that was selected for the study. Figure one shows the gender of the respondents that were selected for the study. It should be noted that homosexuals were not represented because the focus of the study was to investigate sexual violence among heterosexuals due to difficulties in defining their sexualities in times of violence (Walker et al., 2005).

Figure 1: Presents counts of the sample population by sex.

![Graph showing gender distribution]

A bigger proportion was of female students at 54.7% (n=82) and a lower than males at 45.3% (n=68) because, a higher margin of female students stand a higher chance of being sexually affected by violence than males. This is in line with Okeke's argument that high proportions of female students in colleges and universities across the continent of Africa have experienced sexual harassment from male faculty, staff and students. Women students in Nigeria colleges and universities have unique experiences of sexual harassment from male faculty, staff, and peers (Okeke, 2011: 29). Being explicitly “gender-sensitive” as opposed to “gender-blind” is an important step, which carries hope but few guarantees (Rosser, 2015: 71).
Table 1: Represents the age category of the respondents under study.

<table>
<thead>
<tr>
<th>AGE OF RESPONDENTS</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-24</td>
<td>126</td>
<td>84.0</td>
</tr>
<tr>
<td>25-31+</td>
<td>24</td>
<td>16.0</td>
</tr>
<tr>
<td>Total</td>
<td>150</td>
<td>100.0</td>
</tr>
</tbody>
</table>

According to table one, most undergraduate students fall between the age of 18-24 whereby 84% is (n=126) students and only 16 % (n=24) were between the age of 25-31 and above. This justifies the reason as to why I sampled undergraduate students because the age represents proneness to sexual violence. For example (Breiding, 2014 : 17) found out that many victims of sexual violence, stalking, and intimate partner violence were first victimized at a young age. He concluded that among female victims of completed rape, an estimated 78.7% were first raped before age 25 years, with 40.4% experiencing rape before age 18 years. It must also be observed that Nyende (2006: 5) found out that those female students at Makerere University were more sensitive to sexual harassment than male students. Thus validating the choice of my population that helped me understand sexual violence among younger students, hence providing reasons to control and punish such conduct.
Figure two shows the year of study of the respondents. The main target of the researcher were mostly third year students because they were perceived to have had a wider and better experience compared to their colleagues in year one and two.

**Figure 2: Year of study of respondents**

It should be noted that third year students that took part in the study comprised of 66.7% (n=100) compared to the 16.7% (n=25) and 16.7% (n=25) of the second and first year students respectively. This helped the researcher get answers from experienced and informed members of the university campus who were expected not only to have been acquainted with the system, but also with the violence per se. It should be noted that perception ability is very important because in another study, the overwhelming majority of participants mentioned that they understood what rape might feel like to a greater degree (Foubert and Perry, 2007). This became therefore an important tool in shaping the conclusions of the study.
4.2 The Nature, Perception and Reactions to Sexual Violence at Universities.

4.2.1 The nature

Figure 3: Shows the type of sexual violent acts take place within the university.

It was discovered as shown in figure three, that a high number of students described and perceived unsolicited physical contact at Makerere as the highly experienced sexual act with a 34.3% (n=86). Sexual bullying, coercive sex, and rape at 27.5% (n=69) were the second significant sexual violent acts that qualify what (Matchen and DeSouza, 2000 : 297) discovered. Assault was also reported as common at 19.9% (n=50) followed by a low occurrence of unwanted kisses at 16.7% (n=42). Other sexual violent offences was recorded at 1.6% (n=4) and thus were insignificant to the study.

Makerere University without doubt is brimmed by sexual violent situations especially with new students joining. This is because of (Nyende, 2006 : 2)'s assertion that various forms of sexual harassment have been reported at Makerere University in Kampala. One key informant 1 also added weight to this finding when he said that, '... This mostly happens to the first years when they especially during time for collecting their admission forms. The culprits who happen to be continuing students and strangers around the university confuse the unsuspecting students and sexually assault.'

However, key informant 2 informed the researchers that, much as these acts take place, they are voluntary not forced. She said that, '98% of the students you see engage in sexual acts and 95% are voluntary'. The authenticity of her percentages could not be verified. In addition to that, there are felonious incidences that take place for example key informant 3 said that, 'We have been
having incidents; there was a girl who was raped; down there in 'Kikoni' and after was killed! I think it is now a year has passed.' This leaves scarce doubt that aggravated sexual violence does not take place.

4.2.2 Perception of Sexual Acts as Human rights Violations

Table 2: Represents the sexual violent acts as perceived by students to be human rights violations.

<table>
<thead>
<tr>
<th>Human Rights Violation acts</th>
<th>N</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unsolicited physical Contact</td>
<td>38</td>
<td>16.5%</td>
</tr>
<tr>
<td>Unwanted Kisses</td>
<td>29</td>
<td>12.6%</td>
</tr>
<tr>
<td>Assault</td>
<td>71</td>
<td>30.7%</td>
</tr>
<tr>
<td>Sexual Bullying, Coercive sex &amp; rape</td>
<td>89</td>
<td>38.5%</td>
</tr>
<tr>
<td>Others</td>
<td>4</td>
<td>1.7%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>231</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Most students knew sexual bullying; coercive sex and rape n= (89), together with assault (n=71) as the greatest known human rights violations as represented. A few students however believed that unsolicited physical contact at 17% (n=38) and unwanted kisses with 13% (n=29) were among the human rights violating acts of sexual violence. The respondents however believed that there were other human rights violations not listed which had a percentile of 2 (n=4). However, it was not discovered whether they could associate these sexual acts to specific codes. Although it is widely recognised that sexual and violent offences can take very different forms, as yet no generic psychological framework exists for understanding what the basis is for the differentiation of these forms (Canter and Youngs, 2012 : 2). It should be noted that Makerere has more on the list to broaden the understanding of sexual harassment which include but not limited to; unwanted physical contact of intimate body parts such as; patting buttocks or stroking breasts, massaging any part, scratching the palm or deliberate brushing against the body "(...)" (Makerere University Senate, 2006 : 7, art. 7(a)
4.2.3 Awareness of victimhood.

Figure 4: Represents awareness of victimisation of those people close to the respondents.

It was observed as shown in figure four, that the respondents not only knew about the occurrence of sexual violence in the university, but they also knew their friends who have been victims of such sexual acts violations. This is observed by a 48 % (n=72) margin of the respondents who agreed that they knew of friends who have been victims of sexual violence, whereas 30 % (n=45) knew not of any friends who have been victims. Yet 22 % (n=33) were not certain of the victimisation of their friends possibly due to concealment of the victimology by their friends or not being concerned about what happens in their friends' lives. This study did not go deep into finding out whether the 22% of respondents were the perpetrators in order to be ignorant about the issue in question. Since in a similar study, it was found that 63 (29.4%) out of 214 who reported never abusing an intimate partner had engaged in at least one physically violent behaviour, toward their intimate partner while at this university (Fass et al., 2008 : 72)

4.3 Friends of respondents engaging in sexual violence

The researcher sought to know whether the students knew about the sexual violence perpetrated by their friends. The highest number represented by 49.3% (n=74) claimed that none of their friends perpetrates sexual violence. While 28 % (n=42) reported that they were not informed about this development in their friends' lives. A lower margin at 21.3 % (n=32) proved that the hypothesis was correct when they reported that indeed their friends have engaged in sexual violent acts. However, in another study, honesty is hard to achieve since, a large number of people who have inflicted or experienced physical violence apparently failed to recognize these episodes as abusive. Perhaps part of this is due to a variance in definitions between those used by
researchers and that accepted among the general population (Fass et al., 2008: 73). The table below represents the above discussion.

