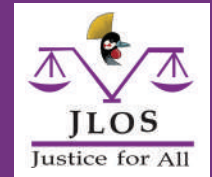




The JLOS Bulletin



Special Edition on SGBV

www.jlos.go.ug | June 2023



SGBV Case Management: Best Practices, Challenges and Success Stories

Exclusive Interview
with Her Lordship
Justice Susan Okalany

INSIDE

Human
Trafficking and
SGBV Crimes

A report card on
the SGBV special
sessions in Uganda

Role of the J4C
programme in
responding to SGBV

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Editors' Note

Shinning the Spotlight on the fight against SGBV

There is no doubt, Sexual and Gender-based Violence (SGBV) is a global public health and social-economic emergency with victims being predominantly women and girls. The numbers do not lie. The global economic cost of SGBV has been quantified by UN Women - estimated at an astounding \$1.5T (pre COVID numbers). Uganda spends approximately UGX 50.5B annually on dealing with the effects of gender-based violence (per research by CEDOVIP – a local CSO).

As a result, SGBV has emerged as a critical focus area for the Access to Justice Sub-programme (JLOS) with multiple interventions designed to bring justice to victims and offenders through the JLOS chain-linked model.

This edition of the JLOS Bulletin takes a deep dive into the game changing SGBV special sessions funded by the United Nations Population Fund (UNFPA) since 2018 and implemented in 25 High Court circuits and 18 Chief Magistrates Courts throughout the country. These special sessions are responsible for the significant case backlog reduction and turn-around in the finalization of SGBV cases driven by improved investigation, prosecution, and adjudication.

Investments in forensic science in the Uganda Police Force have infused technology in management of SGBV cases through improved data analysis to inform SGBV response and prevention efforts, as well as streamlined case management and collaboration between all players. The case for digital transformation of crime management business processes is therefore formidable and needs to be embraced across the entire chain of justice.

In this SGBV special edition, we speak with Justice Susan Okalany who takes us

on a remarkable 20-year journey of being at the frontlines of the fight against SGBV: first as a prosecutor and now a judge of the High Court of Uganda. Justice Okalany's direct, insightful, and unique take on this sensitive subject is both rich and refreshing.

SGBV has many cross-cutting elements and dependencies. This edition explores all the dynamics involved: prosecution



The case for digital transformation of crime management business processes is formidable and needs to be embraced across the entire chain of justice



of SGBV crimes; human trafficking aspects; the probation mandate and child protection; holistic approaches (socio-legal approaches) for reducing and preventing SGBV; the nexus between land rights, conflicts and SGBV; and the role played by the media in ending SGBV. And so much more.

We hope you enjoy reading. Send us feedback via email to ekuhimbisa@jlos.go.ug and let us know what you think. **JLOS**



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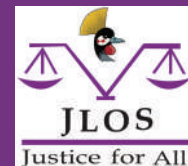
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JLOS stakeholders at the recent review meeting of the UNFPA-funded SGBV special sessions in Kampala.

Revitalizing the management of SGBV in Uganda: A report card on the SGBV special sessions in Uganda

The overall focus of the SGBV special sessions project is reducing case backlog through addressing aspects of victim experience in the justice system, strengthening system efficacy and prioritizing gender sensitive and victim friendly services across the chain of justice

By Lucy Ladira

During the Fourth Ordinary Summit and Special Session on Sexual and Gender-based Violence (SGBV) held in Munyonyo in 2011, the Heads of State from the Great Lakes Region committed to ending impunity for SGBV. The State parties urged all member countries to 'Direct concerned ministries to establish and strengthen special courts, sessions and procedures in order to fast track SGBV cases in the police and the judiciary (with adequate financing, facilities and gender sensitive officers) to improve access to justice and protect SGBV victims/survivors in line with Article 6(5) of ICGLR Protocol (2006) on prevention and suppression of sexual violence against women and children (Kampala Declara-

tion). In addition, the ICGLR Protocol on the Prevention and Suppression of Sexual Violence against Women and Children establishes a legal framework for the prosecution and punishment of sexual violence crimes. Uganda is one of the 12 member states of the International Conference on the Great Lakes Region (ICGLR).

In 2017 FIDA-Uganda and ActionAid Uganda with support from the United Nations Population Fund (UNFPA) and the Norwegian Embassy implemented a project to fast track the disposal of SGBV cases. The sessions undertaken by FIDA in the districts of Amuria, Nwoya, Gulu and Amuru, focused solely on Restorative justice which in this case refers to a non-adversarial and non-retributive approach to justice that

focuses on healing, holding the offender accountable, and the involvement of the community to achieve better justice outcomes. In this way, we sought to improve outcomes, reduce recidivism, enhance public safety, and ultimately increase public confidence in the justice system.

Recognizing the continued prevalence of sexual and gender-based violence crimes and the devastating impact on women and children, as well as families and communities the Justice, Law and Order Sector embarked undertaking a government led intervention under the Kampala Declaration of 2011 to fast track the disposal of SGBV cases across the whole chain of criminal justice. The Secretariat which had been part of the Steering Committee supporting

the FIDA project recognized the importance of bringing the Government on board given the fact that the undertaking under the Kampala Declaration was made by the Government.

A concept note was developed based on what FIDA had started and improved on to reflect a multi-institutional Government led interventions. The UNFPA with support from the EU-Spotlight Initiative, the Swedish International Development Agency (SIDA), and the Austrian Development Cooperation (ADC) approved the concept and provided financial support for the multi-year project.

In order to facilitate implementation, a taskforce was formed comprising of all the institutions in the chain of criminal justice headed by the judiciary and coordinated by the JLOS Secretariat to guide the process of achieving the end goal of making the justice system survivor-friendly and reduce backlog.

To achieve the objectives of the project, funds were made available for each of the institutions involved in the sessions namely; The Uganda Police Force (Directorate of Criminal Investigations and the Directorate of Forensics), the Office of the Director of Public Prosecutions (ODPP), the Government Analytical Laboratory (DGAL), the Judiciary, the Ministry of Gender, Labour and Social Development (MOGLSD) and the Uganda Prisons Service (UPS) to facilitate completion of pending cases, prosecution and adjudication of the selected cases and production of the inmates in court and rehabilitation. The MOGLSD was facilitated through Probation officers to gather information on the impact of the crimes on the victims, their immediate families and community to inform appropriate sentences.

Implementation of the Special Sessions

The ICGLR Protocol establishes several procedural protections for victims of sexual violence in article 6, including victim-sensitive measures for the prosecution of perpetrators, assistance with the rehabilitation and reintegration of victims, and for sensitizing criminal justice officials in handling sexual violence cases. The special sessions were crafted to advance a system-wide integrated multi-institutional programming for a structured approach for current and future specialized framework that is rooted in validated practice, research, fiscally responsible, and engages all the actors in the chain of criminal justice, development partners and non-state actors.

The overall focus of the project was to reduce case backlog through addressing aspects of victim experience in the justice

system, strengthening system efficacy and prioritizing gender-sensitive and victim-friendly and trauma-informed services across the chain of justice.

- The special sessions were meant to produce 5 key results:
- Reduction in back log of registered cases and turn-around time in the finalization of SGBV cases.
- Documentation of Good Practices in management of SGBV cases.
- Reduction and ultimately elimination of secondary trauma and victimization resulting from contact with the justice system.
- Building capacity of actors in the chain of justice in case management; and
- Overall improvement in the efficiency and effectiveness of investigation, prosecution, and adjudication of SGBV cases

The UNFPA has since advanced over UGX 8 billion since commencement of the sessions in 2018. So far, the funding has facilitated special sessions in 25 High Courts and 18 Chief Magistrates Courts throughout the Country.

Key activities in the project

- Compilation of a compendium of best practices in management of SGBV cases



UNFPA has advanced over UGX 8 billion since the SGBV special sessions begun in 2018 facilitating special sessions in 25 High Courts and 18 Chief Magistrates Courts throughout the Country

- Conducting a one-day joint pre-session training of all stakeholders using the compendium and other sources
- Media and communication outreach
- Holding the sessions at selected courts across the country
- Collection of Victim Impact Statements by Probation and Social Welfare Officers
- Monitoring and evaluation by the Task Force and institutional representatives
- Post session and project review meetings to provide feedback on project implementation.
- Support to completion of investigations and awareness creation on Sexual and Reproductive Health Rights by the CID
- Documentation of good practices arising from the project
- Capacity building of actors in forensic and scientific management of crime

Achievements

- Fast tracking the disposal of over 3,000 SGBV cases and attaining a conviction rate of 80% from 60% rate at the commencement of the Special Sessions.
- Heightened awareness for equity in justice dispensation through the insistence on the 25% exception on FIFO (First In First Out) rule for the vulnerable – Mothers with children, Persons with Disabilities, the aged and those infected with HIV/AIDS
- Adoption of trauma-informed approach for all including the officers that dispense justice.
- Intentional focus on preliminary hearings as provided for under S.66 TIA with the objective of doing away with procedural hindrances through reducing unnecessary technicalities.
- Re-organization of workspaces to improve survivor experience of the justice system – minimize distress and further traumatization to users. Special rooms have been set up at ODPP offices, at Courts and CID Headquarters that provide a suitable environment for survivors and witnesses to relay their stories.
- Streamlining of cause-listing procedures through improved inter-institutional collaboration which has ultimately led to better case outcomes.

During each session the Principal Judge has been providing strategic guidance by way of circulars to govern the conduct of sessions. The circular serves to establish clear procedures, roles, and responsibilities for each actor involved in the response to gender-based violence as well as to clarify objectives, standardize operations and establish the framework of accountability.

- Regular monitoring and support supervision at institutional and at sector level
- Increased uptake of Victim Impact Statements to inform sentencing.
- High turn up of witnesses through targeted resourcing of the office of the ODPP
- Sustained and concerted awareness creation activities
- Increased uptake and better case



L-R: Ms. Lucy Ladira, Advisor Criminal Justice and Canon Sam Wairagala the Deputy Senior Technical Advisor at the JLOS Secretariat welcoming Justice Jane Frances Abodo (DPP) for an SGBV pre-session training session in Kampala

outcomes using the Anatomically Detailed Dolls

- Documentation of good practices to create uniformity, coherence, and better coordination.
- Strengthened holistic and inclusive institutional capacity of JLOS actors to manage SGBV cases.

Ongoing interventions and areas for improvement

- Quality of investigation through recruitment to plug in the personnel gap, addressing skills, tools, response time and attitudes.
- Clarity on the definition of SGBV crimes
- Training of interpretation and sign language services and working with non-state actors to provide the services.
- Continuous weeding out of cases to curtail backlog and wastage of resources.
- Strengthening the Probation function to provide the much-needed psychosocial support and referral services.
- Strengthening e-justice services through among others upscaling the usage of remote services and virtual courts such as telephone and video hearings in dispensation of justice
- Legal and policy reform to encompass preventive, educational, social, and medial aspects, after care services for actors.
- Data management and systems integration – information on SGBV is collected at health centers, safety shelters which are run by CSOs and justice actors, but these different data collection systems have no point of integration which makes it hard to adequately know, plan for and resource SGBV case management initiatives.
- Alignment of human resource through synchronized recruitment of Police officers, State Attorneys, probation officers and judicial officers
- Strengthening exhibit management through adequate facilities and standards.
- Fast tracking case disposal across the whole chain of justice to improve witness turnover, avoid loss of interest in cases by witnesses and build confidence in the justice system which comes because of delays.
- Promoting innovative methods and justice system activism through programmes like plea bargain sessions, reconciliation, and other protective measures.
- Establishing and strengthening safe spaces to facilitate safe and victim-friendly environments for gathering

ing of information on SGBV incidents across the Police, ODPP and the courts.

- Strengthening scientific management of crime through recruitment of forensic experts, tooling and equipment and provision of consumables to enable timely processing and analysis of crime scenes and samples.
- Interpretation services especially in refugee areas
- Development of a comprehensive strategy for the management of SGBV cases.

In conclusion, implementation of the Special Sessions including the COVID-19 pandemic experience was valuable in highlighting and increasing the uptake of e-justice platforms. Innovations have since emerged while others were strengthened. For example, Apps like PULIDA WO, SGBV Apps for awareness and response, SGBV Helpline at UPF (beefing up Sauti 116) were all very useful in ensuring the people could still report instances of SGBV and receive responses or timely intervention. It is hoped that all the interventions will be strengthened to boost access to justice for all. **JLOS**

The writer is the Advisor Criminal Justice and Coordinator of the Special SGBV Sessions Project at Governance and Security Programme Secretariat, Ministry of Justice, and Constitutional Affairs

Management of SGBV in Uganda: Forensic approaches for Justice

The Uganda Police Force with support of justice actors is gradually enhancing its ability to infuse technological aids to record, store, analyse and share a variety of policing information as part of the digital transformation roadmap.

By Andrew K. Mubiru

Sexual and Gender-based Violence (SGBV) is a serious public health issue affecting individuals and communities worldwide. According to the World Health Organization (WHO), one in three women will experience physical or sexual violence in their lifetime, and the numbers are even higher for disadvantaged groups, such as refugees and others in conflict prone areas.

The International Conference of the Great Lakes Region Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children (2006) defines sexual violence as “any act which violates the sexual autonomy and bodily integrity of women and children under international criminal law, including, but not limited to: Rape, Sexual assault, Grievous bodily harm and any other act or form of sexual violence of comparable gravity. It is also important to remember that these harms can be committed against men, women, and both boys and girls.

The 2011 Uganda Demographic Household Survey (UDHS) indicated Gender Based Violence national prevalence rates of 56% for physical violence, 27.7% for sexual violence and 42.9% for spousal emotional violence.

As is the case in many jurisdictions, the management of SGBV cases in Uganda requires a multidisciplinary approach, and forensic techniques are an essential component of the response. The use of scientific methods and technology to investigate and analyse evidence in criminal cases can help to establish the facts of a case, identify perpetrators, and hold them accountable for their actions. Forensic techniques are also essential in the provision of medical and psychological care to survivors of SGBV. In the context of SGBV, forensic techniques are used to collect, document, and preserve evidence that can be used in legal proceedings.

In Uganda, we continue to advocate for the immediate response to SGBV cases with the primary focus being on the safety



ACP Andrew K. Mubiru

and wellbeing of the survivor. This is currently achieved through a multi-sectoral approach involving the provision of medical care, counselling, and support services. The collection of forensic evidence is prioritised to maximize its accuracy and usefulness.

Additional efforts are underway with all stakeholders to roll-out a One-Stop Center (OSC) model that will significantly enhance the management SGBV through providing survivors with a comprehensive and coordinated response. The OSC model involves the provision of medical, legal, and psychological services under one roof, reducing the fragmentation of services and the risk of re-traumatization for survivors. The OSC model will also incorporate on-site forensic capabilities.

The ability to collect, analyse and preserve forensic evidence on-site, will reduce the time and cost associated with sending evidence to external forensic laboratories. In-situ forensic capabilities will include customised sexual assault kits, modern multispectral imaging equipment and portable DNA analysis platforms to ensure the integrity and admissibility of evidence in legal proceedings. Furthermore, these in-situ forensic capabilities will enhance the integrity of the chain of custody, reducing the risk of contamination or mishandling of evidence thus strengthening the case against perpetrators of SGBV. Overall, the integration of on-site forensic capabilities within a One-Stop Center model is envis-

aged to significantly enhance the management of SGBV.

In a bid to track repeat offenders, the identification of repeat offenders is being prioritised. In the past, the biometric record of offenders only comprised of fingerprints and facial features. However, the ongoing review of the legal framework will provide for the inclusion of DNA profiles of offenders as part of the criminal record. Central to this approach will be the establishment of a criminal DNA database with a specific sex-offenders index.

