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'We Just Die Quietly': Women's Pathways from Domestic Violence to Death Row in Uganda

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ABSTRACT

This research examines the drivers of female perpetrated partner homicide in Uganda, drawing on semi-structured interviews with twelve women incarcerated for killing a partner. The research took place in Kampala, Uganda. The findings reveal how women experience intersectioning forms of inequalities that permit and sustain gender-based violence, and are reinforced and replicated at different levels of society. Participants described being pressured to marry at a young age, then compelled to stay in the increasingly abusive situations due to outside tolerance for male perpetrated intimate partner violence and limited avenues of escape. Within this context, the research situates the female perpetrated murder as a strategy for survival in circumstances of prolonged abuse.

KEYWORDS

Intimate partner violence; death penalty; Uganda; gender inequality

INTRODUCTION

Uganda has the tenth highest lifetime prevalence of intimate partner violence (IPV) in the world; 65% of women report having experienced abuse, and yet there is only a 2.2% conviction rate¹ (Ogland et al., 2014; WHO, 2021). With a lack of social and legal avenues to leave an abusive relationship, a number of women take the law into their own hands: about a quarter of all homicides committed by women in Uganda are against a domestic partner (Penal Reform International, 2021). There is a dearth of research into female offending in the Global South; consequently, little is known about the pathways from abuse to murder, the intersection between intimate partner victimization and female offending, and how the criminal justice system responds to women who kill.

This study applies a gendered lens to the study of the female experience of domestic abuse and its consequences, through interviews with twelve women who had been convicted of intimate partner homicides in Uganda. These interviews explore the realities of gender transgression in an African context and expose the structural inequalities that permit and sustain gender-based violence on multiple levels: gender subordination, cultural attitudes, police corruption, poverty and an inadequate justice system. The purpose of the research is to situate women's offending within the context of their lived experiences, to understand how gendered relations impacts agency and choices.

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¹According to official police data, in 2020 17,664 cases of domestic violence were reported, only 1,359 were prosecuted, and 400 resulted in conviction (Uganda Police, 2020), giving a conviction rate of 2.2%.

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LITERATURE REVIEW

Cultural Gender Norms

In Uganda, the social and cultural constructions of gender remain a major barrier to women's equality. Traditional gender roles often prioritize female domestic labor, and reproductive abilities; girls are less likely to finish schools, and more likely to marry and get pregnant young (Bantebya, 2014; Schlecht et al., 2013). Financial constraints mean families are more likely to invest in boys' education over girls (Enabel, 2024). Educational attainment is further disrupted by menstruation, with an estimate 23% of girls dropping out or missing school once they start puberty, due both to the stigma, and lack of access to menstrual products (Ministry of Education and Sport, 2023).

School is also a site of exploitation for girls: one study reported that eight percent of 16- and 17-year-olds in Uganda had been sexually abused by their teacher (Plan International, 2008). A more recent study estimated that 17% of students experience sexual violence at school. An estimated 22.3% girls drop out of school due to pregnancy (Ministry of Education and Sport, 2020).

As a result of limited access to education, women experience economic exclusion: unemployment rates for women are double that of men; women are also paid less than men (Namaganda & Nkirote, 2019; FSD, 2021). Cultural norms place expectations on women to marry and have children. It is common for girls to marry when they are still children: Uganda has the sixteenth highest prevalence of child marriage globally, and it is estimated that 34% of women are married by the age of 15 (UNICEF, 2019). Girls from poor, rural backgrounds, with low educational attainment are most at risk of child marriage (Ayiga & Rampagane, 2013; Neema et al., 2021). This practice is driven by financial incentives, to benefit from the traditional practice of bride price, where a man makes a payment – usually cattle or money – to the bride's family in return for her hand in marriage (Neema et al., 2021). The practice is common, especially in rural areas, and is considered a cultural necessity in legitimizing marriage, even though 65% of respondents to a 2011 survey felt that bride price was a negative practice (Hague et al., 2011). In 2015, it became illegal for the man's family to demand for the bride price to be refunded if the marriage fell apart, but it continues to be an obstacle for women wanting to leave the relationship because of the perceived obligation that came with the exchange of goods for the marriage (Lowes and Nunn, 2018).

Marriage is an institution which leave women vulnerable, not least because legally women have unequal rights in marriage and divorce, and inheritance (FSD Uganda, 2021). The tradition of bride price encourages women to be seen as the property of her husband and puts her at greater risk of domestic violence (Tamale, 2004). This deprives women of authority in marital relations and provides men with culturally sanctioned entitlement to a women's domestic labor, sexual services and reproductive capacity (Hague et al., 2011; Lowes and Nunn, 2018).

Previous research has emphasized the highly gendered dynamics of marriage, where the husband is head of the home, in charge of decision making and household finances, whereas the wife's primary roles are domestic and reproductive. One study revealed that almost 90% of respondents considered the most important role of a Ugandan woman was to be a homemaker. The same survey revealed that almost three-quarters of the 960 men and women interviewed believed that men should have the final say on what happened in the home, including to have the final say in how household income was spent (Vu et al, 2017). Wandera et al., (2015) found that even among women who made their own money, less than half had a say on how it was spent: men control how the women spend their own money.

Cultural attitudes in Uganda mean that it is often viewed as acceptable for a man to beat his wife: one study found that 67.4% of young male and female Ugandans believed that violence should be tolerated by the woman in order to keep the family together (Vu et al., 2017). According to a national survey, 51% of women thought that wife beating was justifiable, despite

the same survey finding that 56% of respondents had themselves been victims of domestic violence (Uganda Bureau of Statistics, 2021).