Table 3: Shows friends who are perpetrators

<table>
<thead>
<tr>
<th>Do friend sexually violate?</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>32</td>
<td>21.3</td>
</tr>
<tr>
<td>No</td>
<td>74</td>
<td>49.3</td>
</tr>
<tr>
<td>Don't Know</td>
<td>42</td>
<td>28.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>148</strong></td>
<td><strong>98.7</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>150</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

4.4.1 Number of times respondents have been victims of sexual violent acts.

Most students reported that they have never been victimised with a 78%. This is true because research has demonstrated that minimization and denial of abuse are common among both perpetrators and victims (Fass et al., 2008). A number of students reported to have been sexually assaulted around three times. One in five students reported to have been victimised multiple times (3%). Thus, the study concludes that the perpetrators of sexual violence on few occasions repeat these offences on the same victims that prove weakness in victim protection against recidivism (re-offending). It is in line with the study on cumulative trauma which found out that women seeking services at clinical/community agencies reported multiple types of victimization experiences, including high rates of adult sexual assault (Follette et al., 1996: 32). Therefore, signifying the need for mechanisms to eliminate sexual violence in the university. The data is presented in the figure below.
4.4.2 The knowledge on the number of times friends of respondents were victimised.

It was found out that most students with 43% (n=65) response reported that they never knew of their friends victimisation yet 35% (n=52) of them responded that they had clue on the victimisation of friends at least 1-3 times. A representation of 15% (n=22) of the students informed the researcher that they were certain about their friends who had been victimised more than five times (5). Key informant III added to this by saying that, 'I have not seen a fellow student harassing a student; it starts as a relationship, when they do not agree like in a boy’s room it ends up into forceful sexual acts; sometimes some boys employ drug abuse like “kuber”, "marijuana" and alcohol; indecent dressing; we men operate like a system. We get turned on just because of indecent dressing.' In addition, 7% (n=10) of the rest of the students confirmed an unknown number of times they had known of the victimisation of their friends in sexual violent acts as represented by figure six below. It was imperative to find out about friends' sexual experiences because friends and roommates are often the first to hear from a survivor about a sexual assault (Banyard et al., 2009 :4).
Figure 6: Victimisation of respondents' friends

4.4.3 Victims protection scheme

Since sexual violence exists in the University of Makerere, it was discovered that most students are aware of the existence of victims' protection schemes for those who report sexual abuse at the university. The table below represents 51% (n=76) of those who know about the schemes, 31% (n=47) refuted the existence of the protection schemes in the university. In addition, the remaining 18% (n=27) did not know whether the schemes existed. The researcher's interest was to find out whether some of the respondents who knew that these schemes existed sought refuge from them and whether those who did not know had a reason why they refuted.

Table 4: Awareness of victims' protection scheme.

<table>
<thead>
<tr>
<th>Qtn7</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>76</td>
<td>50.7</td>
</tr>
<tr>
<td>No</td>
<td>27</td>
<td>18.0</td>
</tr>
<tr>
<td>Don't Know</td>
<td>47</td>
<td>31.3</td>
</tr>
<tr>
<td>Total</td>
<td>150</td>
<td>100.0</td>
</tr>
</tbody>
</table>
4.4.4 The nature of violent sex offenders

Contrary to the widely known literature that the victims know most perpetrators, it was discovered that 42% (n=63) of the students do not know whether their victimisers were strangers or acquaintances. For example, the emergence of non-stranger rape as an issue of national importance has generated a range of critiques, focused particularly on the military, on college campuses, and on a “rape culture” that surrounds and sustains faulty institutional responses (Schroeder, 2013 : 2). This is in contravention of (Karjane et al., 1999 : 5) explanation of acquaintance rape. This is qualified by the 38% (n=57) of the respondents claiming that their victimisers were not people known to them. Its only 15.3 % (n=23) of the students reported to have known their victimisers which is in line with (Karjane et al., 1999). Thus, this research concludes that people whose identity is hard to describe abuse most students. Thus there is need to identify students from strangers in order to eliminate sexual violence. Presumably, by provision of a student tag. The findings are presented in the table five below.

Table 5: Awareness of perpetrators

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>23</td>
<td>15.3</td>
</tr>
<tr>
<td>No</td>
<td>57</td>
<td>38.0</td>
</tr>
<tr>
<td>Don't Know</td>
<td>63</td>
<td>42.0</td>
</tr>
<tr>
<td>Total</td>
<td>143</td>
<td>95.3</td>
</tr>
<tr>
<td>Missing System</td>
<td>7</td>
<td>4.7</td>
</tr>
<tr>
<td>Total</td>
<td>150</td>
<td>100.0</td>
</tr>
</tbody>
</table>

4.4.5 No-contact enforcement awareness

When asked about whether the university enforces no-contact orders at campus, an overwhelming majority at 45% (n=66) reported that the university does not enforce it. This was followed by 33% (n=48) of the students who claimed that they did not have any idea of whether such enforcement in the university exists or not. Whereas as 22% (33) ascertained the presence of such enforcement. Thus, it is important for such enforcements not only to be present but also for the students to have prior knowledge of their existence in order to prevent and punish sexual violence.
4.4.6 The ability to report sexual violent acts

The ability to report sexual offences is key in preventing and punishing these crimes. The table below represents the fact that Makerere University students are able to report sexual victimisation as shown by the 54% (n=81) responses which is positive development towards punishing sexual violence. This is also in line with (Banyard et al., 2009 : 446). Only 24% (n=36) claimed that the victims of sexual violence could not report. It is not clear whether men are those who are likely not to report as (Turchik, 2012 : 224) alleges. In addition, 21% (n=31) had no idea about the report ability of sexual violence victims. The explanation is numerically shown in the preceding table.

Table 6: Reporting ability

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>81</td>
<td>54.0</td>
</tr>
<tr>
<td>No</td>
<td>36</td>
<td>24.0</td>
</tr>
<tr>
<td>Don't know</td>
<td>31</td>
<td>20.7</td>
</tr>
<tr>
<td>Total</td>
<td>148</td>
<td>98.7</td>
</tr>
<tr>
<td>System</td>
<td>2</td>
<td>1.3</td>
</tr>
<tr>
<td>Total</td>
<td>150</td>
<td>100.0</td>
</tr>
</tbody>
</table>
4.4.7 Victims of sexual violence

The assistance widely received by the victims of sexual violence that was reported is medical at 30% (n=45). This was followed by legal aid, with a 26.7% (n=40) margin, yet religious and social at 6% (n=9) and 5.3% (n=8) assistance are not widely recognisable by students in assisting victims of sexual violence by the study. The findings are in line with (Canter and Youngs, 2012:3) who explains that different underpinning processes imply different emphases in therapeutic intervention. It however contradicts the assertion of (Cleere and Lynn, 2013:2594). The table below represents this.