Overall, the Uganda Police Force with support of justice actors is gradually enhancing its ability to infuse technological aids to record, store, analyse and share a variety of policing information as part of the digital transformation roadmap. This will play an important role in the management of SGBV cases and within the framework of e-justice the following are envisaged:

- Improved data collection and analysis for ease of sharing among different agencies and stakeholders towards identifying patterns and trends in SGBV cases thus inform prevention and response efforts.
- Enhanced access to justice by reducing physical barriers to justice, particularly for victims who are usually located in remote or hard-to-reach areas.
- Streamlined case management to ensure that evidential material is properly collected and analysed as well as provide notifications and reminders to stakeholders about important case timelines.
- Improved communication and coordination by providing electronic platforms for communication and collaboration. In this regard, stakeholders will be able to work more effectively together and ensure that SGBV cases are managed in a coordinated and efficient manner. **JLOS**

The writer is the Ag. Director Forensic Services, Uganda Police Force



Head DNA Section ASP Doris Lillian Mutesi (center) took onlookers through use of the Scene of Crime kits at the official handover of the equipment in February 2022 (Photo: UN Women/Eva Sibanda)

Spotlight Initiative Supports the UPF Forensics Department to Successfully Investigate SGBV Crimes

UN Women Uganda through the support of the EU-UN Global Spotlight Initiative and the Embassy of Sweden works with the Uganda Police Force to ensure trauma-informed and victim-centered investigation of Sexual and Gender-Based Violence (SGBV) crimes. UN Women has supported trainings on evidence collection and donated evidence collection vans as well as state-of-the-art technology to facilitate DNA collection for better investigations of SGBV crimes.

UN Women donated three Crime Scene Evidence Collection vans, 18 Scenes of Crime Officers (SOCO) kits, 18 scenes of crime cameras, DNA consumables (for the equipment), 3 pre-configured containers and 3 audio visual recording devices. The crime scene vans are used to maintain the quality of evidence, avoiding degradation of DNA samples.

“Women are reporting more and have developed trust and confidence in police. Forensic evidence speaks for itself, there is no longer this impression that there is need for a witness to the crime on sight.” said Emmanuel Ogwang, Regional Scene of Crime Officer for Kampala Metropolitan East Area.

In addition to the equipment, UN Women supported the trainings of SOCO’s in trauma-informed, victim-centered and gender-sensitive investigations. Assistant Inspector of Police Emmanuel Ogwang, Regional Scene of Crime Officer, Kampa-

la Metropolitan was trained on evidence collection in 2020, to better facilitate investigation and therefore prosecutions of SGBV crimes. Ogwang spoke on the impact of the trainings: “I have learnt how to interview in a trauma informed and victim-centered way, I know how to work with investigating officers better and submit SGBV forensic evidence to relevant labs.

The Acting Director of Forensic Services ACP Andrew K. Mubiru shared reflections on this history of the Forensics Centre as a regional hub of excellence saying that 40% of the cases received here at the Forensics Biology Lab are related to Sexual and Gender-Based Violence cases.

Thanks to this equipment, the turnaround time on case investigation has been greatly reduced, as police now have an in-house DNA processing laboratory in addition to the Government Analytical Laboratory. On the game-changing acquisition of the equipment, Mubiru shared: “We are thankful to the Government of

Uganda for upgrading our capabilities in 2020 when we procured DNA equipment. In the same year, UN Women paid a visit, during which they committed to support the efforts already in place by Government. DNA capabilities are crucial to support investigations and come in handy for SGBV crimes. We have been able to decrease backlog to 8 months. Further, the cases investigated have seen credible evidence of perpetrators in 70% of cases. That 30% gap would be filled by awareness (of the general public and medical practitioners) of these capabilities and training.”

Reflecting on the impact of this support, Mubiru emphasized that DNA collection is important to prosecute crimes adding that “In two years’ time is when we will see the court reports and the real success as cases become disposed.”

Drug Facilitated Sexual Abuse Among University Students in Uganda

Director of Forensic Services Mubiru shared information around a ‘new trend’

in Kampala that is unspoken of. Criminals have accessed narcotics and psychotropic substances as well as off-the-shelf sedatives which are used as 'date rape drugs'. These criminals now have the capacity to subdue their unsuspecting victims who have been lured to a seemingly innocent outing or date. Survivors often do not report these incidences, due to stigma of association as often this is committed by intimate partners. Mubiru continued:

"We need to bring the perpetrators to book, the victims are often middle-aged university girls, and these men are violating them and their futures. We want victims and survivors to be able to report and know that we have modern chromatographic and mass spectrometry techniques capable of detecting trace amounts of endogenous and exogenous chemical substances in a variety of matrices such as blood, urine and hair."

Doctor Jaffar Kisitu, the Forensic Chemistry Section Head provides trainings for UPF Officers and Investigators on the use of the equipment to detect drugs. He divulged that the chromatographic machine detects trace amounts of substances and provides evidence to prosecute sexual violence crimes. He said "The samples determine alcohol content as well as drugs, the liquid chromatography machine is a game-changer machine. The mass spectrometry machine is a detector, the gas chromatography machine is also a detector."

Increasing Optimism in the Uganda Police Force to Effectively Investigate Crimes

Uganda has seen an increase in optimism around reporting SGBV cases, as explained by Assistant Inspector of Police Emmanuel Ogwang, Regional Scene of Crime Officer for the Kampala Metropolitan East area. Ogwang trained as an Evidence Collection Trained Personnel focused on SGBV

crimes. He noted "When cases occur in a community, and a victim gets justice they share that feedback with the rest of the community, and they are motivated to report similar cases."

Inspector Ogwang supported a 5-year-old victim to expound on the details of her abuse after her mother report-

ed the case to police. A fellow schoolmate was another victim, originally silent to her abuse, after seeing the police successfully concluding the case, came forward to her mother who then reported that the same happened to her daughter.

Ogwang reflected "Thanks to the training, I confidently took the initiative to play

a game with her [the victim] asking her to identify the location of the crime. She identified the bathroom, using evidence markers, the exact location of the crime. We did a crime scene reconstruction, collected evidence from those locations at the scene as well as clothes (of the perpetrator, her teacher) for testing."

Inspector Ogwang trained on the use of the sexual assault evidence collection kit, that was crucial in the investigation of two defilement cases in June 2022, and three in July 2022 that have been successfully issued. After a Scene of Crime Officer like Ogwang visits the scene, evidence is collected, investigated and a report is issued for the investigative officer who in turn hands a case file to Court. The evidence collected can last longer than 72 hours, as the lifetime of sperm cells on the body lasts up to 5 days. He told us "In Uganda, we have sunlight that affects the scene of the crime, but with the [UN Women supported] training now when we get to the scene, we pay attention to transient elements such as clothing, shoe impressions, palm prints, clothing fibres, hair, smear samples on the surfaces."

UN Women support led to an increase in SGBV cases reported and investigations effectively carried out by the UPF Forensics department. This support has seen an improvement in the quality of investigations of SGBV crimes, as the quality of the DNA is improved thanks to improved transportation facilities to the lab. This support has seen an increased prosecution of SGBV crimes across Uganda that ultimately leads to less impunity for crimes of this nature. While the immediate impact is already evident, it will truly be seen in two years' time when court reports and the success cases will become disposed of. [jlos](http://www.jlos.org)

Article originally published by the UN women (SPOTLIGHT INITIATIVE) on www.africa.unwomen.org



Acting Director of Forensic Services ACP Andrew K. Mubiru (Photo: Eva Sibanda/UN Women Uganda)



Doctor Jaffar Kisitu (Forensic Chemistry Section Head) is one of the Specialists employed to train others at the UPF Forensics Department using his PHD in Toxicology (UN Women/Eva Sibanda)



Assistant Inspector of Police Emmanuel Ogwang is the Regional Scene of Crime Officer for the Kampala Metropolitan East area and is trained as an Evidence Collection Trained Personnel focused on SGBV crimes (UN Women/Eva Sibanda)



Hon. Justice Jane Frances Abodo, Director of Public Prosecutions

Prosecution of Gender-based Violence Crimes: Prospects, Best Practices and Challenges

By Jacqueline Okui

The Office of the Director of Public Prosecutions (ODPP) derives its mandate under Article 120 of the Constitution of the Republic of Uganda, 1995. Under this Article, the office directs the police to investigate any information of a criminal nature and report to the Director of Public Prosecutions (DPP) expeditiously, institute criminal proceedings against any person or authority in any court with competent jurisdiction other than a court martial, take over and continue any criminal proceedings instituted by any other person or authority, and discontinue at any stage before judgment is delivered, any criminal proceedings to which the article relates, instituted by the DPP or any other person

or authority except that the DPP shall not discontinue any proceedings commenced by another person or authority except with the consent of the court. From this constitutional mandate, the ODPP derives its mission, “to manage and prosecute criminal cases in courts of judicature in order to reduce the rate of crime in the country”. These include Sexual and Gender-based Violence (SGBV) cases.

GBV is violence directed against a person because of that person’s gender or violence that affects persons of a particular gender disproportionately. Offences in this category include rape, aggravated defilement, defilement, trafficking in persons, murder, domestic violence, sexual harassment, causing grievous harm, and

assaults.

Up to 75% of criminal cases registered and prosecuted constitute GBV matters. These remain alarmingly high, despite the existence of institutional, policy and legal frameworks for the prevention of Sexual Gender-based Violence (SGBV) and punishment of perpetrators. The Covid-19 pandemic exacerbated the problem to the extent that there has been a rise in GBV cases particularly domestic violence, rape, and defilement which have been reported to the Uganda Police. The Uganda Police Annual Crime Report indicates the increase in these GBV crimes. Accordingly, a total of 17,698 cases of domestic violence were reported to Police in 2022 compared to 17,533 cases reported in 2021. Furthermore,

in 2022, a total of 14,693 sex-related cases were reported to the police compared to 16,373 cases reported in 2021. In these categories of cases, children and women are mostly the victims. This has not only created a severe impact of SGBV on the individual, family, community, and the State but also posed a serious threat to the security and development of our country.

The nature of this type of crime is peculiar considering the fact that most of the perpetrators are known to the victims and it involves abuse of power. Equally, the modes of execution of this crime have kept on evolving and changing which presents challenges in investigations and prosecutions.

The above notwithstanding, efforts have been made by the ODPP to fight GBV and improve and ensure access to justice for victims of GBV. The Kampala Declaration 2011 of the Member States of the International Conference on the Great Lakes Region (ICGLR) at the 4th Ordinary Summit resolved and committed to putting in place special procedures to fast-track prosecution and adjudication of SGBV cases to improve access to justice and protect SGBV victims/survivors. Consequently, in 2018, a Special SGBV Session was initiated for this purpose and was successfully held with a conviction rate of 64%. Various lessons were drawn that culminated into several other phases of the sessions.

In July 2023, the 6th Phase of Special SGBV Sessions will commence in selected parts of the country. These sessions have been key in not only reducing case backlog but also in ensuring quick disposal of cases and holding perpetrators accountable for the crimes committed. At the end of the 5th phase of Special SGBV Sessions the ODPP registered a conviction rate of 80%. This is attributed to several initiatives, good practices and innovations adopted as noted below.

Specialisation

The Department of Gender, Children and Sexual Offences (DGCSO) in the ODPP was established to oversee the management of SGBV cases. The department has officers who are specialized in the GBV field. Through this department, the ODPP provides technical support to all justice actors, especially Prosecutors and Police Officers who are directly involved in investigation and prosecution of GBV cases. This has greatly improved the quality of investigations and prosecutions of these cases.

Moreover, another specialised department of Witness Protection and Victim Empowerment exists in the ODPP



Victim and witness of SGBV with baby receive pampers for the Child to ensure that their testifying In Court Is not disrupted



At the end of the 5th phase of SGBV Special Sessions, the ODPP registered a conviction rate of 80%



that is aimed at empowering Prosecutors with knowledge to recognise and give effect to the rights of victims of crime, protect the dignity of victims of crime, provide better information and support services to victims of crime among others. This department works with the DGCSO to ensure that GBV cases are handled with a victim-centred approach.

Capacity building

By conducting skills enhancement and capacity building training workshops of justice actors including Prosecutors, Judicial Officers, Police Officers, Probation and Social Welfare Officers, and Medical Officers, the ODPP has ensured that the persons involved in these cases are trauma-informed and handle the cases in a victim-centered manner. This is because

these offences leave the victims traumatised and injured.

Therefore, there have been several specialised multi-disciplinary training workshops of criminal justice actors in among others effective collection, preservation, and presentation of forensic evidence in SGBV cases. This has contributed and contributes to proper handling of exhibits, packaging and storage leading to good results at the analysis stage in the laboratory. The knowledge and skills acquired is good for Prosecutors who guide police in criminal investigations.

Innovations

Use of anatomically detailed dolls in the prosecution of sexual offences has proven to be a game changer when leading the evidence of victims of sexual violence.



The DPP Justice Jane Frances Abodo (standing) leaving evidence in a case during a support supervision visit to Kamuli



Audio visual links installed in courts enable victims to testify without coming face to face with the suspects. This has helped to prevent re-traumatisation of victims

When testifying, victims are no longer constrained to mention private parts in court but rather demonstrate using the dolls how the sexual act was performed on them. This has been used by both children and adults; especially those who are deaf and dumb.

Audio visual links installed in courts have also enabled victims to testify without coming face to face with the suspects. The victim sits in a different room while the suspect remains in the main court watching the victim testify on a Television screen. This has helped to prevent re-traumatisation of victims.

Child-friendly rooms/spaces where victims get to rest, play, and relax their minds before they appear in court to testify are used. These spaces have dolls, sand boxes, balls, books, and colours for painting, among others. The Prosecutor meets child victims in this space where the interviews are carried out. These spaces are also used as waiting rooms for the victims whose cases are pending hearing on a

particular day.

Dressing down by Prosecutors and Judicial Officers when handling these cases in court has further created a conducive and relaxed environment for the child witnesses to testify freely.

Provision of Sexual Reproductive Health Rights (SRHR) kits to witnesses when they come to testify has also improved the confidence of witnesses when they come to testify. For instance, breast feeding mothers who come with their children to court find it difficult to sit through trials when their babies pass urine all the time. These are given pampers so that the mothers can sit through trials without having to continuously move out to change nappies.

Other good practices

The provision of funds to prosecution as facilitation to Process Servers ensures that process servers have enough money to enable them reach witnesses and ensure they are served summons to come and testify.



Joint cause listing of cases ensures that a percentage of the most recent cases are tried. This leads to a good turn up of witnesses. The incidents are still fresh in the minds of the witnesses, and they are usually still interested in their cases.

Use of the media to raise awareness about the Special SGBV Sessions cases raises the number of witnesses turning up to testify.

Challenges

The quality of investigations continues to be a critical challenge. The case of the Prosecutor is as good as the investigations and quality of evidence. It has been noted that there is lack of specialised investigative skills. For successful prosecutions to be guaranteed, there is need for a skilled investigations team and an equally skilled prosecutions team to effectively guide criminal investigations. Poor investigations lead to missing crucial statements, poor handling of cases by the police.

Poorly filled medical reports such as the Police Form (PF3) and Police Form (PF24) continues to be a challenge and thus leading to inconclusive findings.

Medical personnel sometimes require victims to pay them a fee before being medically examined. At times victims are required to pay for the photocopy of PF3 which majority cannot afford. These aspects cause them to shun the criminal justice system.

Limited use of forensic and scientific evidence in investigations due to limited

facilities also affects the quality of investigations and evidence adduced in court.

Witness protection is not guaranteed for witnesses who come to testify in court, especially because Uganda does not yet have a Witness Protection law. These witnesses are oftentimes scared off or threatened before and/or after testifying in court. This leads to others shunning court for fear of their lives.

Delayed hearing leads to witnesses losing interest in their cases. As time goes by, they tend to be compromised or even settle the cases out of court. Some witnesses will have relocated by the time of the hearing. These cases usually die a natural death to the detriment of the victim.

The limited number of child-friendly spaces in some ODPP offices and courts continues to be a challenge, as children end up waiting in unfriendly spaces where they are easily accessed and some times compromised by suspects or their relatives.