The passage of Domestic Violence Act of 2010 criminalized gender-based violence in many forms and acknowledged a wider range of contexts in which it occurs (Ahikire and Mwiine, 2015). But violence against women has steadily increased since its passage (Ssenkaaba, 2018), and the effectiveness of the Act has been impeded by the lack of an implementation plan, lack of funding and lack of societal change (see Ahikire & Mwiine, 2015; FIDH, 2012; Penal Reform International, 2021). Culture and tradition contribute to the abuse, and the lack of effective response sustains it, leaving women in abusive marriages with little or no recourse for help or support.

Victimized Female Offending

The process through which victimized women offend has been studied predominately in the Global North. There is very little research into the experience of women who kill their abusers in Uganda. A survey of 194 female prisoners in Uganda by Penal Reform International (2015) found that 74% of the women convicted of murdering a male member of the household had experienced IPV.

Women who have experienced abuse are more likely to end up incarcerated (Dichter & Osthoff, 2015). Prior research in the US has demonstrated that female offenders have a higher reported rate of experiencing child abuse and sexual abuse than non-offenders (e.g. see Tripodi & Pettus-Davis, 2013), and women sentenced to life terms in the US also are more likely to have a history of sexual and childhood abuse than women serving shorter sentences (Leigey & Reed, 2010), suggesting that women who commit more seriousness offenses are more likely to have been abused.

Several self-report studies of imprisoned women in the US demonstrate that the vast majority have experienced IPV: DeHart et al. (2014), for example, interviewed 115 incarcerated women, and 77% reported being victims of IPV; Cook et al (2005) interviewed 403 incarcerated women in Georgia, and found that 78.4% experienced IPV. These findings suggest that experiences of IPV is associated with an increase in a woman's chance of offending, and of being incarcerated.

A consistent finding in the literature is that women who commit murder do so after being abused by the men that they kill (Gauthier & Bankston, 1997). Babcock & Greenfield's (2023) study on death-sentenced women in the US found that 96% had experienced domestic violence, and for 74%, that was at the hands of a current or former partner. There is not a significant difference between victims of abuse who do kill their abusers and those that do not; the violence the former experienced had just escalated to a point where they felt they had no other option (Walker et al, 2023).

Violence is a response to victimization, but when a woman fights back, protects herself, or retaliates, this blurs the victim-offender dichotomy in the eyes of the police (Pritchard et al., 2014). When this violent response to abuse is not recognized as self-defense to an outsider, a victim can find herself viewed by law enforcement as a perpetrator (e.g. see Dichter, 2013). As Swan & Snow (2002) point out in their study of 108 women who used violence against their intimate partners, female violence against partners needs to be understood in the context of their partner's violence against them.

When murder is a consequence of IPV women are often not seen to be victims, especially when their response is not recognized as self-defense (Osthoff, 2002). In cases of ongoing abuse, international research has demonstrated that courts do not believe a woman would stay in the relationship if she believed she was always in danger (Cornell Center on the Death Penalty Worldwide, 2018), meaning that the criminal justice system fails to understand the complex dynamics of abuse and therefore dismiss or discount the experience (Epstein & Goodman, 2019).

Cornell Center on the Death Penalty Worldwide (2018) estimates that 25% of the 500 or so women on death row worldwide are there for killing an intimate partner. Amnesty International (2010) reported that a woman accused of killing an abusive husband or partner in Uganda is more likely to get a favorable judgment if she pleads temporary insanity, but there are no statistics on this. IPV is not a defense under Ugandan law. The criminal justice system is poorly equipped to respond to IPV situations, because legal definitions of self-defense do not accommodate the dynamics of domestic abuse (Cornell Center on the Death Penalty Worldwide, 2018). The current elements of self-defense require immediate threat of injury or death (*Uganda v Kamyuka*, 2018), meaning a woman cannot legally defend herself until she is being physically attacked. Even then, it has been held that women have an obligation to escape, and fighting back is considered retaliation, rather than self-defense (*Uganda vs Terezina Karawali*, 2002), leaving women in a very vulnerable position, physically and legally, when they try to protect themselves. There has been some promising case law developing, where judges have recognized the role of prolonged domestic abuse as a mitigating circumstance in sentencing female perpetrated homicides (see *Hamidu v Uganda*, 2004; *Uganda v Draru*, 2011). But IPV is often hidden; women do not speak out or seek help, which means that it is difficult to prove in court (Penal Reform International, 2021).

METHODS

Study Design

The study used semi-structured interviews with women convicted of killing a partner to identify the drivers for women's engagement in intimate partner homicide. Research was conducted following ethical approval from Makerere University², and was carried out in Kampala, Uganda.

Participants and Data Collection

The study population consisted of women who had been convicted of killing an intimate partner. Purposive and snowball sampling techniques were used to identify and recruit participants. The criteria for participation were women over the age of 18, who had been convicted of killing a partner, and who admitted the offense. As the research sought to examine the pathways that led women to kill their husbands, specifically in the context of IPV, I excluded anyone who maintained their innocence. I initially included experiences of IPV as a criterion but was told my key contacts that IPV was so prevalent – especially for women who were incarcerated – that it was not necessary to include. All the women I interviewed reported experiencing violence at the hands of their partners.