Table 7: Victims' assistance department.

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical</td>
<td>45</td>
<td>30.0</td>
</tr>
<tr>
<td>Legal</td>
<td>40</td>
<td>26.7</td>
</tr>
<tr>
<td>Religious</td>
<td>9</td>
<td>6.0</td>
</tr>
<tr>
<td>Social</td>
<td>8</td>
<td>5.3</td>
</tr>
<tr>
<td>Others</td>
<td>13</td>
<td>8.7</td>
</tr>
<tr>
<td>Total</td>
<td>115</td>
<td>76.7</td>
</tr>
<tr>
<td>Total</td>
<td>150</td>
<td>100.0</td>
</tr>
</tbody>
</table>

4.4.8 Effectiveness of assistance in cases of sexual violence

Much as the students sought assistance from the departments mentioned above, they reported that this assistance was just fair at 36% (n=54) score compared to 14% (n=21) and 14% (n=20) of students who thought that the assistance rendered to the sexual violent victims was poor and very good respectively. It should be noted that 13% (n=16) of the students thought the assistance was good. Only 6% (n=9) found the services excellently provided. The reason why a high number of respondents observed inadequacy of reporting sexual violence, could be due to the poor handling of sexual violent cases which was observed by (Fisher and Cullen, 2000:23). A vivid example was given by key informant II who reported that, 'Last year (i.e. 2015), this happened in Mary Stuart hall when a girl went to take a bath and was attacked by a man who had a sharp knife, she made noise and was rescued. The man was taken to police. Nevertheless, nothing was done since
the girl was not asked to go and testify in court'. Figure eight below represents the findings under discussion above.

Figure 8: Nature of sexual violence assistance

4.4.9 Key causes of sexual violence in Makerere University

Among the key causes for sexual violence in Makerere university campus according to the study include indecent dressing at 34% (n=80), the highest in categorisation. This is in line with (Nyende, 2006 : 126)'s conclusion. Key informant five adds that, 'It is because the clothes we put on like short dresses that attract people like at night; yet parents are poor and students want to look like others. They do things to get money that is why they end up having sex; clubbing and getting drunk any man can rape you; moving alone at night.'

There serious problem of multiple partner and peer influence that has eaten the social fabric of university of Makerere was the second major cause of sexual violence recorded at 22 % (n=51). A proportion of students with a 17% (n=39) registration stipulated, greed for money and poverty as a major cause of sexual violence. To expound on the latter further, this means that when students need money because of poverty, they place themselves in risky situations that invite their victimisers. An example is 'de-tooothing' a word that means taking someone's money or property without reciprocating sexually. Key informant five defends the act of desirability for money when she notes that, 'Sexual relationship for money (prostitution) is inevitable, girls are forced to do
sex, others do it with their fiancés; it is not a good thing but girls do it. You need money and you have to do it.' Key informant III also reiterated this claim. A result, sexual violence crops in.

Continually, insecurity was at 14% (n=34) which agrees with (Karjane et al., 1999)'s findings. It is also evident that drinking alcohol and drug abuse at 11% (n=27) are partly some of the risk factors for sexual assault victimization as asserted by (Krebs et al., 2011 : 3643). The rest of the causes are treated as minor because they only amounted to 2% (n=5) of the total key causes of sexual violence. The following figure nine presents the findings to the above discussion.

**Figure 9: Causes of sexual Violence at Makerere University**

![Graph showing causes of sexual violence]

**4.5.1 University policies on sexual harassment Makerere University**

When asked about whether the university has a sexual assault prevention policy and procedure, 52% (n=78) of the students said yes in relation to (Twinamasiko, 2008) who said that 42% of the student body, complained of being lured by lecturers, which compelled the University Council to pass the Sexual Harassment Prevention Policy. Only 10% (n= 15) refuted the existence of such policy and procedure and a significant number of students at 38% (n=55) reported that they had no idea about such policy and procedure. Thus, the latter can be a hindrance in the reporting abilities due to ignorance. This is diagrammatically represented in figure ten below.
4.5.2 Effectiveness of sexual assault policy and procedure

Figure 11 below shows the percentages on the effectiveness of sexual assault policy and procedure in Makerere University. When students were asked about whether the existing sexual harassment policy is the best in controlling sexual violent acts at Makerere, 39% (n=58) of them said it was not; yet a slightly lower percentage of 36 (n=54) could not tell whether it was the best or not. Its only 12% (n=18) of the respondents that agreed with the assertion that the policy and procedure is not the best. Thus it is correct for me to argue that there is no that the policy is effective. The study hence found out that the policy and procedures set up by the university to eliminate and punish sexual violence are ineffective as (Banyard et al., 2009: 447) noted that research has not been too focused on the effectiveness of prevention programs. This would have guided the effectiveness of the programme.

Figure 11: Performance of the sexual assault policy and procedure
4.5.3 Preventing and punishing sexual violence

Figure 12: preventing and punishing sexual violence

It was noted, as represented in figure twelve, that the students of Makerere under study preferred reporting to police as the best remedy to sexual violence, which was recorded at 37% (n=89). They also considered reporting to university authorities with a 23% (n=55) as the second best alternative with a slight margin of 1% from the preference of sharing with a friend, which fell at 22% (n=52). Students demonstrated that changing the dress code recorded at 15% (n=37) cannot be a remedy to eliminating sexual violence remedy as otherwise suggested by (Nyende, 2006) in his study on sexual harassment in Makerere University. Although to modern ears the requirement of chastity seems obsolete, the tendency to blame victims for "asking for it" (by flirting, taking a man to her room, or drinking), or to believe that the victim was lying to cover an indiscretion or to gain revenge, still rings true (Orenstein, 2007: 1588). Key informant V qualifies the finding when he observes that, 'There is no enough awareness in the university; they should train girls on how to defend themselves mostly at night. I have never heard about any conference to sensitize on sexual violence; the government does not care, for example the police in campus they talk like you wanted to be raped other than helping the victim; they think girls dress indecently for boys to rape them.' The study also recommends 'acquaintance encouragement' to report victimised friends in order to solve campus sexual violence.
4.5.4 **Acts Considered As Human Rights Violations in Makerere Campus**

The figure below presents rape as the sexual violent act that students regard mostly as a human rights violation with a percentage of 24% (n=78). This is in line with (Karjane et al., 1999) and (Chapleau et al., 2008). Assault was the second mentioned sexual violent act that is considered a human rights violation at 15% (n= 51). Some students considered all the above-mentioned sexual acts as human rights violations at 15 % (n=48). Sexual bullying was also weighted at 15% (n=48). Inappropriate acts of touching were also regarded as human rights violation by a slightly lower 12 %(n=41) of the students under study. Coercive sex which was captured with 11 % (n=36) was the least recognised human rights violation as well as kissing and groping. It should be noted that there is a significant correlation between sexual bullying, coercive sex, and rape as sexual violent acts and rape per se as the highest human rights violation among sexual violent acts. For many boys of this age, who sporadically engaged in heterosexual practices of ‘fancying’ and ‘going out’, their experiences were nothing short of confusion, fear and frustration – particularly when proximity to girls could be simultaneously contaminating and masculinity confirming (Renold, 2002 : 419 & 420)

**Figure 13: Acts that Makerere students consider human rights violation**
4.5.5 The University Policy for countering Sexual Violence and protecting Human Rights

Figure 14: Represents what students think about the human rights in the university policy in dealing with sexual violence.