Insufficient audio-visual link equipment in most courtrooms across the country affects the quality of evidence adduced in court because victims who testify in open courtrooms are in proximity with the suspects, hence end up being re-traumatised.

Lenient sentences meted out by the courts do not only promote impunity but also fail to meet the ends of justice; the need to protect society from lawlessness.

Inadequate psycho-social services offered to the victims of crime affects their wellbeing to the extent that they fail to cooperate with investigators. These effects are both physical and psychological.

Cause-listing of old cases where at the time of hearing such cases, the witnesses cannot be found and/or even cause-listing non-starter cases where accused persons have jumped bail. Such cases most times do not take off.

Failure of Probation and Social Welfare Officers to compile and avail victim and community impact statements in time for sentencing hearings at the end of trials affects the nature of sentences and the possibility of judicial officers giving appropriate orders.

Recommendations

The nature and quality of investigations needs to be improved. Police officers should embrace prosecution-guided investigations and Prosecutors should be willing to guide criminal investigators.

The witness protection law should be fast tracked and in the meantime emergency measures should be put in place to protect victims and witnesses especially where the



A Prosecutor preparing a witness in a child friendly space at the ODPP office in Masaka

Audio visual links installed in courts enable victims to testify without coming face to face with the suspects. This has helped to prevent re-traumatisation of victims

offence involves close family members.

Efforts should be made to hear GBV cases as soon as possible before witnesses lose interest in the cases or before they are compromised.

Set up more child-friendly spaces.

Set up more audio-visual link equipment in courtrooms.

There's need to strengthen Probation and Social Welfare Officers to compile and forward to Resident State Attorneys social welfare reports when the cases are fresh.

Sentences meted out by the courts should be commensurate to the nature of offences committed and the circumstances under which they were committed. If after a full trial the sentenced meted out is for instance 12 years, during plea bargain, no accused

person will settle for anything close to 12-year sentences because they are assured of lower sentences during full trial sessions.

Joint cause listing is encouraged effort made to have the ODPP on board during this exercise.

The fight against GBV cannot be successfully done in isolation. It requires concerted effort from all stakeholders who are required to play their respective roles in the criminal justice system in such a manner that meets the ends of justice. **JLOS**

The writer is the Public Relations Officer at the Office of the Director of Public Prosecutions (ODPP)



A Probation and Social Welfare Officer interviewing the community to collect CIS

The Probation mandate in Sexual and Gender-based Violence Special Court Sessions

By Rose Aaca

The probation mandate in SGBV Special Court sessions is derived from the sentencing guidelines for Courts of Judicature (Practice) Directions, 2013 where the Probation and Social Welfare Officer is listed as one of the persons who can fill the Victim Impact Statements (VIS) and Community Impact Statements (CIS) for victims of Sexual and Gender Based Violence.

The Probation mandate is executed by the Probation and Social Welfare Officer of the district, municipality, city, or division according to their areas of jurisdiction.

The Probation and Social Welfare Officer (PSWO) is the legal representative for children in the justice system, responsible for domestic violence cases, children in conflict with the law, and child abuse cases reported within their areas of

jurisdiction.

The Probation and Social Welfare Officer focuses on prevention of abuse, response where abuse occurs and promotion of programs and interventions that support families and children in communities by alleviating poverty, reducing discrimination, facilitating access to needed services, promoting social justice and preventing and responding to violence, abuse, exploitation, neglect and family separation.

Role of the Probation and Social Welfare Officer in special SGBV court sessions

It is widely known that more than 80% of cases reported in most courts are cases to do with sexual gender-based violence (SGBV). It is for this reason that efforts have been geared towards SGBV cases to reduce case

backlog and dispense justice as efficiently and effectively as possible.

The Probation and Social Welfare Officer plays the following underlisted roles:

- Conduct family tracing and home/community visits to survivors/Victims, witnesses and their relatives to obtain information on the Victim Impact Statements (VIS) and Community Impact statements (CIS). The Probation and Social Welfare Officer gives an unbiased view of the prevailing circumstances regarding the case by interviewing the victim and community to fill in the Victim Impact Statements and Community Impact statements respectively which are presented to the courts of Law to guide the judges during court sessions. The Probation and Social Welfare Officers are Officers of Court.



A Probation and Social Welfare Officer interviewing a victim of SGBV to collect VIS

They therefore have the mandate of attending court sessions and presenting the VIS and CIS in courts.

- The PSWO sensitizes communities about the need for justice and reports SGBV cases to the right Authorities to restore trust in the justice system and court proceedings, most especially through radio talk shows. Throughout these special SGBV sessions, the PSWOs have been part of the team that participates in the radio talk shows in their respective districts.
- The agony that victims of SGBV go through leaves a lot of negative impact not only on the lives of the victims but also their immediate family members. These experiences usually affect the mental wellbeing of the victims and sometimes even their immediate family members. The PSWO, therefore, is very critical in providing psychosocial support or counselling to the victims of SGBV and their families as well as witnesses and their relatives. By doing this, the PSWO plays a key role in securing the trust of victims and witnesses and building their confidence to give testimonies in court.
- It is widely known that most of the victims of SGBV are young females

under 18 years and women and that most of these cases impact on children within the family setting either directly or indirectly. The PSWO therefore has the mandate of protecting the rights of victims of SGBV, witnesses as well as children affected by the SGBV actions. The PSWO does this through case management of SGBV and Sexual Violence Against Children (SVAC) cases and making appropriate referrals of victims and their families to the needed services such as medical care among others.

- The PSWO documents cases of SGBV and SVAC and ensures confidential storage of data. The PSWOs often use the available data to link the victims and their families to Government programs within the districts and any partners for support for purposes of improving the general wellbeing of the victims.

Linkage to Gov't programmes: The case of Tororo District

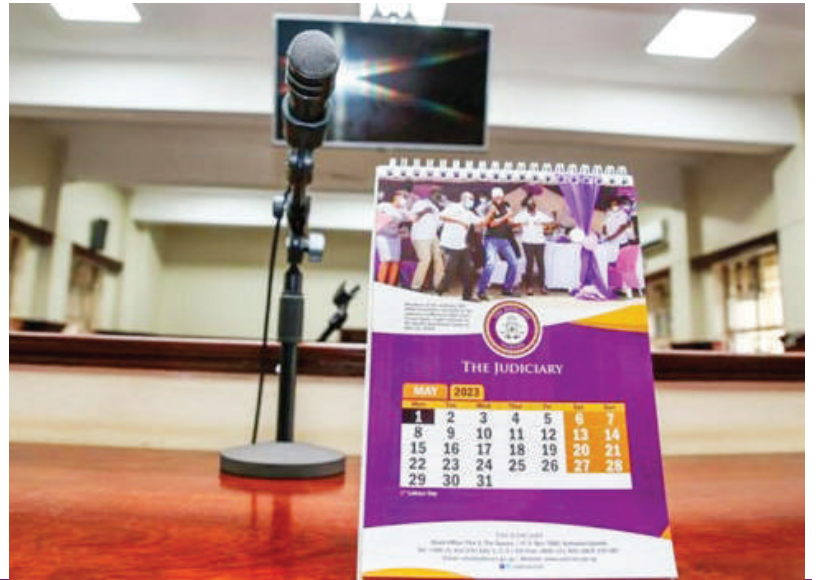
In an interaction with the Senior Probation and Social Welfare Officer of Tororo district Local Government, this is what she had to say regarding her efforts to link victims and their families to programmes. "We have had opportunities in Tororo district to

link survivors to existing Government programs, one survivor after her matter was concluded in court was enrolled in the young people skills training in Kibuku".

"Another girl aged 16 years who was a victim of defilement by a relative was linked to second chance project under the government of Uganda, EU Spotlight project for a nine-month course in tailoring and Garments cutting at Tororo Technical Institute, she has since graduated and is putting her skills to use," said the Senior Probation and Social Welfare Officer, Tororo district Local Government.

The Senior Probation and Social Welfare Officer Tororo district Local Government further said that two families were enrolled under the Community Empowerment component of the Uganda Women Entrepreneurship Programme (UWEP). "These families were supported to join the women groups lined up to benefit from the loan so as to become economically self-sustaining", added the Senior Probation and Social Welfare Officer. **JLOS**

The writer is the Senior Probation and Social Welfare Officer, Department of Youth and Children Affairs, Ministry of Gender, Labour, and Social Development



Audio-visual equipment currently deployed in several courts across the country

UNICEF boosts Uganda's justice system to protect victims, survivors, and alleged child offenders

By Moses Sserwanga

Uganda's justice system has registered a major milestone with the installation of modern audio-visual technology that protects child victims and witnesses when giving evidence especially in sexual abuse cases. Cases of a capital nature include aggravated defilement which is rampant in the country.

In Uganda, defilement is considered aggravated if the victim of defilement is a girl aged 14 years old and below, the offender has HIV/AIDS, the offender is the victim's parent or guardian, and the girl has a disability. The crime of aggravated defilement carries a maximum penalty of death upon conviction.

To date the Judiciary has received from UNICEF 10 audio visual links installed in eight High Courts (Arua, Kabarole, Mbale, Mbarara, Gulu, Kampala, Jinja, Family Division) and in two Chief Magistrates (Iganga, Kabale) that has eased taking of evidence from

child victims, provided protection for the child victims and resulted in more child friendly court proceedings.

Before the use of audio-visual links, it was intimidating and traumatizing for child victims to testify in court or provide evidence in open court while facing the perpetrator (accused person).

With the use of audio-visual technology, children who are victims of sexual violence offences have gained confidence to testify against the accused person(s) without being intimidated or fear of retribution.

The justice actors who include Judges and Magistrates, at all levels, plus prosecution officers from the Office of the Directorate of Public Prosecution, (ODPP), have all openly embraced the new child protection visual- audio link facilities in courts of law across the country. As a result, many children who have suffered sexual violence crimes, have managed to successfully give evidence against their tormentors in aggravated defilement cases, helping the

prosecution to secure convictions and sentencing of the offenders.

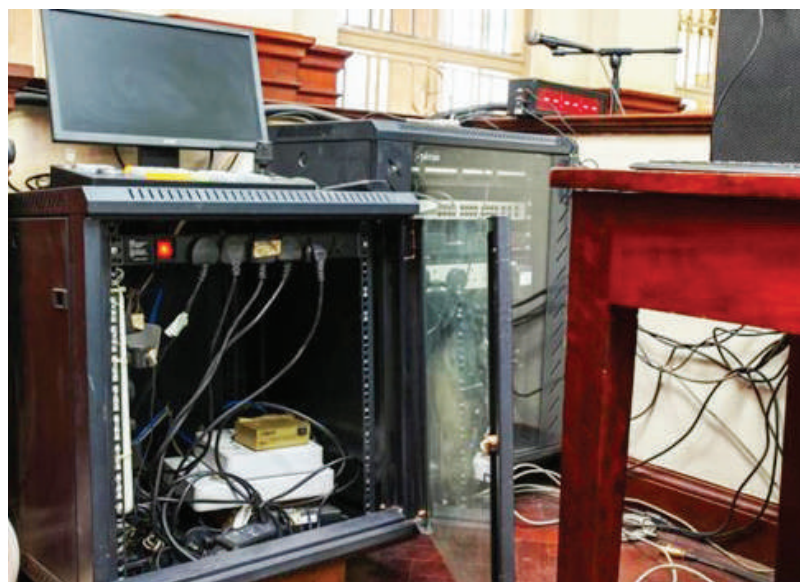
How the new technology works

The audio-visual link refers to giving or receiving of evidence through electronic means without a person (this time a child victim) physically appearing in court.

Under the audio -visual link technology arrangement, children who are victims of sexual violence sit in a separate and friendly room far from the traditional court room where their suspected tormentors are and can in turn, freely testify against them by the help of installed cameras and other electronic gadgets in the court room.

This innovation is aimed at shielding children who are victims of sexual violence from secondary victimization by not facing their alleged tormentors in the same courtroom.

For this technology to deliver high quality results, several equipment has been deployed with the support from



UNICEF and this include, cameras, network video recorders, LED displays (TVs), column speakers, amplifiers, microphones, power inverters and racks for housing the equipment.

- According to the Judicature Audio-Visual Rules No. 26 of 2016 in Uganda, a person can give evidence using audio-video link technology under the following circumstances:
 - For security reasons
 - For safety of a witness
 - When a witness lives outside Uganda
 - Where it is inconvenient for the party to give evidence in open court
 - For economic considerations
 - Due to health reasons

Courts are further allowed to use their discretion to allow witnesses where necessary to give evidence through audio-visual link.

The benefits of Uganda's audio-visual technology for juvenile trials

Overall, the taking of evidence by audio-visual means has facilitated speedy trials of children cases and promoted child friendly procedures when courts are handling cases involving children.

It is also addressing the problem of further traumatizing victims or witnesses in open court, including challenges related to trials hindered by geographical impediments and fears associated with testifying in person.

The technology is helping to reduce the time spent in taking evidence from witnesses which has often led to delays in the administration of Justice.

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Before the use of audio-visual links, it was intimidating and traumatizing for child victims to testify in court or provide evidence in open court while facing the perpetrator (accused person)

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Furthermore, the technology is helping courts to ease the process of taking testimonies from vulnerable witnesses like children, the elderly, whistle-blowers and dispose of cases quickly. This has facilitated the Judiciary to deal with the perennial problem of case backlog.

Challenges

However, with all the tremendous progress made to ensure that the criminal justice system in Uganda works and offers justice to child victims, there are still challenges to confront.

According to court users, some of the challenges include limited usage of the technology (a small percentage of courts) have these facilities installed,

remand homes are not connected to the system and some of the child courtrooms are not furnished with child friendly equipment.

Background

Uganda is a signatory to the United Nations Convention on the Rights of the Child ratified in 1989. The 1995 Constitution and the Children Act Cap 59, emphasize the upholding of the welfare principle. The principle provides for adherence to the best interests of the child while handling court cases involving juveniles.

UNICEF remains committed to the promotion and strengthening of the child protection system in Uganda, for children in contact with the law and juveniles to operate in the best interest of the child.

Therefore, justice for children is designed to benefit all children in contact with justice authorities to ensure that they are better served and protected.

The goal of the justice for children approach is to ensure that all children encountering the justice authorities including, alleged offenders, victims, witnesses, or parties to non-criminal law procedures have access to Uganda's justice systems (formal and informal) and are better served and protected. [JLOS](#)

The writer is a media and communications consultant and Advocate of the High Court of Uganda

This article was originally published on www.ugandaupdatenews.com

Willow International Country Director explains link between Human Trafficking and SGBV Crimes

In this interview for the JLOS Bulletin, *Monica Kyamazima*, the Country Director for Willow International (Everfree) - a local NGO which for the last 8 years has been doing anti-human trafficking work in Uganda, explains the connection between Sexual and Gender-based Violence (SGBV) and trafficking in persons incidents. She says it would be helpful for the Government of Uganda (GoU) and other stakeholders to design comprehensive interventions capable of simultaneously mitigating both trends.

Kyamazima explains that one commonality relates to the fact that in both cases the victim endures violence. Equally true, in both cases perpetrators target or seek to subdue their victims. It's also true in both cases the victim is made to perform tasks against his/her will.

"The only difference is that in SGBV, gender plays the central role because getting one to do things against their will is based on how one gender views another - basically the person they seek to subdue. Generally speaking, the victim is profiled through a gender lens but in human trafficking, gender isn't the key aspect exposing the victim to vulnerability,"

Kyamazima clarified The other difference, Kyamazima takes note of, relates to the fact that economic deprivation and lack of access to opportunities within the country and family pressures tend to play a paramount role in placing human trafficking victims in the position of increased vulnerability.