Up until 2009, murder – defined as causing death through malice aforethought – carried a mandatory death sentence under Ugandan law, so anyone convicted of murder was automatically sentenced to death. While the Ugandan government does not release information on the death sentenced population, Amnesty International (2024) reports that far fewer death sentences have been passed since the death penalty became discretionary. Three of the women who agreed to speak to me had been sentenced under the mandatory provisions, and nine had been sentenced under discretionary statute. The 2009 ruling, *Kigula and 417 Others*, which abolished the mandatory death penalty also set a time limit of three years on death sentences that have been confirmed, after which it must be commuted to a term of life, which, in Uganda, is twenty years (Prisons Act, 2006).³ This meant that women who had been sentenced to death could benefit

²MAKSSREC 02.2023.630.

³In 2011, the Supreme Court held that life meant natural life in *Tigo Stephen v Uganda*. But in 2022, the Constitutional Court declared this to be in breach of the Constitution, and reinstated twenty years as a life sentence in *Sundya Muhamudu & Others v Attorney General*.

from a sentence reduction based on mitigation or the length of time on death row. However, at the request of the participants, I chose not to disclose the status of their cases.

Luzira Prison is Uganda's only maximum-security prison, and it is the site of death row. The women's prison in Luzira houses 427 convicted women, which accounts for 22.4% of the total sentenced female prison population⁴ (Uganda Prison Service, 2025). This is where women convicted of murder are held.

Reaching the participants was a complex negotiation, involving both physical access, and, more crucially, social access. Physical access was a bureaucratic process, for the most part, whereas getting the women to agree to talk to me, and then open up about their experiences relied heavily on gatekeepers vouching for me. I had previously worked on mitigation hearings in 2010, after the mandatory death penalty had been abolished, and I had made several trips to Luzira Prison's Condemned Section. Through a connection, I was introduced to a former death row inmate who now ran an NGO. I found my prior experience invaluable: it meant I knew some of the people he had been incarcerated with, giving us something in common, and demonstrated my investment in criminal justice reform. This helped to build rapport. He introduced me to another key contact, who facilitated my first interview. I then relied on my participants to suggest other women who fit the criteria to talk to me.

In total, I conducted semi-structured interviews with 12 women. The sample size was determined by the number of women who fit the criteria, who were willing to be interviewed, Sampling relied on referrals by my existing participants, and when no further participants were referred after three months from the last interview, I stopped recruitment. There were two women who had been approached by my key contact to take part, and who had refused, due to concerns about the impact on their ongoing appeals processes. A third woman agreed to be interviewed, but then denied she had killed her husband⁵. As the research criteria excluded women who claimed innocence, the interview did not proceed. These three women's unwillingness to participate or to talk about killing their abusers was because of fears over how this could impact their appeals, and demonstrate the compelling need to protect the confidentiality of my participants. Data was collected between July 2023 and November 2023.

All the women had been married to the men they killed, but they were traditional marriages, where bride price had been paid by the husband's family to the bride's family. All the women came from poorer backgrounds, and none had finished school. Only one had been educated beyond a primary level. Eleven of the women had children, but only one still had any contact with her children, as the deceased's family had claimed custody in the other ten cases. None of the women were currently in relationships. The women's ages ranged from mid-twenties to early sixties, although many did not know their exact birthdate.

The interviews took place in person, in a private setting. The participants had the informed consent procedure explained, and oral consent was taken, to avoid recording names. With their consent, the interviews were recorded. The interviews were semi structured, and I had a series of questions addressing marriage, experience of IPV, the homicide event and its aftermath and the court proceedings, as well as their prison experience. I used the interview guide to help structure the interview but also ensured that the interview process remained flexible. The interviews were largely led by the participants, because, according to epistemic privilege, they are best placed to construct their experiences (Collins, 1989), allowing the women themselves to shape the flow of the interviews. The interviews lasted between one and three hours, often with breaks. The interview recordings were transcribed verbatim. Each woman has been given a pseudonym, and names, locations and dates have been changed or left out. Square brackets in quotes indicate a

⁴Luzira also houses 296 women awaiting trial, despite a capacity for 232 prisoners in total, putting overcrowding at over 300% (Uganda Prison Service, 2025).

⁵I had been assured by my key contact that she did fit the criteria, although it should be noted that innocence is a very real and concerning reality in the Ugandan justice system (e.g. see Ngatya & Nakaayi, 2001, August 20).

name that has been removed. Many of the women I interviewed expressed a very real fear of retaliation from their husband's family, especially in relation to sharing stories of the abuse they suffered. Confidentiality was of the utmost importance, and any information that could be used to identify the women have been removed, including their names, demographics, such as their ages, where they are from, as well as the current status of their cases, and their current location. I chose to exclude information regarding where the interviews took place, as it would betray information as to the status of their case and where they currently are. Given the relatively small number of women who have been sentenced to death in Uganda, these omissions were considered necessary to protect the identities of the women who agreed to share their stories. Any lack of transparency regarding the data collection is because of the overriding concern for the participants' confidentiality.

The research and analysis were informed by my sustained engagement with capital punishment and gendered violence in East Africa. Having lived and worked in Uganda for many years, I bring contextual knowledge of its legal and cultural institutions, while remaining attentive to my positional power as an academic researcher. I approach women on death row as experts of their own lives, prioritizing ethical care, reflexivity and the amplification of their narratives within feminist and abolitionist scholarship.