In finding out whether it might be true to allege that the university policy addresses these sexual deviations as human rights abuses, it was discovered that 27% (n=40) agreed that indeed the policy treats sexual violence as a human right violation. A 23% (n=34) strongly agreed to the human rights content and direction in treating sexual violence at Makerere as human rights concerns. The agreement is in line with the sexual harassment policy provided for in (Makerere, 2006 :4) provision. A number amounting to 17% (n=25) knew nothing about the human rights content within the policy in applying it to sexual violations. Some students were neutral to that inquiry with a 15% (n=22), whereas 13% (n=19) disagreed with the claim and 5% (n=8) strongly disagreed as represented in figure fifteen above.

4.5.6 Recommendability of the University Policy

Regarding whether students would recommend a friend to invoke the university policy on sexual harassment to prevent victimisations, it was discovered that 76% (n=114) would. Yet 17% (n=26) would not recommend it as a move towards prevention of victimisations and with intent to punish offenders. Thus, the study found out that much as the students never believed in the effectiveness of the university policy and procedure due to ignorance of its content (supposedly), as discussed in the preceding presentations, they still had faith in advising friends to seek recourse to it in order
to prevent and punish sexual violent acts in the university. This shows that eliminating and punishing sexual violence can be realised with recommendation of the policy set up by the University. The numerical evidence is represented in table eight below.

Table 8: Represents the number of students who may or may not recommend invocation of university policy on prevention of victimisation.

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>114</td>
<td>76.0</td>
</tr>
<tr>
<td>No</td>
<td>26</td>
<td>17.3</td>
</tr>
<tr>
<td>3</td>
<td>1</td>
<td>.7</td>
</tr>
<tr>
<td>Total</td>
<td>141</td>
<td>94.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missing System</td>
<td>9</td>
<td>6.0</td>
</tr>
<tr>
<td>Total</td>
<td>150</td>
<td>100.0</td>
</tr>
</tbody>
</table>

4.5.7 The fairness of the university policy and procedures on sexual violence to the suspects.

Figure 15: Presents the rate of fairness of the university policy and procedures

![](image)

It is always just for prevention and punishment of sexual violence to be preceded by the presumption of innocence. It was therefore important for the researcher to find out how fair the policy was to the suspects within the university. It was discovered that the respondents felt that largely the policy was fair with a 38% (n= 57). A slightly lower percentage of respondents with 37% (n=55) felt there was unfairness of the policy and procedures to the suspected perpetrators. It was also observed that 21 % (n=31) noted that the policy was very fair to the suspects.
Conclusively therefore, the university policy is largely fair possibly due to its regard of presumption of innocence. However, the methods and procedures of campus adjudicatory systems differ across institutions which can also mean that the procedures can also vary within an institution depending on the type of misconduct at issue (Triplett, 2012: 492). Makerere University Sexual Harassment policy makes this emphatic in article 17(1) where it obligates any Unit Committee that ought to carry out investigations of a complaint of sexual harassment, to do so with independence, objectivity and with due diligence and respect for rights of both the complainant and the respondent (Makerere University Senate, 2006: 12). The data explained above is represented in the figure sixteen above.

4.6 **Criminalisation of sexual violence in Uganda**

4.6.1 **Law against sexual violence in Uganda**

<table>
<thead>
<tr>
<th>Question</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>20</td>
<td>13.3</td>
</tr>
<tr>
<td>Yes</td>
<td>102</td>
<td>68.0</td>
</tr>
<tr>
<td>Not Sure</td>
<td>27</td>
<td>18.0</td>
</tr>
<tr>
<td>Total</td>
<td>149</td>
<td>99.3</td>
</tr>
<tr>
<td>Missing in System</td>
<td>1</td>
<td>.7</td>
</tr>
<tr>
<td>Total</td>
<td>150</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The study found out that respondents had knowledge on the laws that criminalise sexual violence in Uganda given the 68% (n=102) responses. It is important to note that only 13% (n=20) expressed ignorance of the same, yet 18% (n=27) of the total sample were not sure of their perception of any laws criminalising sexual violence in Uganda. The fact that a large number of students knew the laws criminalising sexual violence with willingness to seek legal aid as evidenced in table (vii) is a step in the right direction towards preventing and punishing sexual violence in Makerere University.
4.6.2 **Satisfaction with criminal law’s ability to prevent and punish sexual violence at the university**

Figure 16: Presents the effectiveness of criminal law in addressing sexual violence

Basing on the figure seventeen above, it was found out that the respondents were extremely dissatisfied with the effectiveness of criminal law in addressing sexual violent issues within the university, with a 24% (n=36) record. The reason could be but not limited to the fact that much sexual violence still remains hidden, or unrecognised, and thus remains outside the social infrastructure of normalisation (Carmody and Carrington, 2000). The students' claims are supported by the response of key informant 5 who expressed concern when she said that, ’I am not satisfied with Uganda's response to sexual violence because like last year 5 girls were raped, and they didn’t follow up, the government does nothing about such incidences; a girl was killed in 'Jinja' by the boyfriend but the boy is free now.’

A slight proportion of 22% (n=33) were somewhat satisfied, yet 21% (n= 31) were somewhat dissatisfied with criminal laws ability to handle sexual violence issues. Of the total population under study, 18% (n=27) did not know about the utility of criminal law and 15% (n=22) were extremely satisfied respectively. This means that criminal law has not been used by the justice system to the satisfaction of the student population. Therefore, to make it useful, it would focus attention on the meaning of consent. It would conform to widespread norms surrounding sex. In addition, it would bring into alignment the definitional treatment of rape on and off campus (Schroeder, 2013 : 45).
4.6.3 Criminal law as a useful tool in dealing with sexual violence at universities

Figure 17: Shows how important Criminal law is to sexual violence prevention at universities

Much as criminal law according to figure seventeen preceding, does not satisfy a number of students in addressing sexual violence at Makerere, most students still believe that it's a very important instrument in preventing and punishing sexual violence at university campuses, with a 45.3% (n=68) as presented in figure (xvii). This is followed by 27% (n=40) who think that it is somewhat important. However, 19% (n=28) and 9.3% (14) think criminal law is not too important and not important at all respectively. The successful reduction of these crimes will require the modification and implementation of existing policies (Masuku, 2016 : 11). Thus, in order to prevent and punish sexual violence among university students, criminal law is an imperative instrument.
4.7 Challenges to policy and legal controls against sexual violence

4.7.1 Main challenges to sexual violence criminalisation in Uganda

Table 10: Presents the challenges to criminalisation of sexual violence.