Kyamazima, whose organization operates within Uganda and beyond and has over the years directly impacted over 950 survivors, adds that 'the resultant trauma associated with both SGBV, and human trafficking' is another

similarity creating some linkages between the two offences. "Victims of the two are often highly traumatized and experience long periods of emotional breakdown affecting much of their life," she explained during the interview that was conducted at her Willow International offices in the Kampala suburb of Nsambya.

OTHER ISSUES:

During the same interview, Kyamazima responded to several other questions relating to both SGBV and human trafficking which is the area in which her organization specializes.

Below are the excerpts of the interview.

QN: Briefly tell us about Willow International.

We operate in Uganda and East Africa, and this has been the case since 2015.

Our focus as an organization is on anti-human trafficking in persons initiatives. We work towards ensuring that survivors flourish, once again becoming free forever. We work towards removing them from exploitative situations and we



Monica Kyamazima

proceed to support them to restore their lives, so they live in dignity with hope. Sustainability of freedom for the survivors is key in our work; ensuring they don't get re-victimised.

We implement programmes in three areas, namely prevention, restoration and innovation and scale. Our after-care services aim at healing and resettlement of the survivors. We provide services in several areas such as case management, legal aid, community reunification and economic empowerment for the survivors. As they heal, survivors are supported to overcome conditions which exposed them to trafficking and exploited in the first place as much as we can. We do this through working towards survivors' education, vocational skilling, job placement and scholarships to enable them live independent lives.

Through trafficking prevention, we create awareness in communities to free them from human trafficking and keep them safe. A lot of focus goes to the youth because they are the most vulnerable to human trafficking. We also closely work with partners under JLOS to support duty bearers (like Police, ODPP and the Judiciary) in the performance of their mandate. The idea is to support victims through the justice system for the best possible outcomes. We undertake advocacy initiatives to aimed at systems change and reform ensure that the subsequent policy formulation is survivor-centered, and trauma informed.

Through the innovation and scale component, we support grass root organisations to replicate and grow their programming around trafficking prevention and survivor care. We conduct research and share the findings with them – we are happy to share what we have learnt over the years to avoid reinventing the wheel. In Uganda, we are currently working with an organization called Hope's Cry International based in Katakwi's Usuk County.

We are headquartered in Kampala and impact communities at the grassroots directly and through our partner organisations. We aren't geographically confined because we support human trafficking victims and survivors in Uganda, Kenya etc. This could be foreigners who have been trafficked to Uganda whose repatriation back to the country of origin we support in close collaboration with the Directorate of Citizenship and Immigration Control (DCIC) under the Ministry of Internal Affairs.

A lot of the work we do, and the

victims we get to support, is brought to us through the national referral mechanism and the different stakeholders such as Uganda Police Force and ODPP and other survivors of trafficking.

QN: You are called Willow International. Briefly tell us about that international aspect.

We are a global organisation founded in 2015 and we have since grown to have the international aspect with the head office in the United States. In 2021, we experienced some expansion when we partnered with Ten Thousand Windows to Everfree. Everfree is a global organization whose mission to free communities from human trafficking and empower survivors everywhere to flourish in freedom. Willow International is the field site in Uganda.

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Number of persons that have directly benefited from Willows victim support services since 2015

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QN: Briefly how can we, in simple terms, define human trafficking for the benefit of non-lawyers who may have to read this interview?

It's the procurement and recruitment of another person for purposes of exploitation. The law creating the offence is very elaborate and there are elements like recruitment and transportation of a person. There is the element of force, abuse of power and office or relationship, fraud and being deceitful. The Prevention of Trafficking in Persons Act is very broad and covers things like debt bondage, labor trafficking, forced labor, use of children in armed conflicts, forced begging or even harmful occult practices like witchcraft

and human sacrifice etc. Being recruited into forced prostitution, commercial sex exploitation and sexual tourism are also aspects of human trafficking.

Some of these are universal and others peculiar to our Ugandan jurisdiction. The prosecution relies on AMP which is Act, Means and Purpose to prove the ingredients of the offence. Consent of the person being recruited and transported doesn't make much difference for the defense because ordinarily, no one can consent to being exploited.

QN: What makes human trafficking to be such a big crisis for Uganda? Can we illustrate this with some statistics?

The US State Department report on human trafficking for 2022 showed that 421 incidents were reported of which 270 were domestic and the 113 transnationals. We must recognize that data remains a big problem for us in the anti-human trafficking space. The Uganda Police crime report showed that between 2020 and 2022, a total of 1,760 cases were filed of which only 32% were concluded. Ironically, the 1,760 incidents affected over 2,000 victims which shows the problem is much bigger than can be illustrated in these reports. As we work towards consolidating data in the space, we know that these reports don't bring out the full extent of the problem.

It's also true that some people in trafficking situations don't realize they are being trafficked or exploited until a violent or traumatic experience comes up to overwhelm them. Some become too traumatised that mental rehabilitation becomes top priority and reporting becomes secondary. Also, a lot of cases are misclassified but the situation is improving with more awareness being created. Duty bearers are now better informed, which diminishes misclassification.

Ability to identify trafficking cases correctly and having them appropriately reported can potentially make the problem seem to be worsening, which isn't necessarily the case. Some cases would be misclassified under rape, defilement or even murder and the human trafficking bit is missed out. There is such a thin line sometimes, human trafficking cases can be misclassified for SGBV and vice versa. In the past, children would get married at 16 obeying the parent who has said so but today, Police clearly realizes that's wrong, and they intervene to enforce the law and mitigate. So, the trafficking problem hasn't gotten worse. It's the awareness that has increased among duty bearers and communities.

QN: There is lately a lot of talk about victim rehabilitation, what makes it so important in the anti-human trafficking space?

Willow's core work is around survivor care – we support survivors of trafficking to rebuild and restore their lives which allows them to flourish and lead normal independent life. We believe in personal liberty being an inherent human right. We guide survivors to realize and live in this liberty. We equip them with skills to protect their freedom not to be re-victimized. Human trafficking strips human beings



We have built a very good relationship with State actors under JLOS, and we support them as much as we can. For example, our work in after care is valuable to both the Police investigators and prosecutors



of their personal liberty. That liberty must be protected at all costs and at Willow, we empower survivors to achieve exactly that. Even if it means living a modest life than you would have wanted but be free to do things the way you would have wanted to do them.

Our individualized care model enables us to track the progress survivors are making towards total rehabilitation. This victim-centered and individualized approach is very important because the recovery and restoration journey will always be different and vary from one survivor to another.

QN: As an activist, what personally inspired you into prioritising the rehabilitation of human trafficking victims and keeps you going up to this day?

When you see the impact, you are re-energised to keep going. Seeing the survivors, we have supported succeed, for me is the unbreakable motivator. When they come to us, they have lost hope and are totally down, emotionally, and physically broken. The trauma can overwhelm us here too but uplifting them out of that pit of darkness and hopelessness can really be very motivating to us. Sometimes it is a miracle how they recover and become recharged to keep contributing.

I first became consciously aware of human trafficking a few years ago and I eventually chose to be in this space very deliberately. It was 2017 when I attended a conference organized by Willow

International for judiciary and lawyers by chance. After the conference my colleagues and I walked up to the Founder Kelsey Morgan and offered to support the organization with pro bono legal services. That's how it all started.

I never imagined I would end up doing victim support because my practice up until then was corporate governance and finance. But we could not do nothing after what we learnt at that conference. One thing led to another - we developed a programme, which has since been embraced by many organizations doing

this similar work. At Everfree we call it the Victim Counsel program where we have lawyers coming to support victims of human trafficking pro bono in their legal needs and representation in Court.

QN: What are some of the good practices that have evolved in your work overtime and how can the same be improved?

The most paramount of good practices in this work is the requirement to be victim-centered and trauma-informed. It's something all stakeholders have realised and adopted over the years. Survivor



Uganda has, by African and global standards, done so well on human trafficking and this is the reason we should become the pioneers and lead the region on that victim and witness protection legislation



inclusion is another good practice. At Everfree, we have an alliance of survivors who support our programming. Through the alliance they can give feedback on what can be improved upon. Every stakeholder needs to be open to feedback and act on that feedback. Is the program dignified? Is it impacting them positively? How can we do better?

The other good practice is victims being supported with counselling and psychosocial support to make them ready to take part in the Court processes. We believe that participating in the court processes is key to preventing trafficking through deterrence but survivors who do not get support may not provide evidence as they should. Conditions associated with trauma like Stockholm syndrome should also be addressed because they affect the reliability and collaboration of the victim/witness. Otherwise, prosecution ends up having to deal with hostile witnesses and acquittals where they should not.

QN: As Willow International, for how long have you been doing this anti-human trafficking work and how many Ugandans have been impacted?

We support Ugandan victims and foreigners who get trafficked into Uganda and require repatriation back to their country of origin. That's one area where we have a lot of collaboration with the Directorate of Citizenship and Immigration Control (DCIC) besides the Uganda Police.

Willow International was founded by Kelsey Morgan in 2015 and since that time, not less than 950 persons have directly benefited from our direct victim support services excluding those who we have indirectly impacted. We have supported victims and their families which too require counselling to be able to support the victim's reintegration. We sensitise community leaders like LCs who often call in here seeking guidance on whether what is before them is a human trafficking case or not.

We are supported by the Survivor Alliance to inspire participants in our programs. Alliance members give back by helping others to successfully go through our programme besides referring others they come across and identify to need similar help. They are survivor leaders and offer peer support. Some go on to get formally employed in the space

and continue the work. The survivor leaders are champions of change in their communities.

QN: We know there has been a lot of linkages and collaboration between non-state actors like your organization and the state institutions under the JLOS framework. What impact has that relationship had on the fight against human trafficking in Uganda? And how can that partnership be strengthened?

We have always collaborated under the guidance of the 4Ps - representative of prevention, protection, prosecution, and partnership. We recognize that we do a better job when we collaborate as stakeholders. And it's one area where Uganda has done very well and attracted others to come and benchmark from the region and beyond because of the commendable success we have made in the anti-human trafficking space.

We have built a very good relationship with State actors under JLOS, and we support them as much as we can. For example, our work in after care is valuable to both the Police investigators and prosecutors. We enable them to do their work without having to be burdened with the welfare of the survivors. We know their wellbeing plays a very big role in their willingness to prioritize justice. We too learn a lot from the shared experiences of the Police officers and the prosecution, which helps us in identifying how we can better on the prevention or after care aspects.

The legal framework is one area where urgent improvement is required, especially in witnesses and victim protection. Gratefully, the ODPP recently highlighted this before the President during the Joan Kagezi Memorial lecture. But even as we wait for that law, we can accomplish a lot still largely because of this effective collaborative approach we have had between the state and non-state actors.

Otherwise, witness protection is needed for sure because the work we do is very sensitive. We need the legal framework to protect survivors of trafficking. It's very sensitive and costly work, which we need the law to see to it that the government takes it over. It should be a state function, but the state can only take it up when there is legislation in place compelling them to.

QN: What are some of those things that would be ideal and desirable but can't be done because of absence of that law?

They are many but the most basic ones include the need to conceal the victim's identity or even witnesses in court documents. This is very important for their

physical safety. Trafficking in persons is very lucrative business and perpetrators can facilitate the killing of witnesses and even case managers, so we need that law to be able to protect the witnesses.

There are survivors who can't return to their communities and need to be relocated to new places and the resource requirement for that is enormous and only the state can afford. The state has financial implications-related concerns but it's their duty. Uganda has, by African and global standards, done so well on human trafficking and this is the reason we should become the pioneers and lead the region on that victim and witness protection legislation. Otherwise, we commend the Government of Uganda for the very

now know that being victim-centered and trauma-informed sometimes requires holding off the investigations and victim interviews until the victim is ready to relive the events and effectively participate in the search for justice. This may delay up things a bit, but the prosecutor must understand that it's not justice unless the victim feels it has been done.

All the initiatives should be focused on what's best for the victim. This is why it remains our guidance to investigators, prosecutors, and judicial officers that all the concentration must be on what the victim's needs are. This might require organizing accommodation for the victim or relaxing court rules a bit so that the victim doesn't get traumatised. It might



Willow's core work is around survivor care – we support survivors of trafficking to rebuild and restore their lives which allows them to flourish and lead normal independent life. We believe in personal liberty being an inherent human right. We guide survivors to realize and live in this liberty



liberal political environment they have deliberately put in place enabling us the non-state actors to play our role against human trafficking.

QN: In this whole thing, what makes the human trafficking victim or survivor rehabilitation so critical?

Rehabilitation is at the center of the anti-trafficking work because the victim is the most affected person hence their rehabilitation should be the primary concern for all stakeholders. We are mostly with youths, themselves being the biggest group that's vulnerable to human trafficking. Not rehabilitating them puts the country's future at stake. The resultant emotional challenges must be deliberately addressed because that clearly affects the root of our society. Even the court cases can't be adequately investigated if the victim isn't receiving rehabilitation.

That's what makes it justice. You won't have any court processes going on effectively if the victims are not helped to deal with the resultant mental health problems. Rehabilitation should be the starting point. All our engagements with Police have been aimed at ensuring that element comes out well; being victim-centered and trauma-informed in all investigations. Many of the Police officers

be necessary for the Police officer not to wear their uniform when interacting with the victim or even being armed. Waiting for the witness to be comfortable and coherent upon attaining the required levels of stability might delay the process for a month or two. This is better than rushing things and ending up with an outcome which isn't the best.

As for the offenders, it's hard to talk about their rehabilitation because, being very lucrative, it's hard to get many of the perpetrators to denounce their act. Maybe for the case of those who facilitate human trafficking unknowingly e.g., a bus driver who carries children not knowing they are being trafficked. The law makes such a person liable but those can at least be rehabilitated but not the other type. Sometime in 2018, there was an investigative piece on NTV which unmasked a racket of parents selling their daughters at Arapai market, which was human trafficking, but those poor parents most likely didn't even appreciate that they were committing trafficking in persons acts as they received Shs50,000 per child. For the case of people like those, you can talk about rehabilitation of the offenders otherwise it's not something very straight. [JLOS](#)

Justice Okalany Shares Unique SGBV Case Management Experience Stretching over 20 Years

Currently the Deputy Head of the International Crimes Division (ICD) of the High Court of Uganda, Justice Susan Okalany is one of the Ugandan lawyers and jurists who have interacted with sexual and gender-based violence (SGBV) matters most.



Justice Susan Okalany

As a prosecutor at the Office of Director Public Prosecution (ODPP where she headed the Gender, Children & Sexual offences department), Okalany prosecuted and supervised prosecution of tens of thousands of SGBV offences for more than 16 years. Even as a Judge of the High Court, Okalany continues to passionately adjudicate and interface with matters of sexual violence whose victims are mostly women and children.

In the following question & answer interview, Justice Okalany speaks to **Edgar Kuhimbisa** and **John V Sserwaniko** and shares her experiences regarding SGBV matters and what must be done to make Ugandan women and children (basically the victims) safer going forward.

Below are the excerpts:

QN: What role has the ODPP played in ensuring improved disposal of SGBV

cases and justice for victims?

The ODPP has a constitutional mandate to do several things including directing investigations and advising Police on the conduct of investigations. And this is true specifically for SGBV cases, which comprise most of the capital and semi-capital offences ODPP handles (the victims of which are mainly children and women). I know this because of my position as a former prosecutor under the ODPP where I headed the Gender, Children & Sexual offences department.

The ODPP's other role has been putting in place structures and the institutional framework. When I was there as a prosecutor, I was privileged to be involved in advocating for elevation of the Gender, Children & Sexual offences unit or desk into a department. We did this with other actors like the planning unit of the ODPP and the leadership of the Directorate. The elevation was in recognition of the high numbers of cases handled and the veracity of the process.

The idea was how to create a process that is child-friendly and gender-sensitive while prioritizing these SGBV cases; create specialization so that cases are properly handled through centralized guidance of all prosecutors nationally. This streamlining was important because those words like "children-friendly", "gender-sensitive" etc. mean a lot [small as they seem] in terms of the outcomes of the case. The way you handle, prosecute, and adjudicate the case determines the outcome in many ways. It's not just evidence that matters. The ODPP, myself and others like the current head of department [Samalie Wakhooli], worked hard to put in place structures and mechanisms.