Data Analysis

The transcripts of the interviews were coded with NVivo. The analysis was done inductively, whereby I developed categories from the raw data. As the study is exploratory, I did not apply themes or categories from previous research but instead immersed myself in the data from the twelve interviews and identified codes from within the data. I used an opening coding technique as I went through the data. The analysis was grounded in the participants' perception and experiences, rather than imposed by the researcher (Glaser & Strauss, 1967). Given the voicelessness of these women, it was essential to honor their voice.

As new codes were identified, I went back over the data, applying the new codes and updating other codes as needs be. All data chunks relevant to each particular code were coded. I then collated the codes, and identified the themes that underpin the coded categories, to identify patterns across the interviews. The interviews were coded by only one researcher, which is a limitation of the research.

FINDINGS

The themes that emerged from the interviews were cultural expectations of marriage, external subjugation, survival, institutionalized inequality, and revival. These are explored in the following section.

Cultural Expectations of Marriage

Getting married was expected for my participants; marriage is a source of identity and an attainment of status for women in Uganda (Amnesty International, 2010). Despite the legal age of marriage in Uganda being eighteen (Children's Act, 2016), 40% of girls marry before the age of eighteen (Neema et al., 2021), and all my participants all married young. All twelve women came from poorer, rural backgrounds – which previous research has demonstrated put them at greater risk of child marriage (see Ayiga & Rampagane, 2013). As Caroline relayed, 'us in the village we don't see any problem in marrying at a tender age.' Both Winnie and Miriam reported being married as children, after experiencing sexual abuse by the men they were then forced to marry. Winnie told me:

He raped me and broke my virginity. I cried and he said sorry and he said that he thought that I was already big. He mistook my size for an old person and yet I was just thirteen years old.

Winnie's abuser was never tried, even though defilement is a capital crime in Uganda (Lubaale, 2013). For Miriam, she explained how her teacher took advantage of her:

He was my teacher and he conned me and we wedded so we started our marital journey ... I was fourteen years old ... You know I didn't want to marry that guy but it's my family that pushed it because he came and met my family and they were very okay with it and they made arrangements.

Families are heavily involved in marriage decisions, which is often dictated by tradition, cultural norms and economic pressure (Steinhaus et al., 2016). The practice of bride price means a girl is seen as a commodity: marriage is a source of income for poorer families, and a means to remove the financial burden of the daughter (Hague et al., 2011; Petroni et al., 2017). For Winnie and Miriam, marriage was the choice of their families, whereas the other women I interviewed wanted to get married. Margaret told me:

I was so happy because I had now gotten a husband. We agreed and got married to each other for two years. After that the man started changing, he started mistreating me because he had gotten another woman ... He used not to provide; he would starve me and I would sleep on an empty stomach.

IPV was a common theme in the interviews when I asked about marriage. Joyce had a similar story:

When I met my husband, he was well looking, had property and we got married in a traditional marriage arrangement and not in church. However, I didn't know that he had his ways. He would abuse drugs; take alcohol and he would batter me. I suffered during marriage and up to now.

Alcohol abuse is a significant predictor of IPV in Uganda: women were six times more likely to report abuse from partners who go drunk, compared to women whose partners did not drink (Tumwesigye et al., 2012). HIV is also a major consequence of IPV, as men who participate in sexual violence are also more likely to engage in behaviors that put them at risk of HIV, such as substance abuse or multiple sexual partners (Stockman et al., 2013). Winnie's husband contracted HIV:

My husband said that he couldn't believe that I was negative and he was positive. However, he used to cheat on me, he had a child with another woman who he used to sleep with at his home when I was away in [town]. At TASO (The AIDS Support Organization), they gave us a box of protectors (condoms). However, on our way when they had discharged us, he dropped the box through the window of the vehicle. I asked him why he had thrown them and he spoke. "Me, to have protected sex with you, it can't be."

The abuse Winnie reported experienced escalated as her husband expected sex but was not willing to wear a condom. Marital rape is not a crime in Uganda, instead being viewed as a conjugal right, and previous research has suggested marital rape significantly increases the risk of the woman catching HIV (Mengo et al., 2019).

External Subjugation

Experiencing escalating levels of abuse in relationships, my participants looked to outside support. But the highly gendered relationships meant that the abuse was tolerated. Their families, the community, the local authorities and the police all expected women to endure the abuse and stay in their marriages.

Family

Joyce turned to her family, but she reported that neither they nor her neighbors did anything for her:

They (her family) all knew but no one would stop him, he was an animal and no one would intervene. My neighbors knew but even if I made an alarm, no one would help.

Alice explained the attitude of her father:

I always went to him (her father) to report the situation but as you know parents, they always tell you to settle in marriage.

Domestic abuse in Uganda remained in the domain of the home, where it is considered a private matter (Amnesty International, 2010). The lack of support meant exacerbated their vulnerability, limited their autonomy and their ability to leave the abusive relationship. For Caroline, she felt that the experience of abuse led her husband's family to assume she was responsible for his death:

He used to beat me and he was a drunkard so I think that is why my in-laws thought that it could have been me who connived with the thieves to kill him.

Community

Sharon did leave her abuser, but, without her knowledge or consent, she reported that the elders of her village decided she should go back to him:

The elders convened a meeting with the elders and they later called me and asked me to return to him. I asked them why and they said that we have given birth to many children and so I can't raise them out of marriage.