<table>
<thead>
<tr>
<th>Challenges</th>
<th>N</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weak laws/policies</td>
<td>65</td>
<td>30.1%</td>
</tr>
<tr>
<td>Unsolicited physical Contact</td>
<td>38</td>
<td>17.6%</td>
</tr>
<tr>
<td>Corruption/Bribery</td>
<td>57</td>
<td>26.4%</td>
</tr>
<tr>
<td>Stigmatization</td>
<td>39</td>
<td>18.1%</td>
</tr>
<tr>
<td>Others</td>
<td>17</td>
<td>7.9%</td>
</tr>
<tr>
<td>Total</td>
<td>216</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

The main challenges to sexual violence include weak laws and policies which were highly noted by the respondents with a 30.1% (n=65), followed by corruption and bribery which make legal systems ineffective with a 26.4% (n=57) response. Some respondents thought that unsolicited physical contact which was at 17.6% (n = 38) were a challenge to criminalisation because of the fact that they are difficult to prove in courts of law, which is in line with (Cleere and Lynn, 2013). Stigmatisation was also noted as a concern for criminalising sexual violence with an 18.1 % (n=39) response.

This coincided with (Fisher et al., 2000, Hossain et al., 2014, Karjane et al., 1999). Key informant three additionally notes that, "Sometimes the victims do not come up out. They fear to come out because of say stigma. Uganda laws are not strong; they are not implemented to their full capacity. Alternatively, as police try to harmonize issues before they reach court."
4.7.2 Uganda's Obligation under International Law on Eliminating Sexual Violence

Figure 18: Presents what people think about Uganda's international obligations.

When looking at figure nineteen, it should be noted that majority of the respondents 32% (n=47) disagreed with the notion that Uganda has fulfilled its international obligations in eliminating sexual violence. While 26% (n= 38) agree with the idea that Uganda has fulfilled its obligations in preventing and punishing sexual violence, 15% (n=22) do not know anything about it, yet 13% (n=19) remained neutral to this assertion. In addition, 11% strongly disagreed with the fact that Uganda has done fulfilment of her international obligations with the lowest 3% (n=5) strongly agreeing that Uganda has done its international expectations domestically too.

4.7.3 The Way Uganda Deals with Sexual Violence Issues

Table 11: Presents the contentment respondents have towards Uganda's solutions to sexual violence.

<table>
<thead>
<tr>
<th>Contented</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all</td>
<td>64</td>
<td>42.7</td>
</tr>
<tr>
<td>A little</td>
<td>54</td>
<td>36.0</td>
</tr>
<tr>
<td>Somewhat</td>
<td>23</td>
<td>15.3</td>
</tr>
<tr>
<td>Very Much</td>
<td>9</td>
<td>6.0</td>
</tr>
<tr>
<td>Total</td>
<td>150</td>
<td>100.0</td>
</tr>
</tbody>
</table>
Table 11 presents the fact among respondents that indeed given their high disagreement that Uganda has fulfilled its international obligations, they are not contented with the modus operandi of Uganda in dealing with sexual violence issues. This is proven by the 42.7% (n=64) of the respondents who said that Uganda has not at all fulfilled their contentment to addressing sexual violence issues. 36% (n=54) of the respondents felt a little contented with Uganda's approach to sexual violence, yet 15.3% (n=23) felt somewhat contented and only 6% (n=9) were very much contented with the way Uganda dealt with sexual violence issues. This finding is in line with (Kigganda, 2007).

4.7.4 Uganda's challenges to its international obligation fulfillment

Figure 19: Represents the challenges to Uganda's international obligation.

The respondents who took part in the study, expressed concern over the limited funding given to Uganda by donors and by the government in the fight against domestic violence which is represented by 34% (n=75) response. The second challenge is the high levels of corruption that has eaten up the institutional fabric of society whereby the funds meant for the cause of fighting sexual violence through provision of free legal aid and transporting offenders to courts of law for trial are diverted for personal use. This is proven by the 29% (n=64) score. Poor policy implementation comes third among the challenges with a 26% (n=57) margin. Yet other reasons garnered an 11% (n=25) margin.
4.8 The philosophical and theoretical foundations of human rights:

Table 12: Shows what respondents thought about sexual violence

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly disagree</td>
<td>23</td>
<td>15.3</td>
</tr>
<tr>
<td>Disagree</td>
<td>26</td>
<td>17.3</td>
</tr>
<tr>
<td>Neutral</td>
<td>23</td>
<td>15.3</td>
</tr>
<tr>
<td>Agree</td>
<td>52</td>
<td>34.7</td>
</tr>
<tr>
<td>Strongly Agree</td>
<td>26</td>
<td>17.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>150</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

In order to prevent and punish sexual violence at university campuses, it is imperative to understand it, as a human rights issue not a simple deviation from the normal. This is qualified by the 34.7% (n=52) responses to this effect. Other responses have a perfect correlation with those who disagree and those strongly agree having the same 17.3% (n=26) and 17.3% (n=26) respectively. This also applied to those who remained neutral and those who strongly disagreed both having a 15.3% (n=23).

4.8.1 The language that emphasises human rights is the only tool that can be used to prevent sexual violence in universities

Figure 20: Shows students' thinking about the rights language in preventing sexual violence
Most respondents agreed with 31% (n=46) that the human rights language is the only tool that can be used to prevent and punish sexual violence. Yet 27% (n=41) of the study population disagreed with the assertion. While 17% (n=26) remained neutral, 13% (n=20) strongly agreed with the notion and notably 12% (n=17) strongly disregarded that statement as true and thus disagreed with it. Key informant I concurred with the those who agreed when he said that,' There is need to sensitize the students; it is good though human right tools have its own challenges thus need to start acting and not to just leave it in theory, need for more sensitization.' The importance of control over women (as well as men in campus environments) can be seen in the intensity of resistance to laws and social changes that put control of women's bodies in women's hands: reproductive rights, freedom of sexuality whether heterosexual or lesbian, laws that criminalize rape in marriage and in relationships (Bunch, 1990: 491)

4.8.2 Justifications for sexually assaulting university students by fellow students

Figure 21: Reasons why sexual violence is persistent

Moral decay among university students has been attributed to justifications of sexual violence with a 29.30% (n=66) margin. Therefore, since morals have weakened, students think it is acceptable to engage in sexual violent acts. It was also reported that poverty and greed for money was another justification for sexual violence arising from what I referred to as 'de-toothing' a common practice among university female students against male counterparts. Thus in revenge males sexually assault females. This is shown by 18.80% (n=61). Indecent dressing is also
another justification with 15.70% (n=51). This finding strongly concurs with what (Nyende, 2006) found out about sexual harassment of female students in Makerere University, using a term he referred to as suggestive dressing. Peer influence is another justifiable factor for sexual violence at 15.70% (n=51) which is perfectly correlated with indecent dressing.