The other ODPP role has been developing handbooks which guide in the investigation and prosecution of SGBV cases. These handbooks create some guidelines which make them a training tool empowering prosecutors supplementing on what

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The ODPP also has many policies including the prosecution policy and the witness protection policy. So, by putting in place all these tools, the ODPP enables prosecutors to do their work

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they learn in workshops. The ODPP also has many policies including the prosecution policy and the witness protection policy. So, by putting in place all these tools, the ODPP enables prosecutors to do their work.

There is also supervision support because the person heading the gender, children & sexual offences department has the mandate to supervise other prosecutors nationally on SGBV case handling. She is, I think, at the level of Assistant DPP which shows the level of importance the ODPP attaches to SGBV cases. It's a specialised department the ODPP has created depicting prioritization and the importance that continues to be attached to SGBV matters.

QN: You are saying SGBV cases constitute majority of capital and semi-capital offences the ODPP handles yet some people think they are even under reported.

True, under reporting is a problem. There have been surveys indicating SGBV cases are under reported. Inadequate reporting is due to stigma; victims not reporting fearing to be stigmatized. Both the community and our criminal justice system are responsible for this. We have put a lot of stigma on sexual violence victims and less on the perpetrator. That's why few victims come out to report and those few are even frustrated through interference by parents, family members and the accused persons who succeed in compromising many victims not to report.

The community practice encourages child marriages; parents receiving money from the perpetrator which is disguised as bride price and you [the victim] are forced to marry the perpetrator. These are cultural issues that discourage reporting, and the cultural normalisation goes on that this is just a girl who has just been assaulted and her grandmother was probably married in a similar manner when she was just 12. So, it's not a "big deal".

QN: We know sometimes the boy child has been victimized but, in most cases, sexual violence victims are girls. Why is this so?

It's because of patriarchy, gender, culture, and power relations. As Police statistics show, boys have been assaulted too and that's why the law protects both girls and boys. But the number of boy victims is not as gross as girls who happen to be more disproportionately affected by sexual violence because of gender power relations. As a prosecutor, I ever handled cases where the victim was a boy. Briefly, for non-lawyers who might read this, examples of SGBV cases include defilement

[victim aged 14-18] which is triable by the Magistrates Court and aggravated defilement which is triable by the High Court.

The victim can be a boy or girl. It's aggravated defilement if the victim is below 14 and the perpetrator is a person in position of authority over that child - a teacher, parent, guardian etc. The victim could be one with either mental or physical disability. Rape is another example of sexual violence. Attempt is an offence too. Defilement is the most prevalent though and the major cause is lack of respect for human rights of women and children. Perpetrators don't recognize rights of these people and culturally think it's normal to have sex with a child or woman by force because they have power which they abuse and misuse. Otherwise, sex shouldn't be demanded or obtained by force.

QN: Looking back at the role the ODPP has played, are there areas of improvement? Is there anything other actors can do to enable that office do even better?

Yes, there are areas for improvement, but I can't fault the ODPP. From my experience on the bar and now the bench, I think the problem, the sick man [in the

or child-sensitive investigations. Those who are trained work often get transferred somewhere else totally doing something different. Then we get back to square one with people who don't have the capacity. Corruption in the Police, which I have suffered as an ordinary Ugandan, is another problem. I have reported cases at Police which haven't been investigated or been deliberately poorly investigated. Imagine that happening to a judge and how about ordinary Ugandans? I know much more being a judicial officer and prosecutor who used to send back those cases to be investigated better.

Someone knows what is right and they don't do it. Then you hear stories that someone wants the case withdrawn because the accused person has a lot of money and wants to compromise the victim's parents. Whereas that is all corruption, sometimes Police officers ask for money not because they are corrupt but because they have no fuel to move from one point to another and are constrained. We must improve the interaction and confidence SGBV victims have with the Police, the prosecutor, and the Judiciary. Using a trauma and victim-centered approach will obtain more cooperation from victims.



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Ugandan context] is the Police's failure on investigations. The investigation stage is like cooking food; prosecution is like serving the food and the adjudication stage is like eating the meal. If you cook the food properly, it's easy to serve it. If it's burnt, serving the meal will be hard. That's the problem we have generally. We must tackle the question of investigations.

As the National Association of Women Judges, we recently did a study on why defilement cases are failing, and the findings reflected what those of us who have been in the system already know - namely poor investigations. The Police aren't well facilitated and there is lack of capacity too.

Police officers are there but trained in the general things and not gender-responsive

QN: The conviction rate in SGBV cases has been increasing and currently it stands at 80%. Which factors do you believe have made that possible?

There has been a project by the criminal justice system, supported by UNFPA, to have specialized SGBV sessions held under the High Court circuits and Magisterial Areas. These have been the game-changer. Uganda is a signatory to many instruments, including the Kampala Declaration, under which the specialized SGBV court sessions were approved by the governments including the GoU represented by the President. I think five (05) such special session phases have been held since 2018 and they are now going for the sixth. I'm convinced this has been

a game-changer.

Remember we had been having general criminal sessions with majority cases being SGBV but without getting this result of 80% conviction rate. It's all because of the specialized procedures we are using. I can say boldly this success has resulted from specialized procedures in the sessions which already existed. There is now application of SGBV specialized procedures, and all agencies have been involved to ensure every session is better than the previous one; the robust planning involving all stakeholders [the Police, prosecution, probation service, judiciary, community] and nobody is left out. There have been radio programs to sensitize the community and encourage witnesses to come to Court. There has been training before the next session is conducted. After the first pilot, good practices were documented, and experiences shared showing what worked and what didn't and why. The sessions are geographically spread out which is very important.

Coordination of witnesses, ensuring they come to Court, has also led to increased convictions. In the past, many SGBV cases failed because of witnesses' failure to attend Court. These days summoning witnesses has been appropriately done. There is even a fund to facilitate the process server. In the past Police would send witness summons through the Local Councils (LCs). Now there is the transport element in criminal sessions. Prosecution

It's not a problem that emphasis has been put on convictions because nobody should ever get convicted without proper evidence. As a prosecutor, I enjoyed hard wins which are preceded by the accused person being legally well represented. Now what any smart lawyer, including those on state briefs scheme, must do is to advise their client to appeal in case of unfair conviction as opposed to faulting the prosecution for registering high conviction rates.

It's also necessary to facilitate defense lawyers under state briefs better so that the thing balances as there are two sides of the coin. But those defense lawyers should be truthful not just telling the accused person to deny even when they know the truth. The accused person should be enabled to explore all the lawful opportunities available to appropriately defend themselves. In fact, adequately facilitating those defense lawyers is good because it makes them do a good job including advising their clients on appropriate options like pre-bargaining.

QN: Some of the prosecutors involved in SGBV cases have sometimes felt demoralized by sentencing which sometimes seems too lenient for no good reason. What's your view being a judge who was also previously a prosecutor?

The sentencing range is wide, and we have sentencing guidelines which I personally follow as a judge. I agree there is a bit of a problem if one judge gives the

clarity and certainty so that we have more reasonable sentencing that doesn't deviate much simply because we had a different person hearing the case. If 10 judges hear the same case, the difference in the sentence shouldn't be gross. It can be 1-2 years and not 1 to 15 or 20.

QN: What do you consider having been the contribution made by the JLOS chain-link model?

I came to the criminal justice system when JLOS was there. So, I'm a JLOS product. The chain-link model has played a very big role coordinating the actors... organizing training to capacitate stakeholders besides being thickly involved in the SGBV specialized sessions. A lot has been enabled under the auspices of JLOS which has now changed to the Governance and Security Programme where you still have the JLOS component. JLOS enabled the justice actors to cooperate, sit together and synergize and coordinate because sometimes you can sit together to do nothing. A lot of peer-reviewing has been enabled, creating some way forward on how to manage and respond to challenges facing the system. JLOS also brought transparency among actors.

I remember those early days when we would go for case management meetings under the auspices of the District Chain-link Committees (DCCs) and blame each other yet with time, the same JLOS model enabled us to understand that blaming wouldn't help but understanding and empowering one another. On the broader discussion, my view is that the judiciary, in spite of its independence, should never jump out of that JLOS framework. There could be areas requiring improvement; I don't know. What the judiciary needs to do is to provide leadership and be an active actor within that space.

Many countries envied and copied us on the JLOS framework because of that system. In fact, we used to be ranked the best performing government sector because of that effective JLOS coordination that came with the chain-link system approach to service delivery. We used three simple words namely communicate, coordinate and cooperate - basically the 3Cs.

QN: When it comes to corroboration in especially SGBV cases, science plays a very big role. And speaking very specifically, what do you think is the role forensics investigations should ideally be playing in combating SGBV offences?

As a prosecutor and judge who has handled SGBV cases and generally criminal sessions, I can say that forensics is very important in resolving SGBV offences. If



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is better facilitated to coordinate and handle witnesses and victims' attendance of Court. The game-changer has largely been better coordination, communication, and cooperation.

QN: There have been concerns especially among private/defense lawyers faulting the criminal justice system for over celebrating convictions as if it wouldn't be justice if the trial ends by way of acquittal, withdrawal of the case, nolle prosequi etc. As a former prosecutor and now judge, what's your response to such concerns?

SGBV perpetrator 15 years and another 3. It doesn't seem justice for the common man out there and there is need to harmonize.

On cases committed under similar circumstances, having one judge giving 15 years and another 3, there is some problem there. The sentencing structure is still a problem, I agree. I visited a State in the US where the sentencing guidelines book is huge and is reviewed annually. It's possible we can harmonize without taking away the judges' powers to sentence. Being more specific would create more

we were using forensics as we ought to do, we wouldn't be traumatising victims to come to Court to give their testimony afresh. DNA would prove it because finding the accused person's DNA at the crime scene, on the victim's body or inside her genitals would be all. Nobody would need any further corroboration of the case. All you need to do is to prove the chain of custody or that whole process of obtaining the DNA and having it analysed.

We have also not resourced that area enough. As a prosecutor, I used to hear of lack of reagents, but I'm told the Police now have their own analytical lab [at Naguru] supplementing on the government analytical laboratory at Wandegaya. If they have the reagents too and better capacity to collect samples, then glory be to God. We need the medics too because there can be no success in that area if the medics, nurses and midwives, who are collecting samples from defilement victims, aren't properly trained or resourced to work. I participated, at some point, in approving a handbook or manual for Ministry of Health guiding the medics on how to collect samples for forensic analysis from victims of sexual violence. Equally important is the effective transportation and storage of the samples. We need better capabilities in terms of collection centers, individual capacity, and community awareness so that even victims can know how to preserve essential evidence.

As a prosecutor, I have relied on forensics to win cases. We also ought to appreciate that even eyewitness accounts sometimes require DNA to be corroborated. Whereas all cases are important because victims are Ugandans, I have seen high profile cases having the DNA aspect well-resourced because the state must secure a conviction. This is common with high profile criminal cases as was the case with the 2010 bombings case which I prosecuted [took over after Joan Kagezi's murder]. I [partly] relied on the DNA analysis report to successfully prosecute that case. We should come to a point where even non-high-profile cases get a lot of resources because, in especially sex violence cases, we must secure the children of Uganda as that is the future. DNA enables the prosecutor to prove the case very accurately without having to traumatise the victim by calling them to Court.

QN: What would you consider to be the emerging issues or even challenges in the SGBV cases' space?

I would say things like corruption but those aren't emerging challenges. Then lack of expertise to handle cases in a child-friendly and gender-responsive manner.

You can have expertise as a lawyer, knowing the elements of the offence you need to prove, but if you obtain them in a mechanical way, you can fail miserably. A witness collapses in court because she is traumatised, refuses to speak, or speaks in a coded way. Tell me what happened? And then she says that man got married to me on that day. That's coded language. A judicial officer who doesn't know all these sensitivities will be competent but not child-friendly or culturally sensitive. In some cultures, you can't talk about these things openly and the victim must be appreciated in that context. Which African child or woman will address sex matters with all cameras facing them? Then court officials will say there is a problem with this witness.

Those are emerging issues, but COVID also taught us a lot with the gross number of defilement cases. It exposed the

and accused person. The use of technology so that she can testify without looking at the accused person. We have adopted zoom technology here at ICD (International Crimes Division) and the child will testify from some room e.g., the Registrar's office and there is a screen for the lawyers to see who is testifying from the court side. The child gets cross-examined when they only see the lawyers. We shield them from seeing the accused person as they testify. Such small things greatly improve the environment for the victim.

We have also evolved special procedures all aimed at making the victim comfortable. Using the doll to prevent having to require the child to describe a sex organ. You ask the child certain questions, and she is only required to identify it as opposed to describing it. The ODPP has done very well on that one. There are also resting rooms for children and here at



COVID also taught us a lot with the gross number of defilement cases. It exposed the system's inability to deal with emerging SGBV issues. It also exposed society's predisposition to sexually exploit girls for survival



system's inability to deal with emerging SGBV issues. It also exposed society's predisposition to sexually exploit girls for survival. Families sold their girls much more easily under the lockdown.

Mental health for victims and survivors of SGBV is something that is rarely paid attention to. When they collapse in our courts and can't testify, we just think they are just being funny. This is how we respond to them 'can you speak, and we go to the next? I have 100 more cases to hear, and you are just there wasting Court's time.' We have not yet understood the effects of trauma in our system, and we ought to address this.

QN: Any good practices that have evolved which you can refer to?

They have been many including making court atmosphere gender-sensitive and child-friendly on the day of hearing. There are many ways this can be enhanced including excluding the public and increasing the distance between victim

ICD, if we have human trafficking cases involving the SGBV element, we use the registrar's office, but the DPP has gone far on that one too. Many judicial officers in Kampala and upcountry have sometimes created these safe spaces. Personally, I sometimes improvise by requiring some staff to temporarily vacate their offices and we use them for that purpose.

There is also having the children, women, the victims familiarise themselves with the court environment before the session begins. They relax and become comfortable to become effective witnesses. I would do that a lot as a prosecutor, and I still do it even today as a judge to avoid traumatising them. For example, by letting them know this is how a judge dresses (the judicial dress code). This is all very important for the children not to become very frightened. Sometimes even adults are from upcountry and have never seen a judge. You remove that phobia to make the environment more friendly. There is also dealing with specific witness

challenges. Let's use Mbale: you have a witness from Budadiri, and the translator is from Manafwa. He is translating but they aren't connecting because they have noticeable language differences. Court has convened to get evidence but it's not possible because they are just arguing. As a judicial officer, you must identify the gap and look for a Mudadiri to be the translator and then things become smooth.

It's also problematic for the child having to give evidence before men. Imagine an environment where all these are men - the judge, court clerk, court orderly, translator and prosecutor. Just balancing the gender in the court environment is a special procedure recognizing challenges the victim might have given evidence in Court. Bottom line is having what happened recorded and you must make the witnesses as comfortable as possible.

QN: There is a lot that can be done to enhance witness protection, making them feel safe. What, specifically, do you think about the witness protection law?

We already have instruments calling for a friendly court environment for witnesses which we can effectively use even before the witness protection law gets enacted. For children, there are many including the African Charter, the Children's Act which

requires some institutionalized protection.

Victims get compromised because they are living with the perpetrator. I handled a case in 2000s where a grandmother attacked a child, the victim for testifying against her son. This was a father who had sexually assaulted his own child in Kawempe. She had been aided by a UPDF soldier to report and he got imprisoned. The grandmother chased her from home. So, we need to have institutional protection for such children getting for them where to stay because currently this is being done by CSOs with limited capacity. That law would even streamline how they get reparation. They need education and the relatives are unhappy you reported the case. What happens? Such victims are always on their own. We need that law to provide for their medication, shelter etc.

QN: There is also the question of rehabilitation of victims. How best can this be handled?