The traditional structures of marriage placed women as caregivers and placed the expectation that children should be raised within that structure. Miriam also said that:

I couldn't reject him because we had children. You know in the village, that moment you declare that you no longer love your husband then it's another story. If I had rejected him back then, I wouldn't be occupying this home.

The family and the community served to engage in the systematic compliance in their abuse; their attitudes of acceptance of IPV served to marginalize the suffering of the women, placing a greater emphasis on raising children in marriage and staying with an abusive marriage, at whatever the personal cost to the woman. Doreen was resigned in her assessment of her situation, telling me: 'anyways, those are African men.'

Local Authority

When women did seek help from the local authorities, they reported that it only served to escalate the abuse. Patience recalled:

I think going to the chairperson was the worst thing that I did. It was the beginning of my suffering. Immediately the chairperson left, he pushed me in the house and he started slapping and beating me

Previous research has demonstrated that local councils are poorly equipped to support IPV as they are entrenched in the social structures that permit and sustain gender inequality (Khadiagala, 2001). Rebecca also reported her husband, but said that the local authority only took notice of the abuse once she was the perpetrator:

I used to go there often to report my husband to him. However, the Local Council Defense never minded and he is the one who took me to the police.

The dynamics of gender within the community created interlocking structures of oppression where women had no options to prevent or escape the abuse. The lack of support and social collusion with their victimization has been demonstrated in prior, US based research that explores women's pathways into crime (e.g. see DeHart, 2008). Given their victimization at the hands of their partners is ignored or minimized, these women had little recourse except to protect

themselves: they didn't have any other options to address the violence against them. The response of outsiders to their abuse directly shaped their choices to engage in crime.

Police

The pervasive gendered attitudes were clear when the woman encountered formal law enforcement. None of the women I interviewed had reported the abuse to the police: the first interaction they had with law enforcement was when they were arrested. Law enforcement practices are insensitive to women's experiences of violence (Dichter & Osthoff, 2015). Violence by legal practitioners – such as the police – is usually gendered, with women more likely to have their rights violated by law enforcement activities (Bhattacharjee, 2001). Key decision makers in the criminal justice system are often men (Babcock et al., 2024). Legal system therefore replicates and promotes the social construction of men's dominance over women, and of women as subordinate.

My participants reported that they told the police they had been victimized, but the police took the side of the abuser. Joyce related that:

Yes, I told them but they said that even though he had beaten me, I wouldn't have beaten him to death. That asked me why it wasn't me who died. I guess they would have been happy if it's me who would had died.

Prior research has demonstrated that police view women as victims or offenders, but not both (Osthoff & Maguigan, 2005). The norm violating behavior of fighting back – even if in self-defense – canceled out any claim to victimhood in the eyes of the law. Goodmark (2008) argues that the stereotype of the battered woman is one who never fights back, meaning women who did no longer fit the stereotype and therefore do not look enough like victims. According to Rebecca, the police dismissed her reports of abuse:

While at police and in court after the arrest, I narrated my battering experience and how he became ill but they never bothered. Their response was that I had nothing much to do or say since I had killed him.

While men are judged for their crimes, women are judged for the context in which they commit crimes; specifically, whether they conform to societal expectations of a 'good' woman (Cornell Center on the Death Penalty Worldwide, 2018). These women had violated the gender norms that put them in a subordinate position to their husbands, and, because they had survived and he had not, they found themselves punished for violating gender norms, as Caroline reported:

They (the police) harass and punish terribly as if they wanted me to accept that I had killed the man. You sleep hungry, sleep badly.

Survival

The homicide event itself was, according to all twelve women, committed during an active episode of abuse, where the women either stated that they were defending themselves, retaliating during a physical fight or their partner's death was an accident that resulted from the fight. Systematic abuse tends to be the precursor to female perpetrated homicide (Messing & Herren, 2009). Murder occurred when the abuse escalated to the point where each woman retaliated to protect herself, as Joyce told me:

He slapped me terribly and I fell at a distance and made an alarm. I asked him why he slapped me ... The man had for long promised to kill me and added that as for my case I am from a poor family and no one will rescue me. In response, he pulled out the axe from the bicycle and wanted to hit me. Fortunately, I dodged it and fell by the door and he started flexing me. We started fighting and in defense I grabbed an axe. My intention was to position it so that he stops hurting me. I was basically defending myself and I never wanted my husband to die and even up to now I regret the incident and I continuously ask God to forgive me for the act ... We struggled for the axe and I still don't know where I hit him. He fell off the

bicycle and escaped through the door. I really don't know how and where I hit him and I only realized when I was out of the house. Many people ask me how it happened but my response is that I have no idea.

Joyce reported that she killed in self-defense, without the intent to kill her partner, just to stop him from killing her. The survival strategies that women adopt to deal with the abuse is what directly leads to their criminalization (DeHart et al., 2014; Pritchard et al, 2014). Alice's story was similar:

He raised his hand to beat me. I asked him why he wanted to beat me and he told me to leave his home. All over a sudden I feel on the stool and I fell down and he pulled me almost pushing me out of the house. I also used more force and pushed him off and he fell on a stool and it hit his head and he started bleeding.