This implies that when there is indecent dressing, peer groups can reinforce sexual harassment. Weak university rules are also a reason why students think sexual violence is inevitable ', after all no punishment will be accorded or justice to bring perpetrators to book. The 10.20% (n=33) of the study population offered this conclusion. Lastly but not as important, is drug abuse and alcoholism which are a common habit of most university students.

This justification was accorded a 5.20% (17) margin. It is in line with (Krebs et al., 2011 :3643). Key informant 2 is quoted to have said, 'Sexual violent acts take place while students are drunk, they rape their victims, men are so lustful and it is worse when they are drunk'. Yet key informant 4 summed it up when she said that the causes included, 'dressing code, use of drugs, behaviour, and friendship with unclear boundaries.' This kind of reasoning based on morality may not mean a thing to "non-moralists" or no moralists who would otherwise have the desire to eliminate sexual violence or join the struggle.
5.0 CHAPTER FIVE

5.1 Conclusions

It was also believed that most common occurrences of sexual violent act were sexual bullying, coercive sex and rape, unsolicited physical contacts and unwanted kisses and assaults, and insecurity among undergraduate students at Makerere University. Whereas students sought mostly legal and medical assistance when victimised, they recommended that the best way to deal with sexual violence was to report to police and the university authorities. The study found out that the main reason they do not report is that they fear stigma from their fellow students.

I hypothesised that most students may not know the human rights boards to run to in case of danger in the university and thus the study proved the hypothesis alternative; when the researcher found out that one in three respondents didn't know anything about the policy and procedure of the university on sexual violence.

Much as criminal law is a very important instrument in preventing and punishing sexual violence at university campuses, the study found out that it has not satisfied the expectations of a large number of students in addressing sexual violence at Makerere University.

The study also revealed that there is a significant relationship between human rights protection and sexual violent acts because most students believed that sexual acts at Makerere University were indeed human rights violations. This correlation may be rooted in the fact that students believed in the content of the university policy, which addresses these sexual deviations as human rights abuses. Contrary to the highly known assertion that perpetrators know most victims and the reverse, the study found out that victims of sexual violence in Makerere University did not know their perpetrators. Thus, it is right to assert that many students think that those who sexually harm them are strangers.

The study found out that a large number of respondents who took part in the study think that moral decay which means conflicting norms or weak social bond have led to justifiability of sexual violence because those who engage in it think that they have nothing to lose because the victims are morally deviant. A case in point is the indecent dress code that they cite for
raping female victims, poverty and greed for money from both males and females and the problem of drug abuse and alcohol that needs attention.

When the study focused on presumption of innocence as an important human rights principle on the side of the perpetrators, it was found out that the policy was fair to suspects of sexual violence.

The study revealed that most respondents were not contented with the performance of Uganda in a bid to meet its international obligations citing poor funding, poor policy implementation and corruption that has penetrated the institutional systems of the country. It is because of the feeling of dissatisfaction towards criminal laws ability to remedy sexual violence that has made it a challenge too for Uganda to meet its international obligation.
5.1.2 **Recommendations**

This study points to the need to increase sensitisation and awareness of sexual violence among students at Makerere University. This could be done through talks during orientation week and through seminars on sexual health throughout the students stay (Nyende, 2006).

The government of Uganda should invoke state obligation to prosecute perpetrators of sexual violence when it observed that Articles 2 and 3 which establish a comprehensive obligation to eliminate discrimination in all its forms in addition to the specific obligations under articles 5-16 (CEDAW, 2009). In addition it should emulate other governments by allocating more funds to the prevention and punishment of sexual violence as (Juntunen and Atkinson, 2002) observed that in response, the federal government has mandated that all higher education institutions receiving federal funds must provide rape prevention programs.

Due to insecurity as one of the cause of sexual violence in Makerere University, a situational approach to sexual violence can be employed. The application of situational prevention to sexual offenses arguably involves making the theoretical case for the importance of situational factors in relation to sexual offending, and illustrating the practical utility of devising actual primary interventions (Hebenton, 2011:144).

With the building-based intervention, which includes the use of building-based restraining orders, higher levels of faculty/security presence in safe/unsafe “hot spots”, mapped by students, and posters may increase awareness and reporting (Taylor et al., 2013:64) as it was with the New York City interventions on problems of dating violence. I assume this would be imperative to curbing sexual violence at Makerere University since hot spots are not mapped or if they are, the security personnel do not know them.

Confrontation as proscribed by the sexual harassment policy in which it states that the victim may confront the individual whose conduct is offensive, unwelcome or intimidating and request that such conduct stop may not eliminate sexual violence given the fact that this policy requires such request to be direct and consistent (Makerere University Senate, 2006:12, art. 16(3)). This is because some victims may either be shy to retaliate or may be place in a situation that creates intimacy and thus fail the policy implementation.
The idea of presumption of innocence needs to be highly emphasised in the policy as stipulated in article 17(1) of the Makerere Sexual Harassment policy (Makerere University Senate, 2006) in order to eliminate any forms of bias against the accused, but also protect the principles of criminal law in handling matters of sexual violence from university administrative units.

Much as sexual violence in Makerere University exists, a high number of students decided to conceal their victimisation possibly and thus it is possible to assume that students are more likely to experience sexual violence may learn to either normalize it or approve of it as they further their university studies. The prevalence of sexual violence on Makerere university campus is alarmingly high and requires intervention programs responsive to risk factors and offenders. The university policy has no jurisdiction over victims and perpetrators of sexual deviations outside campus, which makes it easy for sexual violations to go unabated.

Therefore, issues like date rape, which mostly take place outside university premises, must be investigated in order to broaden the ability of eliminating sexual violence not only in university campuses but also to all areas where campus students' happen to be. Justifications of violence against victims which is referred to as 'victim blaming' is common among Makerere students and thus should be dealt with in further research as a remedial act to escalation rather than de-escalation of sexual violence. These once delved into in future research; will help in addressing, punishing and eventually eliminating sexual violence institutionally in Makerere University and later on in other universities.
REFERENCES:

ECHR, 1985. CASE OF X AND Y v. THE NETHERLANDS. EUROPEAN COURT OF HUMAN RIGHTS.


MUKASA AND ANOTHER V ATTORNEY GENERAL 2008. Unlawful arrest, search and seizure. High Court of Uganda at Kampala, Civil Division, Misc Cause No. 24/06.


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List of cases

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MUKASA AND ANOTHER V ATTORNEY-GENERAL 2008. Unlawful arrest, search and seizure. High Court of Uganda at Kampala, Civil Division, Misc Cause No. 24/06.

General Comments by UN Treaty Bodies.


Ugandan Domestic Law.


Policy instruments


Secondary sources.

Books and Articles.


**Newspapers**


Appendices:

Appendix 1

Self administered questionnaire for criminology students

The principal researcher is a second year student at the University of Oslo, Norway under the Faculty of Law. The aim of the study is to address the problem of sexual violence in university campuses: with Makerere university as the case study. You have been identified as a valuable resource for this study given the position you occupy in the university under study. The information you give will only be used for academic purposes and will be treated with utmost confidentiality in accordance with the university of Oslo rules and regulations.