I already told you about mental health. We can't get evidence from these victims and leave them to go and suffer for the rest of their life. When I had a High Court session in Kiboga and tried SGBV cases, I would order for compensation as I sent the guys to Luzira, but these would be merely empty orders. The accused per-

up. The community and victim must be willing to forgive him.

QN: Personally, you are so passionate about SGBV matters. What drives and inspires you?

It's not that I was ever sexually assaulted personally. Neither did I witness anyone being assaulted in my community. I grew up in a much-protected environment. I had a normal childhood because my parents were both civil servants. There was no sex violence and abuse to the rate we have today.

But when I became a prosecutor (for nearly 17 years in the 1990s), I came face to face with a gorilla. I was posted in Tororo as an RSA and in every 10 files I got, 2 would be robberies, 1 murder and the rest defilement or rape. I was alarmed. I thought this was a Tororo problem but when I was transferred to Iganga, it was even worse. 40 files daily and 80% of them defilement and rape related. I felt maybe the Basogas are reckless. My next station was Masaka where it was more gross.

This was all in 1990s and 2000s. When I was deployed in Mbarara as prosecutor, I said why was I blaming the Basoga, yet this is a national problem for Uganda? When I came to the ODPP headquarters in Kampala, I confirmed this was a national problem. The sex violence Kony committed in Northern Uganda badly hurt the community, yet those people hadn't got any Justice. I called it a pandemic and it's worse than COVID. My nature is such that when I sense a problem, I don't run away from it but work with others towards a solution and that's why I remain very passionate against SGBV offences.

QN: Any big case you handled and felt your life was in danger?

Not quite. Not one that was SGBV-related. The only case that made me feel threatened was prosecuting the 2010 bomb suspects in Kampala. In Masaka, one time robbery suspects shouted "nyabo tumaanyi wali mu mutuba gardens w'obeera [we know where you live]" and even the Judicial Officer heard them.

Even when I have prosecuted 1000s of SGBV cases, resulting in convictions of over 80%, I have never come under any serious threat though one time I fainted and collapsed on duty I think because of fatigue and too much work. I was a prosecutor for 16.5 years and just know I prosecuted many cases, a lot of them SGBV-related, because we prosecutors have always been few with a lot of work. **JLOS**

provides for children and family Courts. Its provisions can be applied in High Court or any other Court with necessary modifications because the person appearing is still a child. So, we have some legal framework already. As for the victims, we have the UN Principles of Justice for victims and guidelines for the right to fair trial. These are soft law instruments Court needs to be aware of and apply. They provide legal basis for child-friendly and gender-responsiveness.

But, having said that, we need the witness protection law specifying all these different procedures because some judicial officers won't heed unless it's expressly stipulated in some law. We need to protect the victims and witnesses because aiding the prosecution of SGBV cases

son is supposed to pay but I wonder who pursues them to pay up when they return from prison.

They are supposed to pay reparations, but I would wonder how they ever manage to pay. One of them said to me I'm willing and I will resume my carpenter job and pay when I'm back. I think reparations are okay but rehabilitating the victim is better because it will help them recover from the trauma. We must keep following up what's happening in the victim's life after the offence.

The accused persons also require rehabilitation under restorative justice. In Canada they do it and it's not very expensive. It originated from the Red Indian restorative justice system. All it takes is for the perpetrator to take responsibility and own

What Stakeholders Say about Gender-based Violence and How It Can Be Combated

By John V Sserwaniko



Hon. Dorah Byabakama



Anna Kiiza (ODPP)



Batson Baguma (ODPP)



Justice Ajiji (Judiciary)



Rose Asiimwe (Uganda Police)

On behalf of Uganda Law Society (ULS), which represents the views of thousands of private lawyers, we interacted with Counsel Sylvia Namaweje. Ms. Namaweje heads the Criminal Justice cluster which also takes care of the Sexual and Gender-based Violence (SGBV) matters whose victims tend to be women and children in most cases.

Namaweje appreciated the efforts being made to mitigate SGBV cases to make Uganda safer for everyone and commended stakeholders, including the Courts and the Office of Director Public Prosecution (ODPP). She also pointed out areas that require improvement for victims to access justice and be served more effectively.

ULS' CONCERNS:

She said as private lawyers, they are concerned as to why a lot of emphasis goes on securing conviction against the accused persons who at the same time are taken to be the perpetrators of SGBV. Namaweje said that justice, for the victims, should be seen in the broader sense as opposed to merely equating it to conviction. "There can be justice even when the matter ends in an acquittal, nolle prosequi or even outright dismissal of the prosecution case. That's how we look at it as defense lawyers," Namaweje said while imploring the ODPP to begin looking at things differently because "it's still justice even when the matter is concluded in favor of the accused person."

But speaking for the ODPP, Batson

Baguma (a chief State Attorney) says there is no way ODPP can be required to be satisfied with anything less than a conviction because "we take a lot of time scrutinizing everything and we only pursue a case once we are satisfied there is evidence against the accused person." Batson Baguma says that is why many cases end in nolle prosequi or not being tried at all once the prosecutor sees there is no case.

Namaweje suggested need for harmonization and close collaboration among all parties and lawyers involved in preparation of such SGBV cases as "there is need to closely work with Police investigators and all the others involved" to avoid situations where Police investigators end up being misunderstood by the ODPP for testifying in ways different from what the prosecutor would ordinarily have expected. "Its possible Police can investigate the case well and still the evidence gathered results into an acquittal of the accused person," Namaweje said.

She also suggested need to correctly understand private (defense) lawyers like herself because defending the accused persons doesn't mean they aren't sympathetic to the supposed victims of SGBV attacks. To achieve that level of understanding and appreciation by the public, there is need to sensitize the public more about how the entire criminal justice system (and not just SGBV) operates, Namaweje asserted adding there is need for closer collaboration between the ODPP and private (defense) lawyers "because what we are putting together is a properly

functioning justice system and not merely a conviction."

She also shared the constraints under which private lawyers, who are required to defend the accused persons, operate including inadequate remuneration. "The state brief system is still very much necessary because we can't do without it as a lot of people can't afford a private lawyer on their own." Namaweje explained that the Shs3m being paid to such private lawyers to defend accused persons for every 15 cases handled is inadequate and can't make the state briefs scheme attractive to senior lawyers whose experience would be essential for the accused person to get the very best legal representation.

"The special SGBV sessions also go on up to 3 months and would mean Counsel dedicating his or her entire time and not many seniors would be prepared to dedicate so much time to earn so little." That even the Shs2m being offered per month under the daily hearing of criminal matters (being piloted) at the Criminal Division of the High Court still won't make the state briefs scheme more attractive to lawyers in private practice as one would be required to be doing that daily. "We clearly need better remuneration so that senior advocates become attracted to the criminal justice system to come and serve as defense lawyers."

Namaweje says the Uganda Law Society would equally like to see more private lawyers invited to the SGBV training sessions and conferences as opposed to only prioritizing prosecution lawyers working under the ODPP. "Using

such trainings, we should aim at equipping both prosecutors and defense lawyers to equalize because even the symbol of justice is that of a weighing scale comprising of both the prosecutor and defense lawyers.” That having good prosecutors alone, without adequately equipping the defense side, won’t lead to the best justice for both victim and accused persons in the SGBV cases.

The senior ULS member also suggested the need to have government equally facilitate the movement and lunch provisions for prosecution and defense witnesses in the prosecution of SGBV cases because witnesses for both sides are required to facilitate equitable justice.

Namaweje also made the case for the Government and other partners to invest more in interventions aimed at prevention of sexual & gender-based violence cases which she feared could reach crisis levels if no adequate investment is made towards prevention. She also wants more attention paid to child-to-child sex cases which are lately becoming rampant too.

Namaweje also made a case for adequate investment into rehabilitation of the victims which Deputy Head of Criminal Division of the High Court Justice Alex Mackay Ajiji separately stressed as very necessary. Ajiji, whose Court often tries such SGBV cases, also proposed strengthening of the role played by probation and welfare officers who are based in all districts and other local government units of Uganda. On ULS’s behalf, Namaweje also proposed increased reliance on and investment into forensics investigations which help in corroborating would-be complex evidence in especially SGBV cases.

OTHER STAKEHOLDERS’ VIEWS

Speaking during this year 2023’s SGBV-post session review meeting, during which participants and stakeholders reflected on experiences and lessons learned from last year’s special session, the Inspectorate of Courts Registrar Amos Kwizera suggested improved infrastructure around the Court premises so that specially designated waiting areas for especially children’s victims are put in place. Other judicial officers present supported this proposal asserting that in absence of decent waiting places, children and other witnesses get bored, fatigued, and compromised not to give the high-quality evidence they may have intended to give originally.

Masaka Resident Judge, Justice Lawrence Tweyanze, was also at the review meeting and supported Namaweje’s proposal to have private lawyers involved

more in training programmes and preparatory work. Representatives from the ODPP equally spoke and agreed with Namaweje’s proposal to equally facilitate both prosecution and defense lawyers. The participants from the ODPP also demanded for better quality investigations by the Police which they said ends up doing such a good job once prosecution-guided investigations are permitted so that all the evidence and relevant exhibits are appropriately handled and processed.

In a paper presented on behalf of the ODPP, Chief State Attorney Anna Kiiza appreciated the President for recently directing the Attorney General (during the Joan Kagezi Memorial Lecture) to expedite the enactment of the witness protection law which will improve the criminal justice system for SGBV victims especially in districts like Bushenyi and Tororo which available literature shows are the hardest places for witnesses in SGBV cases.

contribute more meaningfully to the war against sex and gender-based violence instances. The Probation and Social Welfare Officers (PSWOs) do a lot to facilitate prosecution of such cases including helping the Police and ODPP to trace and prepare victims and witnesses for participate in Court processes-giving evidence to strengthen the prosecution case. They also prepare victim and community impact statements each time such offences occur.

PSWOs also prepare the appropriate referring of cases involving sexual violence against children (SVAC); document such cases and ensure confidential storage of the relevant data; and engage in continuous community sensitization through radio talk shows besides participating in the psychological rehabilitation of victims. They also link up with CBOs involved in prevention of sex and gender-based offences or violence at the community level on behalf of the GoU; and closely



The welfare and probation officers do a lot to facilitate prosecution of such [SGBV] cases including helping the Police and ODPP to trace and prepare victims and witnesses for participate in Court processes-giving evidence to strengthen the prosecution case



That in the two districts, witnesses and victims’ parents often get harassed and even assaulted by close relatives and community members who, due to low awareness levels, take such to be betrayal against the offending family members and relatives. The Assistant DPP in charge of Mbale region, Alex Ojok, narrated stories of such witnesses and victims’ parents sometimes getting banished by community and close relatives who consider it unforgivable to give evidence against an offending relative who gets involved in sex violence offences like defilement or even rape. Participants at the review meeting were unanimous the solution to such obstacles lies in expediting the enactment of the witness protection law.

Speaking on behalf of the Ministry of Gender Labor and Social Development, which supervises the work of welfare and probation officers in the districts and Municipalities, Rose Aaca told the review meeting what needs to change or be improved upon for her Ministry to

work with ODPP staff, such as the RSAs, to prepare and enhance witnesses and victims’ capacity to give evidence during SGBV Court sessions.

To do their work even more effectively, while ensuring justice for victims, Rose Aaca’s colleague Sheena Natureba (speaking on behalf of fellow probation officers) told the review meeting that there was need to deliberately work towards expeditious hearing and completion of sexual and gender-based violence cases because, once delayed, victims and would-be witnesses get compromised to lose interest in the case which naturally makes it hard for the ODPP to secure a conviction and enforce justice for the victims.

Gratefully, through the special SGBV sessions (which have been on since 2018) more and more such cases have been expedited. For instance, during the 2022 special SGBV sessions, a total of 299 such SGBV cases were concluded, 80% (239) of which ended in the accused persons or perpetrators getting convicted. Seven

Courts were involved in these special sessions namely the High Court sitting at Tororo, Kamuli, Bushenyi, Kamwenge and Nebbi besides Pader and Kayunga Chief Magistrate Courts. Some 5 cases were resolved through reconciliation: 6 through dismissal and 4 through acquittal.

The welfare and probation officers demanded better facilitation especially by way of being given more transport funding because the districts they cover are such large geographical areas to be sufficiently covered by what is being offered. Sometimes one must cross into the nearby district or even beyond trying to trace and engage victims and their supposed witnesses to come to Court and corroborate the prosecution case against the accused person.

The probation and welfare officers also would like to see defense lawyers treat SGBV victims more humanely during cross examination as opposed to dehumanising and exposing them to more stigma. That the adversarial manner of cross examination reminds such victims of past traumatic experiences which discourages them from attending subsequent court sessions.

The probation officers too spoke about the need for witness protection law to shield victims and witnesses against manipulative relatives and community members who intimidate and push them into giving unhelpful evidence contradicting what they may have disclosed earlier on. Police investigators need to be further trained in preparing victims' medical examination forms better.

"Many cases fail due to poorly prepared Police forms by medical officers and in some cases, the presumed age of the victims or the fact whether penetration was evident on examination was lacking." The probation officers proposed that the criminal justice system begins to deliberately invest in interpretation services to overcome the language barrier rampantly faced when out in the field trying to identify, prepare and process such SGBV victims and witnesses. This is common in cases where the victim, perpetrator or the only witness is a refugee from a foreign country like South Sudan or the Democratic Republic of Congo.

POLICE'S TAKE:

On behalf of the Uganda Police's Directorate of Forensic Services, ACP Andrew Mubiru (Ag. Director) and ASP Lillian Doris Mutesi (who heads the DNA and Serology Unit) explained the importance the forensics investigation's function plays and demanded to be involved more in joint training sessions.

This, they said enables investigators to learn from both prosecutors and judicial officers who subsequently depend on such evidence to prosecute and determine SGBV cases respectively.

The duo also referred to the need for the Government and development partners (whose contribution was appreciated) to fund forensics more because in many sexual and gender-based violence cases, it's the only evidence available to aid the prosecution case since would-be witnesses always chicken out in response to family and community pressures.

Masaka Resident Judge Lawrence Tweyanze and Justice Alex Ajiji supported the two senior Police officers on the need for GoU to fund forensics investigations more with Justice Tweyanze referring to many cases in his Court which have had to end in conviction, and therefore justice being delivered, simply because of the change-changing role played by forensics evidence. The two judges demanded increased funding and prioritization of the forensics function in the Uganda Police Force.

The two senior Police Officers namely Mubiru and Mutesi are of the view that Police Forensics investigators can benefit and learn from judicial officers and prosecutors once joint training sessions are organized and vice versa. They are also underlining the need to extend access to state-of-art forensic investigations facilities beyond the current two established labs-one at Naguru and the other at Wandegaya. They would also want to see members of the public and potential sex violence victims continuously sensitized on how to preserve potential evidence, exhibits and crime scene so as not to complicate forensic investigations and ultimately the prosecution case.

Speaking on behalf of the ODPP, Chief State Attorney Anna Kiiza thanked government for the witness facilitation fund through which they are now able to not only transport but also provide lunch and refreshments for their witnesses. There is however a need to enlarge this fund so that each witness can be adequately facilitated and enabled to come to Court and give evidence.

The ODPP would also like to see more audio-visual link facilities erected in more Court rooms so that victims and witnesses are enabled to testify and give their evidence without having to physically be in the same room with the accused persons or the alleged perpetrator of the impugned sex and gender-based violence offence. This would relieve victims from the trauma of having to testify while

facing their tormentors which makes them re-traumatized besides affecting the quality of evidence they are giving.

The ODPP would also like to have cause-listing done jointly and in a more inclusive way to enable judicial officers concentrate on SGBV cases during the special session as opposed to being required to go and attend to other scheduled civil matters or even miscellaneous applications at the time the special SGBV session is supposed to be ongoing hence leading to avoidable disruptions.