All of the women that I interviewed related that they had killed while being attacked by their partners. Some, like Alice, used force to retaliate against their partner's violence, which resulted in his death, while others, like Joyce, viewed their actions as self-defense, but all reported that the homicide was in response to what they perceived to be potentially lethal violence from their male partner. The murder occurred within the context of IPV and was committed in an effort to survive or resist their own victimization. This has been a consistent finding in the literature: Wolfgang (1958), in his seminal study on victim precipitation, found that women who kill their intimate partners did so in response to violence of the victim. Patience, who was pregnant at the time, but later miscarried in prison, related her story:

We started fighting and he put me upside down and he locked me in the house, came back with stones and he told me that he was going to kill me. We fought and it was hard for our neighbors to hear us because they were at a distance and I continued telling him to stop beating me. He did everything he wanted to do to me. That same night I told him that I was tired of him and am tired of all the mistreatment. He got a brick and he wanted to beat me with it so I grabbed a knife from the plate stand and stabbed him in the chest. He fell down.

Abuse is often a precursor to offending for women, especially when survivors use coping mechanisms such as fighting back to protect themselves (Dichter & Osthoff, 2015). Women who end up killing in response to IPV are not significantly different from other IPV victims; they simply experience a situation that escalates to a point of perceived lethal danger (Walker, 1989). Margaret told me:

We terribly fought and I decided that if I don't defend myself the man was going to kill me. So, I grabbed a knife, stabbed him in the chest and he fell down and that is how I survived. He started bleeding and I took him to the hospital where he was pronounced dead after a few minutes. Immediately I was arrested.

The lack of malice aforethought – a necessary ingredient for a murder conviction under Ugandan law – is demonstrated in Margaret's account that she took her husband to hospital. She claimed that she did not intend to kill him, and she sought treatment to try and save his life. Five of my participants took their partners to hospital. All were convicted of murder.

Institutionalized Inequality

The formal structures of the legal system reproduce unequal gendered power relations, leaving women disadvantaged due to both their gender and poverty. The instances of IPV that my participants reported experiencing could well have been lethal to them, and their reactions were, according to their stories, about survival. They stated in their interviews that they sought to protect themselves, yet none were able to raise a self-defense plea at trial. Questions around whether the offense met the standard of self-defense, or provocation, or whether circumstances of IPV served to lessen their blameworthiness were never even raised at trial. Lawyers often lack the training and resources to investigate and explain gender-based violence (Cornell Center on the Death Penalty Worldwide, 2018).

Gender

Gender norms also hampered efforts at receiving a decent defense, as lawyers, especially men, showed little interest in investigating allegations of IPV, or in defending women accused of murdering their husbands. Winnie reported that:

Being a state lawyer, they don't give them time unless your relatives pay them...I told them (about the abuse), but they didn't do anything...I told [lawyer] my story but he told me that my file was disorganized from the beginning and there was no way they could help me. That nothing I had told him was on record so he told me to accept and serve the sentence.

Winnie's sentence was death. While research in the US has shown that women more likely to be dropped out earlier as the capital system progresses (Streib, 2006), this was not the case for the women I interviewed. They had all been charged with murder, rather than manslaughter, or self-defense, and from there it was a relatively quick and uncontested path to death row. The interviews reported that gendered roles meant that women were not allowed to speak during the court proceedings. Margaret told me:

I was taken to High Court and I tried defending myself in the High Court but they never listened to me and they sentenced me to a death penalty.

Women are rarely the key decision makers in the criminal justice system, where the judges and lawyers are usually male (Cornell Center on the Death Penalty Worldwide, 2018). In a patriarchal society, where women stand accused of not just murder, but murder of their husband, the criminal justice system serves to reproduce the structural inequalities enable violence against women. Rebecca told me she was unable to speak up in court specifically because of the seriousness of her case:

After two weeks I was returned to court and the proceedings started. I wasn't allowed to speak anything because this was a capital offence-murder. I only listened and they took me back to jail.

The experience left Rebecca scared to advocate for herself the next time that she was in court:

When I went to the high court for my final hearing, I didn't have and I didn't see any lawyer defend my case...for my case I feared challenging the judge's judgement because I was already told that my case was mega. I also feared to annoy the judge because I was told that challenging could lead to (a harsher) sentence so I accepted what was given.

Prior research has suggested that women are more likely to be treated harshly in the criminal justice system when they violate gender norms (Murphy & Brown, 2000). Similarly, women who violate gender roles – either in their personal characteristics, or the nature of their crimes – are treated more harshly (Heberle, 1999). As women who kill their partners deviate from their role as caregivers in the home, they therefore receive more punitive treatment (Messing & Herren, 2009). Moreover, women who kill men represent a threat to patriarchal societal order, because they have exerted control over a man (Cornell Center on the Death Penalty Worldwide, 2018).

Poverty

Their situation was complicated by poverty: the women could not afford lawyers, and instead relied on state appointed lawyers, who failed to provide an adequate defense, as Margaret reported her experience:

On the day I was called in High Court was the same day I was shown my lawyer and he proceeded with his work and we spoke for a few minutes about my case before court would start... Government lawyers usually don't mind a lot, they don't defend you to the fullest because you don't have enough money.

This was the extent of preparation for a capital case. According to Margaret, her lawyer did not even meet with her ahead of her case, and failed to do any kind of meaningful preparation.

This was not an aberration: Alice told me that ‘after seven years on remand (awaiting trial) they only showed me my lawyer when I was appearing in court.’