DEMOGRAPHICS:

Sex: Male........... Female..............
Age: 18-24........... 25-31+..............
Year of study: First........... Second........... Third..............

TOPIC ONE: THE NATURE, PERCEPTION AND REACTIONS TO SEXUAL VIOLENCE AT UNIVERSITIES. (Multiple choices allowed)

1. Which of the following sexual violent acts take place within the university?
   a) Unsolicited physical contact such as touching.
   b) Unwanted kisses.
   c) assault,
   d) sexual bullying, coercive sex and rape
   e) Others..................specify

2. Which of the above acts are human rights violations? (Tick appropriate)
   a)............ b).............c)............. d).................... e)...........................specify

3. Has a friend ever been a victim of one of the mentioned sexual violent acts?
   Yes............. No................ Don't know ....................

4. Has a friend ever been a perpetrator of one or more of the above sexual violent acts?
   Yes............... No............... Don't know ....................

5. How many times have you been a victim of sexual violent acts within and outside the university?
   a) Never
   b) 1-3 times
c) More than 5 times
d) Others (specify)..........................

6. How many times have your friends been victims of sexual violet acts?
   a) Never
   b) 1-3 times
   c) More than 5 times
   d) Others (specify)..........................

7. Are there victims' protection schemes for those who report sexual abuse at the university?
   Yes.......................... No...................... Don't know..........................

8. If you have ever been victims was/ were your victimisers known to you?
   a) Yes..............
   b) No.............. c) Don't..........................

9. Does the university enforce no-contact orders at campus?
   a) Yes..............
   b) No.............. c) Don't..........................

10. Are victims of sexual abuse able to report their offenders?
    a) Yes......................
    b) No....................
    c) Don't..........................

11. If yes, what was the type of help?
    a) Medical
    b) Legal
    c) Religious
    d) Social
    e).....................other (specify)

12. How was the assistance got from the persons mentioned above?
    a) Poor b) Fair c) Good d) Very good e) Excellent
13. What are the key causes for sexual violence in university campuses?

TOPIC TWO: UNIVERSITY POLICIES ON SEXUAL HARRASSMENT

MAKERERE UNIVERSITY

14. Does the university have a sexual assault prevention policy and procedure?

a) Yes................. b) No............... Do not know........................

15. If yes, is the existing sexual harassment policy the best in controlling sexual violent acts at Makerere?

a) Yes............... b) No............... Do not know........................

16. Which of the following methods is best in dealing with sexual violence at the university? (Circle your answer. multiple responses allowed)

a) Reporting to police b) Sharing with a friend c) Reporting to the university authority
d) Dress code e) Other........................ (Specify)

17. Which of the following do you consider human rights violation? (Tick Appropriate)

a) Sexual violent act like touching, b) kissing and groping, c) assault,
d) sexual bullying, e) coercive sex f) and rape
18. It is alleged that the university policy addresses these sexual deviations as human rights abuses.
   a) Strongly agree
   b) Strongly disagree
   c) Disagree
   d) Neutral
   e) Agree
   f) Don't know

19. Would you recommend a friend to invoke the university policy on sexual harassment to prevent victimisations?
   a) Yes
   b) No

20. Do you think that the university policy and procedures on sexual violence is fair to the suspected perpetrators?
   a) Very fair
   b) Unfair
   c) Fair

**TOPIC THREE: CRIMINALISATION OF SEXUAL VIOLENCE IN UGANDA**

21. Do you know any law criminalising sexual violence in Uganda?
   a) No
   b) Yes
   c) Not sure

22. Are you satisfied with criminal law's ability to prevent and punish sexual violence at the university?
   a) Extremely Dissatisfied
   b) Somewhat Dissatisfied
   c) Do not know
   d) Somewhat satisfied
   e) Extremely satisfied

23. Is criminal law a useful tool in dealing with sexual violence at universities?
TOPIC FOUR: CHALLENGES TO POLICY AND LEGAL CONTROLS AGAINST SEXUAL VIOLENCE

24. What are the main challenges to sexual violence criminalisation in Uganda?

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.................................................................
.................................................................
.................................................................
.................................................................

TOPIC FIVE: UGANDA'S OBLIGATION UNDER INTERNATIONAL LAW ON ELIMINATING SEXUAL VIOLENCE

25. Uganda fulfilled her international obligation in eliminating sexual violence

a) Strongly disagree
b) Disagree
c) Neutral
d) Agree
e) Strongly Agree
f) Don't know

26. Are you contented with the way Uganda deals with sexual violence issues?

a) Not at all  b) A little  c) Somewhat  d) Very much

27. What could be the challenges to its international obligation fulfilment?

.................................................................
.................................................................
.................................................................
.................................................................
.................................................................
TOPIC FIVE: THE PHILOSOPHICAL AND THEORETICAL FOUNDATIONS OF HUMAN RIGHTS: CHALLENGING THE CULTURAL AND NORMATIVE JUSTIFICATIONS OF THE VICE

28. Sexual violence that takes place in the university is a human rights issue not a mere deviation.
   a) Strongly disagree  b) Disagree  c) Neutral  d) Agree  e) Strongly Agree

29. The human rights language is the only tool that can be used to control sexual violence in universities
   a) Strongly disagree  b) Disagree  c) Neutral  d) Agree  e) Strongly Agree

30. Could you identify justifications for sexually assaulting university students by fellow students?

   .................................................................................................................................
   .................................................................................................................................
   .................................................................................................................................
   .................................................................................................................................
   .................................................................................................................................

   THANK YOU SO MUCH

Appendix ii

Self administered questionnaire for ethics and human rights students

The principal researcher is a second year student at the University of Oslo, Norway under the Faculty of Law. The aim of the study is to address the problem of sexual violence in university campuses: with Makerere university as the case study. You have been identified as a valuable resource for this study given the position you occupy in the university under study. The information you give will only be used for academic purposes and will be treated with utmost confidentiality in accordance with the university of Oslo rules and regulations.

DEMOGRAPHICS:

Sex: Male............ Female..............
Age: 18-24........... 25-31+..............
Year of study: First............ Second............. Third....................

72
TOPIC ONE: THE NATURE, PERCEPTION AND REACTIONS TO SEXUAL VIOLENCE AT UNIVERSITIES. (Multiple choices allowed)

1. Which of the following sexual violent acts take place within the university?
   - f) Unsolicited physical contact such as touching.
   - g) Unwanted kisses.
   - h) assault,
   - i) sexual bullying, coercive sex and rape
   - j) Others.....................specify

2. Which of the above acts are human rights violations? (Tick appropriate)
   a)........... b)........... c)........... d)............... e)..........................specify

3. Has a friend ever been a victim of one of the mentioned sexual violent acts?
   Yes................. No.................. Don't know.........................

4. Has a friend ever been a perpetrator of one or more of the above sexual violent acts?
   Yes.................. No.................. Don't know.........................

5. How many times have you been a victim of sexual violent acts within and outside the university?
   - e) Never
   - f) 1-3 times
   - g) More than 5 times
   - h) Others (specify)..........................