According to the comprehensive paper that was presented during the SGBV session review meeting, the ODPP is also concerned about lenient sentencing Court gives out upon securing conviction. The prosecutors, who burn midnight candles reading and preparing their prosecution case, would like to see judicial officers handing out the harshest or more severe sentencing especially against rape and defilement convicts. They get demoralized seeing a convicted aggravated defilement perpetrator getting less than 15 years in jail. And the rapists not getting less than 10 years jail sentence.

"Such light sentencing can encourage impunity besides affecting the operations of ODPP and complicating pre-bargaining related negotiations with the accused persons" who will be reluctant to settle the case in case they don't anticipate severe sentencing upon conviction. That besides being correctional, appropriate sentencing can help meet ends of justice besides protecting society from lawlessness.

The ODPP is grateful that Police investigators have continued to enthusiastically embrace prosecution-guided investigations and prosecutors would like to see that mainstreamed more and enabled to continue. In some cases, SGBV victims are minors who must be escorted to Court by parents or guardians whose transport and lunch facilitation the ODPP would like to be provided as well. Besides, the Government needs to ensure that witnesses' transport refund package is generally enhanced and made fairer and more commensurate to reflect the length of the journey covered to and from the Court.

Hon. Dora Byamukama, a senior lawyer who for years has been doing research and consultancy on the SGBV area, emphasized the need to expedite the adoption of good practices so that there is certainty, predictability and uniformity in the procedures, dos and don'ts followed when adjudicating sex and gender violence cases majorly being committed against both women and children. **JLOS**

Children and SGBV: Role of the Justice for Children (J4C) Programme

By Brenda Patience Kyomugisha

Sexual and Gender-based Violence (SGBV) refers to any act perpetrated against a person based on gender norms and unequal power relationships. Sexual violence is defined as including all forms of sexual abuse and sexual exploitation. Sexual and Gender-based Violence is an offence that is also committed against children and in some cases by juveniles. According to the Uganda Violence against Children Survey (VACS) of 2018, the offences may include non-consensual sex acts, attempted non-consensual sex acts, and abusive sexual contact. This also includes the exploitative use of children for sex.

Despite legislative efforts, awareness campaigns, programmes and resources that have been developed, official statistics continue to reflect an increase in victims of SGBV. According to the Uganda Violence Against Children Survey (VACS) 2018, Ugandans of ages, 13-17 years, one in four girls (25%) and one in ten boys (11%) reported sexual violence in the past year. Sexual and Gender-Based Violence continues yet every child deserves to grow up in a free and safe environment.

Justice for Children (J4C) programme is a UNICEF-funded JLOS initiative whose primary objective is to ensure that all children in conflict and contact with the law are better served and protected. The Programme has utilized and strengthened key stake holders in the criminal justice system that include the Uganda Police; Courts of Judicature; Uganda Prison



Brenda Patience Kyomugisha

Service; Office of the Director of Public Prosecutions; the Ministry of Gender, Labour and Social Development; the Probation and Social Welfare Officer (PSWO); Legal Aid Service Providers; and non-state actors to support child victims of SGBV. The programme has advocated for the promotion and application of child-friendly practices and procedures that have been done in various ways and at different stages of the criminal

justice chain.

Sexual offenses are sensitive and difficult to prosecute, especially when children are involved. This is because the victim of the sexual offence is also a witness and some perpetrators are known to the victims, either as relatives, care takers and persons of responsibility. To support the victims and have their rights exercised, the programme has advanced and promoted several interventions to

victims and witnesses of sexual and gender-based violence across the justice chain in the following ways:

Statement extraction from victims at Police

According to principles of child protection, privacy is paramount when decisions are being made about children, more so during the process of extracting a statement from the victim of sexual violence. The police have a mandate to extract a victim's statement, by treating the child victim with dignity and in privacy. The programme through the regional J4C coordinators has strengthened the role of the Criminal Investigations Directorate (CID) in gazetting special rooms for sexual violence interviews and protection at police stations. Consequently, children have been well protected during the extraction of their statements and their privacy maintained.

Pre-trial Conference

Regional J4C coordinators have participated in the pre-trial conferences that bring together all stake holders to discuss what is required to have a successful trial session. They have access to cause-lists from the Court, map out the procedures the session will take, the needed logistics, share experiences from previous sessions, identify technical issues involved including how to deal with child victims and witnesses. This has leveled the ground of the coordinators on the key areas to support who and how to support, to achieve the set target of the session and related beneficiaries.

Use of Technology

To safeguard child victims of SGBV from secondary trauma, the programme advocates for the application of Information and Communication Technologies (ICTs) in preventing further traumatization during court sessions. The use of Audio-visual link technology that has been installed in High Court and Chief Magistrates' courts in some regions, aiming at creating a child friendly environment that enables child victims of SGBV to testify without fear. The link has one screen installed in the court room and another installed in a gazetted room where the child victim /witness sits, away from the rest of court actors during court proceedings.

The J4C regional coordinators work closely with ODDP, the presiding Judges, Court clerks and systems administrators to make sure the system is operational, the session rooms are prepared, the victim/witness is briefed on how the process will be conducted, and the language that will be used. In areas with no audio-visual facilities, the regional coordinators have advocated for the use of Judicial Chambers or the exit of other litigants from the court room except for key persons to the case. These interventions build the child's confidence to testify with dignity against the accused and receive a fair hearing.

Utilization of Child Care Centers

Related to use of technology is provision of special facilities at Courts and offices of the DPP in form of Child Care Centers. The involvement of J4C Regional Coordinators has strengthened role of the PSWO in the use of childcare centers for pre- and post-trial counselling and as an audio-visual room where it exists. The coordinators, when delegated by the PSWO or together with the officer, support in orienting the child in the room on how to use anatomical dolls, conduct counselling and any other emergency support the child might need during the session.

Pre- and post-trial counselling

The Regional Coordinators work closely with the Probation and Social Welfare Officers to conduct pre- and post-trial counselling, support the child physically such that the child victim/witness is encouraged to continue talking (sometimes a child might fear to speak, or can be taken up by the gadgets/screen or motion picture). Counselling has eased the process of the child victims/witnesses in re-telling their story during court proceedings in a safe and user-friendly environment facilitating access to a fair hearing.

Preparation and submission of Impact Assessment Reports

Regional Coordinators have coordinated with the ODPP, Court with Probation and social welfare officers, for purposes of securing the file from ODPP or Police to prepare the reports and the mode of submission in court. According to the Children Act, Cap 59 (as amended 2016) and the Probation Act, Cap 122, it is their responsibility of the probation officer to attend court proceedings involving children, prepare and submit impact assessment reports, as required by the courts to guide the judicial officer in sentencing the accused.



Child care centre at the ODPP

The regional coordinator's efforts have led to an increased number of reports shared to help judicial officers make informed decisions and hand appropriate sentences to the accused when found guilty.

Witness protection

In circumstances where a child victim of SGBV has been abused by a person with a close relationship (such as a family member or neighbour), their home might not be the best place for the child to stay in. In such circumstances, the J4C coordinators engage with the PSWO to provide care and protection to child victims by placing them in approved homes for alternative care in emergencies, offer counselling in preparation for court hearing and support their families in preparation for reintegration.

Child to child sexual offences

In cases where children harm one another sexually, Section 129 of the Penal Code makes it an offence for anyone below 18 years of age to engage in sexual activity. This has created a situation where two children can be accused of committing a

crime against each other. The rationale for this provision was to protect girl children who were considered more vulnerable than boys and therefore in need of protection from underage sex and its negative impacts on girls. In the criminal justice system, it has been observed that boys are usually arrested, and girls are left at large. In the fulfillment of the law and in the interest of justice for children, the programme has built the local capacity in communities that even the girls have been brought to book. In most cases, parents have cooperated with the investigating officers and benefited from mediation.

Strengthening the functionality of the criminal justice system coordination structures

To effectively respond to sexual assault, abuse and exploitation cases in the criminal justice system, there must be intentional multi-sectoral coordination for improved communication and cooperation between key stakeholder such as Police, the Probation and Social Welfare Officer, Office of the Director of Public Prosecutions, Courts of law, prisons, health workers, advocacy groups, and political leaders to address sexual and gender-based violence. The regional Coordinators have played a key role in the functionality of the regional and district chain linked coordination structures, RCC and DCCs across the programme sites. This has created an opportunity for children matters to be tabled for discussion, including child sexual and gender-based violence offenses.

Data collection

Data collection and management is key in case management of SGBV cases. In this regard, the regional coordinators regularly collect and analyse data in the form of SGBV cases cause listed, those concluded and the proposed way forward at Chief Magistrates and High Court levels for high level planning purposes.

Conclusion

Through a concerted effort, the Justice for Children Programme continues to advocate for a comprehensive national child protection system that can prevent and respond to all forms of SGBV, child neglect, exploitation, and harmful practices in the criminal justice system. **JLOS**

The writer is the National Coordinator for the J4C Programme based at the Governance and Security Programme Secretariat, Ministry of Justice, and Constitutional Affairs.



A child friendly space for children and caregivers at Mbale High Court in Eastern Uganda

Justice for Children Programme: Delivering user-friendly justice for children in Uganda

By Brenda Patience Kyomugisha

In recent years, the issue of Child Justice has been recognised as a critical issue in the development of children in Uganda.

This recognition has been reflected in the National development plans, performance indicators of justice institutions and in the Government of Uganda Programme Strategic Development Plans.

It should be noted that children encounter the justice system as victims, witnesses, or offenders. However, Uganda's justice system was majorly designed for adults, which can be intimidating for children and can negatively impact on their psychological and emotional well-being. More so, many capital cases involve children as victims or witnesses. It's therefore critical that children who are victims of abuse or witness a criminal activity are accorded special assistance and protection.

The current nature of the judicial process can be intimidating. Child offenders, victims and witnesses of crime are often intimidated and re-victimized by the justice system that is not adapted to children's rights and needs. Thus, the goal for Justice for Children (J4C) approach is to ensure that all children encountering the justice system are better served and protected by considering among others - the child's best interest; equal treatment regardless of gender or nationality; freedom of expression and dignified and compassionate treatment during judicial proceedings.

The Justice for Children Programme (J4C) is an initiative of the Justice Law and Order Sector (JLOS) funded by The United Nations Children's Fund (UNICEF). The programme's overall objective is to strengthen justice service

delivery systems to respond to the needs of children through timely, effective and child-friendly practices and procedures at both national and sub-national level. It strives to strengthen the capacity of JLOS institutions to better respond to the justice needs of all children interfacing with the justice system including children in conflict with the law, child victims, witnesses, missing and abandoned children.

The J4C programme is currently being implemented in 15 JLOS Regions covering 19 High Court in 86 districts: Nakawa, Mpigi, Iganga, Jinja, Mbale, Tororo, Soroti, Arua, Gulu, Kitgum, Masaka, Mbarara, Masindi, Hoima, Lira, Fort Portal, Kabale and Rukungiri. The regions are supported by regional coordinators through Regional Coordination Committees (RCC) at regional level, with



DCC stakeholders after a co-ordination meeting at the Bwera Chief Magistrates Court in Kasese District

an oversight supervisory role over District Chain Linked Committees coordination structures at District level.

The programme utilises chain linked coordination structures for advancing children's rights and promoting a child-friendly and responsive justice system through standardizing child-friendly procedures for children in conflict and in contact with the law.

The functions of the programme are to:

- Advocate for institutionalization of diversion standards of petty cases away from the formal criminal court procedure back to the community. This is designed to protect children from the negative effects of the criminal justice system.
- Strengthen institutional and technical capacity of the justice sector and its professionals to improve children's access to child-friendly justice and delivery of legal services. This is achieved through prioritised co-ordination and collaboration of all institutions, state and non-state actors that are involved in the management of children in conflict with the law; victims or witness of crime and those at risk.
- Ensure Zero tolerance of child offenders in the adult facilities and vice versa. The program facilitates inspection of detention facilities such as police, prison and remand homes to ensure children are wholly separated from adults in detention facilities.



The programme's overall objective is to strengthen justice service delivery systems to respond to the needs of children through timely, effective and child-friendly practices and procedures at both national and sub-national level



- Support fast tracking of juvenile case in the system. The Justice for children programme advocates for juvenile cases being handled expeditiously.
- Strengthen the functionality of the Regional Chain-linked committees (RCCs) and District Chain-link Committee (DCCs) to create a child friendly space for all children in need of justice. RCC and DCCs are the primary planning, coordination and monitoring mechanism for the Justice Law and Order Services at the District level. The programme focuses

on improving the functionality of the DCCs in the three components of coordination, collaboration, and cooperation amongst the stakeholders.

- Ensure that detention of child offenders is the last resort. The Justice for children programme encourages granting of non-custodial orders through constant engagement and advocacy for non-custodial sentences with the trial magistrates in courts.
- The programme promotes the observance of the 24-hour rule of custody in holding facilities through supporting police to fast-track children's cases and carrying out proper investigations before arrest.
- Support the resettlement of juveniles and other children contact and at risk. The programme strengthens the role of the Probation, Social and Welfare Officer (PSWO) and Child and Family Protection Unit (CFPU) in ensuring that children in need of care and protection as well as those in conflict with the law are successfully resettled within their families and communities. [JLOS](#)

The writer is the National Coordinator for the Justice for Children Programme (J4C) based at the Governance and Security Programme Secretariat, Ministry of Justice, and Constitutional Affairs.

Harnessing socio-legal approaches to mitigate gender-based violence in Uganda

By Barbara Kitui

It is estimated by UN Women that USD 1.5 trillion is the economic cost of violence against women and this was before COVID-19. Although no statistics are provided for incidents of violence against men, if computed, the revenue lost increases. Evidently, the scourge of COVID-19 and its aftermath increased violence against women and men. In Uganda, the revenue lost to GBV between 2012 and 2017 was estimated at USD20.77 million which approximates 0.25% of the national budget.

Additionally, the Centre for Domestic Violence Prevention (CEDOVIP) reports that a total of UGX 50.5 billion is annually spent on dealing with the effects of gender-based violence (GBV). Notwithstanding the numerous interventions by Government to fight GBV including the GBV sessions, community sensitisation by police and probation officers, and heavy investment in adjudication of related GBV cases beyond the special GBV sessions, GBV remains unabated. To restrict the devastating impact of GBV on society, multipronged approaches are necessary. These multipronged approaches among others include medical-legal interventions, psycholegal and socio-legal approaches.

Increasing evidence indicates that socio-legal approaches may be necessary to mitigate GBV. Studies also show that the law in itself may not always reduce GBV and it has to be marinated with additional flavours to



Barbara Kitui

create an enhanced marinade to collectively fight. This is succinctly what this brief article seeks to articulate.

The article commences with a brief introduction. The second part explains the term socio-legal. Thirdly, four opportunities are suggested to harness socio-legal approaches and fight GBV. Finally, the article ends with a conclusion and recommendations.

The notion of socio-legal

Socio-legal studies are described as that which encompasses the study of law in its social context.

It is also understood

as 'the study of law and legal institutions from the perspective of social science.'

According to Schiff (1976), in the application of socio-legal approach 'analysis of law is directly linked to the analysis of the social situation to which the law applies, and should be put into the perspective of that situation by seeing the part the law plays in the creation, maintenance and/or change of the situation.' In brief, socio-legal approaches consider how legal concepts and practices are influenced by or operate within traditions, social, financial, historic, political contexts.

The Four (04) Approaches

This section proposes four ways in which socio-legal approaches can be used to fight against GBV. The first is through the family which is the foundation of society; economic grounding; culture reflections; and the influence of religion as expounded below.

The first aspect is the family. Family is the foundation of every society. In Uganda, several families exist and include monogamous, polygamous, single-headed and in unfortunate circumstances child-headed families. Every individual in the world comes from a family which is the smallest unit of society. Through families, social norms and traditions are formed and conveyed. It is therefore imperative that families are grounded in positive behaviour so that GBV does not perpetuate

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In Uganda, the revenue lost to GBV between 2012 and 2017 was estimated at USD20.77 m which approximates 0.25% of the national budget
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itself through learned behaviour. It is reported that among others, men involvement has commenced and will contribute to better families and communication by couples which also leads to enhanced decision-making in homes.