The widespread reliance on state appointed lawyers for people facing capital charges in Uganda was highlighted in an FIDH report (2005). The challenges of receiving proper representation from state appointed lawyers in an African context has been addressed in research on Botswana, where the pro deo counsel available to indigent capital defendants are poorly paid, meaning experienced trial attorneys refuse to take pro deo cases, and the lawyers assigned are instead inexperienced, without the skills, resources or commitment to raise an adequate defense (Swartz, 2012). The deficiencies in court appointed lawyers have been well addressed in the literature on the American capital system, demonstrating that inadequate representation provided by state appointed lawyers is an instrumental contributor to the arbitrariness of the death penalty (e.g. see White, 2006).

The intersection of gender and poverty meant that the women I interviewed did not have the resources to pay for their own representation. The financial constraints ran deeper than merely affording a lawyer; money could buy access to justice, according to Joyce:

I think that the reason as to why I went on condemn (death row) is because I was poor. Because the prison warden and lawyers in [town] asked me if I have any property e.g., cow, house to sell off so that my case is negotiated. I replied that I didn't have because I was the breadwinner for my parent's home. My father was so old and it was me who took care of him. They told me that if I don't have property, I should be ready to serve. Let me tell you, if you don't have money, you can rot in jail. If I had money, that case would have been made to be manslaughter instead of murder but since I didn't have money, it became murder.

Corruption within the Ugandan justice system has been discussed in previous research (e.g. see Atukwasa et al., 2012) and served to further disenfranchise women who did not have the means to pay, for lawyers or bribes. For Miriam, her economic disenfranchisement left her unable to afford a lawyer, but she said that the brother of the victim was able to use his gender and economic ability to interfere in the justice process:

My brother-in-law bribed the process and I was charged and they read me the case. I had a government lawyer but I instead asked the judge but I wasn't to speak and defend myself.

Revival

The inequal treatment of the women did not end with the conclusion of the court process. They were sent to the country's only death row, at Luzira prison, the British built penitentiary on the outskirts of Kampala (FIDH, 2005). Prisons are built with the needs to male prisoners in mind (Miliam, 2020). Prison is a traumatic event specifically for survivors of trauma (Kelman et al., 2024), and incarcerated women overwhelmingly do have histories of trauma (Crewe et al., 2017). The pains of imprisonment are exacerbated for women, in that prisons do not cater to their specific needs, and they are removed from their children (see Cornell Center on the Death Penalty Worldwide, 2018). The experience left the women feeling hopeless. Winnie told me:

I was sentenced to death. I was removed from main Boma (administrative unit) and I was taken to the condemned section where I found other 17 inmates who were also on death row and we stayed in fear that any day the president would sign the death document and we would meet the death man.

Joyce related her experience of death row, and the appeals process:

When they arrived, we were 78 female prisoners who were on condemn (death row) and by that time our cases were not being heard. There wasn't enough space to sleep and so we used to squeeze ourselves when laying our beddings... after the high court, court of appeal and Supreme court failed to give me justice, I submitted my petition (for clemency). I then resorted to God, I besought his mercy and I believe that he was strengthened by soul.

Margaret summed up the experience: ‘We were suffering and you are only helped by God. Some people die when they are in prison... we just die quietly.’

But women are also capable of negotiating their incarceration and turning it into a site of community and development (Hiralal, 2015). For the women I interview, prison represented opportunity: it gave women access to education, which poverty, abuse and gender inequality had denied them growing up. It also gave them a community, who, for once, supported them.

Luzira Prison provides free education, which is hard to come by outside of prison.⁶ Schooling was introduced in 1995, in pursuit of rehabilitation, and to prevent recidivism by facilitating them being able to get a job upon release – but the programs were also open for death row inmates (Aheisibwe & Rukundo, 2017). Doreen was able to finish her secondary school education:

When I entered prison, I went to S1⁷ and I proceeded up to S6⁸ ... I got a golden chance in there because I had dropped out of school because of a man. So when I reached there what inspired me is that I thought that the world had come to an end and I had misused the school fees my parents had paid.

The cultural expectations on women in the outside world had prioritized marriage over education, and Doreen had therefore not completed her education. Patience, likewise, had not finished primary school before becoming pregnant as a teenager, but was able to continue once incarcerated:

I was there and with good luck there was a chance to return to school which I did and I finished my P7⁹. I was transferred from [prison] to Luzira prison where I started my secondary education and I left when I had finished S4.¹⁰

Prison provided a chance to readdress the gender divide that had seen female education as less important than male education (Namaganda & Nkirote, 2019). All prisoners, regardless of gender, have access to education in Luzira. For Winnie, she learnt to teach in prison, and became an educator herself:

I enrolled for studies because I went to prison when I had completed S4 and joined the teaching course where I obtained a grade three certificate. I joined A-level and I got 18 points and since there wasn't any S6 program, I sat and resorted to teaching my peers to teach them how to write.

The community of women in prison also created an all-important support system that had been so lacking in the outside world. There was a camaraderie in the shared suffering. Berry (2022) identified a similar phenomenon of interdependence in her study of female survivors of war: how women adapt through relationships with other women who have been through similar situations. Doreen told me:

We knew each other from Luzira which we call the university... when you are in there, you don't have your relatives, family, mother, so in the long run your fellow prisoners become your relatives. At some point you share the same mattress because of the situation we were in. There is that bond, there is that attachment.

Having experienced the isolating effects of abuse, the lack of support of their community and families, and the condemnation of the criminal justice system, the women I interviewed reported being able to flourish in the unlikeliest of places: a maximum-security prison.