6. How many times have/ have your friends been victims of sexual violet acts?
   - e) Never
   - f) 1-3 times
   - g) More than 5 times
   - h) Others (specify)..........................

7. Are there victims' protection schemes for those who report sexual abuse at the university?
   Yes.................. No.................. Don't know.........................

8. If you have ever been victims was/ were your victimisers known to you?
   - b) Yes...........
   - b) No........... c) Don't.........................
9. Does the university enforce no-contact orders at campus?
   b) Yes..........   b) No........ c) Don't.................................

10. Are victims of sexual abuse able to report their offenders?
    a) Yes.............  b) No.............  Do not know......................

11. If yes, what was the type of help?
    a) Medical
    b) Legal
    c) Religious
    d) Social
    e).................other (specify)

12. How was the assistance got from the persons mentioned above?
    a) Poor b) Fair c) Good d) Very good e) Excellent

13. What are the key causes for sexual violence in university campuses?
    ...........................................................................................................................
    ...........................................................................................................................
    ...........................................................................................................................
    ...........................................................................................................................
    ...........................................................................................................................
    ...........................................................................................................................

   TOPIC TWO: UNIVERSITY POLICIES ON SEXUAL HARRASSMENT
   Makerere University

14. Does the university have a sexual assault prevention policy and procedure?
a) Yes................. b) No................. Do not know........................

15. If yes, is the existing sexual harassment policy the best in controlling sexual violent acts at Makerere?

a) Yes................. b) No................. Do not know........................

16. Which of the following methods is best in dealing with sexual violence at the university? (Circle your answer. multiple responses allowed)

a) Reporting to police b) Sharing with a friend c) Reporting to the university authority
d) Dress code e) Other............................... (Specify)

17. Which of the following do you consider human rights violation? (Tick Appropriate)

i) Sexual violent act like touching,
j) kissing and groping,
k) assault,
l) sexual bullying,
m) coercive sex
n) and rape
o) None of the above
p) All the above

18. It is alleged that the university policy addresses these sexual deviations as human rights abuses.

g) Strongly agree
h) Strongly disagree
i) Disagree
j) Neutral
k) Agree
l) Don't know

19. Would you recommend a friend to invoke the university policy on sexual harassment to prevent victimisations?

a) Yes b) No

20. Do you think that the university policy and procedures on sexual violence is fair to the suspected perpetrators?
d) Very fair
  e) Unfair
  f) Fair

**TOPIC THREE: CRIMINALISATION OF SEXUAL VIOLENCE IN UGANDA**

21. Do you know any law criminalising sexual violence in Uganda?
   
   b) No
   c) Yes
   d) Not sure

22. Are you satisfied with criminal law's ability to prevent and punish sexual violence at the university?

   f) Extremely Dissatisfied
   g) Somewhat Dissatisfied
   h) Do not know
   i) Somewhat satisfied
   j) Extremely satisfied

23. Is criminal law a useful tool in dealing with sexual violence at universities?

   e) Not at all important
   f) Not too important
   g) Somewhat important
   h) Very important

**TOPIC FOUR: CHALLENGES TO POLICY AND LEGAL CONTROLS AGAINST SEXUAL VIOLENCE**

24. What are the main challenges to sexual violence criminalisation in Uganda?

   .................................................................................................................................
TOPIC FIVE: UGANDA'S OBLIGATION UNDER INTERNATIONAL LAW ON ELIMINATING SEXUAL VIOLENCE

25. Uganda fulfilled her international obligation in eliminating sexual violence
   g) Strongly disagree
   h) Disagree
   i) Neutral
   j) Agree
   k) Strongly Agree
   l) Don't know

26. Are you contented with the way Uganda deals with sexual violence issues?
   a) Not at all    b) A little    c) Somewhat    d) Very much

27. What could be the challenges to its international obligation fulfilment?

.......................................................... ..........................................................
.......................................................... ..........................................................
..........................................................

TOPIC FIVE: THE PHILOSOPHICAL AND THEORETICAL FOUNDATIONS OF HUMAN RIGHTS: CHALLENGING THE CULTURAL AND NORMATIVE JUSTIFICATIONS OF THE VICE

28. Sexual violence that takes place in the university is a human rights issue not a mere deviation.
   b) Strongly disagree    b) Disagree    c) Neutral    d) Agree    e) Strongly Agree

29. The human rights language is the only tool that can be used to prevent and punish sexual violence in universities
   a) Strongly disagree    b) Disagree    c) Neutral    d) Agree    e) Strongly Agree

30. Could you identify justifications for sexually assaulting university students by fellow students?
Appendix iii

Interview guides for key informants

The principal researcher is a second year student at the University of Oslo, Norway under the Faculty of Law. The aim of the study is to address the problem of sexual violence in university campuses: with Makerere university as the case study. You have been identified as a valuable resource for this study given the position you occupy in the university under study. The information you give will only be used for academic purposes and will be treated with utmost confidentiality in accordance with the university of Oslo rules and regulations.

**TOPIC ONE: THE NATURE, PERCEPTION AND REACTIONS TO SEXUAL VIOLENCE AT UNIVERSITIES. (Multiple choices allowed)**
1. Do you have any knowledge of students who have ever been victims of one or more of the mentioned sexual violent acts?
2. Who is the likely perpetrator of the above sexual violent acts?
3. Do such victimisations occur mostly within or outside the university?
4. Why do they occur within or outside the university mostly?
5. Do you know if the victims knew their victimisers?
6. How did the persons who were subjected to sexual abuse respond?

**TOPIC TWO: UNIVERSITY POLICIES ON SEXUAL HARRASSMENT**

**MAKERERE UNIVERSITY**

7. Do you know any University policy on sexual violence?
8. Has the policy (ies) protected you in any way from sexual victimisation at campus and out of campus?
9. If yes, are you satisfied are you with the policies? Does the university policy address these sexual deviations as human rights abuses?
10. Are suspects of perpetration of sexual violent acts protected by the university policy fairly and justly?
11. What are the likely causes of sexual violence in the university?
12. Could you identify justifications for sexually assaulting university students by fellow students?

**TOPIC THREE: CRIMINALISATION OF SEXUAL VIOLENCE IN UGANDA**

13. Do you know any law criminalising sexual violence in Uganda?
14. Is it a useful tool in dealing with sexual violence at universities?

**TOPIC FOUR: CHALLENGES TO POLICY AND LEGAL CONTROLS AGAINST SEXUAL VIOLENCE**

15. What could be the challenges to sexual violence criminalisation in Uganda?

**TOPIC FIVE: UGANDA'S OBLIGATION UNDER INTERNATIONAL LAW ON ELIMINATING SEXUAL VIOLENCE**
16. To what extent has Uganda fulfilled her international obligation in eliminating sexual violence?

17. Are you contented with the way Uganda handles sexual violence issues?

18. What could be the challenges to its international obligation fulfilment?

19. Is Sexual violence in the university is a human rights issue not a mere deviation.

20. Is the human rights language is the only tool that can be used to control sexual violence in universities?
   
   (PROBE) If yes, why? If not, what is the best tool?

THANK YOU VERY MUCH