DISCUSSION

Through interviews with twelve women who had been sentenced for killing an abusive partner in Uganda, this study explored structural inequalities that permit and sustain gender-based violence and situated female perpetrated partner homicide as a strategy for survival. The findings

⁶The government does fund primary and secondary schools, but face challenges of funding, access and quality (UNICEF, 2024).

⁷Senior One, the first year of high school.

⁸Senior Six, the final year of high school.

⁹Primary Seven, the final year of primary school.

¹⁰Senior Four, two years before the end of high school.

identified cultural expectations of marriage, external subjugation, institutionalized inequality, and survival as the key drivers of women's pathways into offending. These factors reinforced each other at different levels of society: gender-discriminatory norms, attitudes and practices at the micro, meso and macro levels pressured women into marriage, then served to entrap women in abusive marriages, and condemned them for fighting back against abuse. Murder was a response to resist further victimization.

As previous research in Uganda has found (e.g. see Ogland et al., 2014; Wandera et al., 2015) gender-based violence was a prominent feature throughout the lives of the women I spoke with. The experience of gender-based violence was not limited to the intimate partner violence the women experienced in their marriages: my participants reported gender-based violence, including rape, child marriage, early pregnancy and restricted economic and reproductive choices throughout their lives. Joyce summed it up; "most women on condemn (death row) not only me had suffered." Babcock et al. (2024) also report that for death-sentenced women in the US, gender-based violence is a repeated occurrence, in different forms, starting in childhood.

The outside tolerance for the abuse that women were subject to within their relationships was a key driver to their eventual offending. The women I spoke to reported reaching out for help from their family, community, local chairman – and being told to stay in the marriage. The formal justice system – the police, lawyers and judges – likewise dismissed the women's experience of abuse and judged them for violating the expected gender norms. At every level, gender-based violence was tolerated. The findings demonstrate the structural violence that women face. They are doubly victimized: firstly, by the overarching societal failure to support and protect them, then by the criminal justice system, which prosecutes and punishes them.

These findings support research into female offending that demonstrates that women in prison have experienced overlapping and intersectioning experiences of poverty, abuse and exclusion served to perpetuate the vulnerabilities enacted because of their gender (e.g. see Babcock and Greenfield, 2023; Tripodi and Pettus-Davis, 2013). Their choices and agency were severely limited by cultural expectations and norms that place women in subordinate social and economic positions, situating them in a position which facilitated their criminalization: namely, abusive partnerships.

The interviews uncover the resilience of these women, to survive both in their relationships, and their incarceration. Prison, ironically, presents an opportunity for more gender equality, to some extent: women have the same education opportunities as men, and the women I spoke to took advantage of that. It presented a chance to challenge some of the inequalities that had entrapped them in abusive marriages, and gain some form of independence, which, potentially, could enable them to supersede the structural constraints of their culture, should they ever get the opportunity. A recommendation arising from this finding is that other prisons should offer educational opportunities to those incarcerated, as a means to empower female prisoners and enable them to be independent once released. Prison is a place where women are able to access education, and female education to be given equal priority as male education, which is not the case outside of prison, and this should be capitalized on by expanding education offerings throughout Uganda's prison systems.

While the research findings suggest that gender-based violence is deeply entrenched in cultural attitudes, leading to tolerance of abuse. There have been positive developments legally, with the enactment of the Domestic Violence Act of 2010, signaled a political will to reconfigure gender power relations, but the lack of implementation has hindered its ability to make any meaningful change. Ensuring that the Act is understood and implemented in a way that provides protection for survivors would be the first step to challenging the cultural attitudes of acceptance toward IPV: this would mean educating the people responsible for implementation – the local authorities, police and judiciary – about domestic abuse, how to recognize it and what they have a responsibility to do for victims, under the Act. Ensuring more female representation at the local level of

government would also be a positive step toward challenging the indifference and lack of support that my participants found when they tried to report abuse to the (male) local council.

The study contributes insights from a hard-to-reach population. The research was limited by the small sample size, so the findings are not generalizable. I was reliant on key contacts and the participants themselves to find further participants, meaning that I had no say over who I interviewed, nor do I know if they were representative of women who have been convicted of domestic homicide. The fact I wanted to interview women who admitted their guilt no doubt limited my participant pool – women who still have appeals pending or who feared reprisals from the husband's family may not want to admit guilt, so this criterion was a limitation. It was also difficult to verify the information that the women provided, and I decided against reading case files or newspaper accounts of their cases, because they represented the narratives of institutions that served to facilitate their victimization. I did the analysis alone, which is a limitation in that lacks inter-coder reliability and risks bias; however, there was not the option to have a second researcher analyze the data, and I mitigated this risk by being reflexive and interrogating my own assumptions as I analyzed.

Further research could explore the experiences of female offenders for non-homicide offenses and explore further the potential impact of the transformational opportunities of education in prison for women who will be released. Evaluating the constraints and enablers of the implementation of the Domestic Violence Act would be a direction for future research to understand how legal reform can better address IPV. Finally, future research could explore the decision points within the criminal justice – the decision to arrest, to persecute, to convict and to sentence – in order to identify what impact, if any, evidence of IPV has in the decisions, and what interventions could be made so the decision makers can recognize IPV, to safeguard survivors from punitive legal responses.

AUTHOR CONTRIBUTIONS

CRedit: **Diana Peel**: Conceptualization, Funding acquisition, Investigation, Writing – original draft.

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