When families are made stronger and safer, it may contribute to a reduction in GBV within families and communities and ultimately a reduction in the case load within the formal justice system.

Secondly, economic grounding is of importance to curb GBV. The society has been scarred by the aftereffects of COVID-19 in individual, family and community lives. With the ongoing economic squeeze, some businesses have closed and the cost of living increased yet life continues with its demands for daily necessities like food, housing, clothing, education and medical care. Consequently, many people feel hard-pressed and unfortunately some resort to GBV. Despite all these difficulties, there is likelihood that alongside enforcing the law, opportunities may lay in providing economic grounding interventions like financial literacy, empowerment and entrepreneurship programmes to boost family incomes and consequently mitigate feuds which sometimes lead to GBV.

The third opportunity centres on culture reflections. It is argued that in Uganda GBV could be a cultural issue not poverty related. It is suggested that social beliefs, attitudes, inequalities and discrimination based on gender contribute to GBV. Clearly, local leaders have a big role to play since they are influencers in the grassroots. These local leaders include cultural leaders, religious leaders and leadership structures as established by Government (including Ministry of Local Government). It is significant that these local leaders ought to be full converted before spreading the gospel against GBV and develop positive culture that discourages GBV. In brief, when converted local leaders champion the fight against GBV within families and communities, the practice may be mitigated.

Finally, religion's influence is a considered avenue to mitigate GBV. Religion is very influential to several people in Uganda. There are numerous religions in Uganda which immensely influences peoples' perception and way of life. Interestingly, alongside the various religions are customs and cultural practices which equally influence some people and sometimes leaves them at crossroads with their religious beliefs. Owing to pluralised thought processes, some religious people succumb to negative practices like GBV. Religious leaders may have a contribution

to make by neutralising negative aspects of perpetrated customs and cultural practices.

Conclusion and recommendations

This article presented ways in which socio-legal approaches can be harnessed to reduce SGBV in Uganda. The article introduced the discussion, defined socio-legal approaches and articulated four ways in which the socio-legal approach can be applied – strengthening families, economic grounding, cultural reflections and religion's influence.

In conclusion, it can be safely stated that for GBV to be effectively addressed, multipronged and holistic interventions are a must. Without concerted effort, the vice of GBV will continue to negatively impact our generation and generations to come.

To strengthen the fight against GBV

disabilities.

- Religious leaders have a huge role play in influencing society to turn away from harmful practices and actions that take God's favour upon our lives. Without a shadow of doubt religion has the power to turn the course of a river to flow in the right direction especially during Sunday services where some GBV perpetrators attend. Religious leaders are therefore pivotal to the fight against SGBV because people listen to them;
- It is everyone's role to ensure that GBV is stamped out of Uganda. Evidently, the law in itself cannot entirely curb GBV. The Government is trying to fulfil its role. However, GBV starts within our conflicted selves; spews into our environment that includes family



For GBV to be effectively addressed, multipronged and holistic interventions are a must. Without concerted effort, the vice of GBV will continue to negatively impact our generation and generations to come



and its adverse societal consequences, the following are recommended:

- Families should be strengthened in collaboration with churches, cultural leaders, Government agencies including Ministry of Gender, Labour and Social Development (for mind-set change), JLOS and Ministry of Health;
- Economic grounding services should be provided to strengthen the family and society's financial muscle. Government has established women entrepreneurship programmes and could extend their mass sensitisation programmes to men so that everyone is on board;
- Deeper reflections are needed to analyse culture in its entirety and harness that which serves societal good. As we all know, culture evolves and therefore negative culture needs to be shed off in order for a new culture that safeguards all persons in society especially the most vulnerable who include vulnerable women, men, children, the elderly and persons with

and loved ones; and finally leads us into the criminal justice system where we have to be kept away for society's wellbeing. Hence, the ball is in your court to ensure that you curb GBV by dealing with the conflict that lies within you so that it does not spill into society. As rightly stated by William Ernest Henley, 'I am the master of my fate: I am the captain of my soul.' It is therefore upon us to act fairly to all persons and avoid interacting with the criminal justice system as offenders. Finally, to practically curb GBV, 'If it possible, as far as it depends on you, live at peace with everyone.' (Romans 12:18) **JLOS**

The writer is the Resource Person Family Justice at the Governance and Security Programme Secretariat, Ministry of Justice, and Constitutional Affairs.

The Nexus between Land Rights and Sexual and Gender-based Violence

“Securing women’s land rights could perhaps resolve over 50% of unequal gender power relations, economic injustice, gender-based violence, etc. among rural, urban, and indigenous communities living in poverty.” - Esther Muiru, Global Women Land Rights Manager at International Land Coalition

By Grace Angeline Chelimo

Land in Uganda is the most critical natural resource and an important household asset. According to the World Bank, more than 70% of Ugandans are employed in the agricultural sector, most households rely on land and its economic prospective to secure livelihoods and support access to finance for private sector economic activities. Research has shown that women whose land rights are secure are more economically independent, have an increased bargaining power at community and household level, better child nutrition and health, investments in education and increased productivity for their families and the wider communities, and they are less vulnerable to SGBV offences.

Land rights entail the inherent ability of people to own, use, control, obtain and possess land without interfering with other people’s rights. The right to own property either individually or in association with others is provided for under Article 17 of the Universal Declaration on Human Rights and Article 26 of the Constitution of the Republic of Uganda, 1995 as amended. Land rights of Ugandans strongly depend on the four land tenure systems which include mailo, leasehold, customary and freehold. However, despite the significance of equitable land rights land largely remains a preserve for men in most societies, a privilege that is reinforced by social and gender norms. Yet women’s quest to own, use and control land in their households and communities exposes them to different forms of sexual and gender-based violence.

SGBV related to land rights and natural resource access is often manifested when there are environmental stressors that often lead to scarcity or increased demand for the resource or if there is an economic benefit attached. SGBV prevalence has also been heightened with the impacts of climate



Grace Angeline Chelimo

change and its related disaster shocks such as famine or displacement. It affects women, men, boys, and girls disproportionately within different cultures and contexts. Women who try to assert and demand for their rights to land are often victims of SGBV especially at household level because they are perceived to challenge the status quo

while those that attempt to take up positions in land governance or those who stand up to defend land rights of fellow women, sometimes also experience violence from the broader community because they are perceived to question power.

Although some women have secure land rights in marriage or within communities

this does not rule out the prevalence of SGBV because their empowerment is perceived to pose a threat to some men's authority and power at household level. Indeed, even relatively empowered or educated women will frequently concede to have the matrimonial home and family property registered in the name of the husband. Worse still, some women fund the purchase of land or property within the family set up but unfortunately on most occasions such property is registered in the husbands or partners name leaving their wife or partner as a witness.

It is evident in society that in addition to the above, some men opt to dispose of or mortgage property from which the family derives livelihood and sustenance. This contributes to SGBV offences because land purchasers and financial institutions are aware of the legal requirement of spousal consent before the sell/ mortgage of such property. Women are always hesitant to consent to the sell/ mortgage of the only source of family survival. Nevertheless, some men often sell/ mortgage land obtained individually or jointly without the consent of their wives hence resulting to SGBV offences between aggrieved parties at family level.

Further still, SGBV also manifests in rural areas during seasons of agricultural harvest, due to interest of male counterparts to sell off harvest at the expense of their households having food and basic needs. Worse still, food insecurity in some communities/ households has contributed to an increase



Women's quest to own, use and control land in their households and communities exposes them to different forms of sexual and gender-based violence

in the SGBV because some girls and women are compelled by lack of food to engage in transactional sex and remain in abusive relationships due to their dependence on men to provide food or basic needs for them and their dependents.

In the recent past, some defilement cases have been linked to land conflicts where parties have land disputes and resort to defilement or rape of family members of a party to the conflict. However, such offenders are sometimes reported and prosecuted, while in some cases such matters are never brought to the attention of the justice institutions. It is important to note that in some cases it has been found that such allegations are false and fabricated by some disputing parties with the intention of having the wrongly accused person remanded and put out of society for some

time. On most occasions the justice actors have been keen in ensuring that reported SGBV offences are expeditiously handled.

Although statistics are available on reported SGBV offences at Police, ODPP and the Judiciary, there is need to understand the complex relationship between SGBV offences and land conflicts/cases. Conducting a survey in this area will go a long way in identifying the interventions for addressing some of the root causes of SGBV offences. Lastly, there is need to adopt a gender transformative approach in addressing the underlying causes of SGBV and mitigating the risks. **JLOS**

The writer is the Resource Person (Land Justice) at the Governance and Security Programme Secretariat, Ministry of Justice, and Constitutional Affairs



Unleashing the power of media in the fight against SGBV

NaLaw foundation actively works toward combating SGBV by ensuring that individuals have the necessary knowledge and understanding to protect their rights

By Sarah Kekimuri



NaLaw Foundation is a local media initiative committed to promoting access to justice through innovative media approaches

In recent years, the fight against Sexual and Gender-Based Violence (SGBV) has gained significant attention globally. It is an issue that requires collective efforts from all sectors of society, including the media. The media plays a crucial role in combating and preventing SGBV by raising awareness, facilitating public discourse, and holding institutions accountable.

Sexual and gender-based violence disempowers, leaving those that have survived it feeling ashamed, stigmatized, and unheard. For centuries the role of traditional media has always been to Inform, Educate and Entertain. Whereas media formats have evolved over the years, these remain unchanged.

But have these tenets of a centuries old profession ably and effectively been applied in tackling the scourge of SGBV?

Kansiime Tracey, media personality, communication strategist and co-founder of NaLaw Foundation, says that she strongly

ly believes in the transformative power of media. She acknowledges its remarkable ability to empower and make a significant impact on the masses. Recognizing that information is power, Tracey and her colleagues identified a crucial gap between the existing laws and policies and their intended beneficiaries - the citizens of Uganda, particularly the young people who constitute 78% of the population.

While some argued for changes in laws and the enactment of new ones, we understood the importance of bridging the knowledge gap between the law and the youth to combat SGBV.

Driven by our passion for making a positive impact, we, as journalists, embarked on a mission to address the gap between the law and the citizens of Uganda. This led to the establishment of NALAW Foundation Limited, an organization committed to promoting access to justice through innovative media approaches. With a strong focus on

empowering individuals with legal knowledge and resources, we have developed various initiatives to simplify the complexities of the law.

NaLaw foundation actively works toward combating SGBV by ensuring that individuals have the necessary knowledge and understanding to protect their rights. Through strategic partnerships and our commitment to innovation, we amplify voices and promote justice, making a tangible difference in the lives of the citizens we serve. We believe that by empowering individuals through accessible information, we can foster a society that is better equipped to address and prevent SGBV, promoting a culture of respect, equality, and justice for all.

“Media houses should invest in investigating the prevailing and existing SGBV cases in the country effectively”, says Mpindi Abaas, CEO and Co-Founder Media challenge Initiative. “They should

facilitate investigations to safeguard people that have been affected by SGBV so that they are not exposed to stigma but most importantly not exposed to more crimes and harassment while dealing with the impact of SGBV”.

Mpindi firmly acknowledges that alongside thorough investigations, media outlets should also invest in documenting critical responses that are working in communities and showcase how organizations and individuals are responding and fighting to end SGBV. “Once we have investigations and responses covered to show how people are working to stop this problem then we can create spaces for continuous public dialogue and civic engagement across multiple media platforms”, he says.

Along with these, is the ability for the media to watchdog by holding leaders accountable, raising awareness, driving behavioral change communication, and providing easy access to information for survivors of sexual and gender-based violence. Information is a very powerful tool in any fight. Imagine knowing the enemy’s tactical moves before engaging in combat, the kind of decisions one makes would be lifesaving. We can all agree that prevention is better than cure but for that to happen, you must be equipped with the right information.

The Media has done quite a commendable job to address the elephant in the room by shading light not just on the dire and extreme nature some of the sexual and gender-based violence cases, but putting a human face to the grueling statistics, and providing an avenue and platform for survivors to share their stories.

Furthermore, the media has taken on the responsibility of promoting Gender-Sensitive Reporting, recognising the need to report on SGBV cases with sensitivity, accuracy, and ethical considerations. Through various means such as legal training and campaigns, guidelines, and partnerships with organizations like the Media Challenge Initiative, the media can actively work toward encouraging gender-sensitive reporting practices. By equipping journalists with enhanced skills and knowledge on how to report SGBV stories, that will change the narratives that cultivate empathy, foster understanding, and contribute to informed public discourse.

Media has also played a significant role in ensuring accountability and justice by exposing institutional deficiencies, corruption, and systemic failures through investigative journalism. By bringing SGBV cases into the spotlight, the media acts as a catalyst for societal transformation, shedding light on the existing gaps within the justice



Media training session by NaLaw Foundation on the Computer Misuse Act



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system. Collaborating with media organizations, NaLaw and its partners have conducted thorough investigations and reported extensively on SGBV-related issues. Through these collaborative endeavors, the media actively advocates for justice, emphasizing the importance of accountability and pushing for systemic enhancements in addressing SGBV.

In conclusion, ignorance of the law is not a defense applicable in arguing any case. However, it is an undeniable fact that one of the root causes of the SGBV crimes is the lack of education. With such polarized views, the ordinary citizen is (if not for the

dissemination of information through the media) likely to find themselves in direct contradiction or contravention of the law. The media provides a platform to educate and sensitise the public on the social and legal provisions around SGBV with the powerful ability to engage and reach wider audiences, at their convenience and in their preferred languages. **JLOS**

The writer is a multimedia Journalist based in Kampala and co-founder of NaLaw Foundation.

National Gender-based Violence Database (NGBVD)

National Gender-based Violence database (<https://mglsd.go.ug/national-gender-based-violence-database/>)

The Ministry of Gender Labour and Social Development is a Government Ministry with a responsibility to empower communities in diverse areas.

The Ministry promotes cultural growth, skills development and labour productivity while promoting gender equality, labour administration, social protection, and transformation of communities.

This Ministry commonly call Ministry of Gender has one of its major tasks to ensure that all Ugandans enjoy better standards of living, especially the disadvantages and vulnerable groups.

The Ministry came into being by a constitutional requirement of the 1995 Constitution, Chapters 4 and 16 which mandates government to: “empower communities to harness their potential through skills development, Labour

productivity and cultural growth.”

The constitution advocates for protection and promotion of fundamental rights of the poor and other vulnerable groups as well as institutions of traditional or cultural leaders.

It is comprised of the Social Development Sector (SDS) that promotes issues of social protection, gender equality, equity, human rights, culture, decent work conditions and empowerment for different groups such as women, children, the unemployed youth, internally displaced persons, the older persons, and persons with disabilities.

The Ministry of Gender, Labour, and Social Development (MGLSD) is the lead agency for this sector and is charged with the development and implementation of the Social Development Investment Plan (SDIP) with the mandate to empower communities

to harness their potential through cultural growth, skills development, and Labour productivity for sustainable and gender responsive development.

A National Gender-based Violence Database has been

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Since February 2015, over 10,660 GBV incidents have been recorded through the National Gender-based Violence Database covering over 52 out of 112 districts
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established at the National machinery as an online Management Information System for GBV. The database is designed to collect, store, and analyse GBV data in humanitarian and development settings. It collects GBV incident data to facilitate evidence-based decision making at all levels especially at the point of collection. It enables all actors in Uganda who are responding to GBV to safely collect, store and generate analysed reports in real time.

The National Gender-based Violence Database is broadcasted globally for access through the country’s information technology infrastructure. The database can be accessed through ngbvd.mglsd.go.ug. In addition, Standard Operating Procedures (SOPs) to guide the Database Users have been developed. Since February 2015, over 10660 GBV incidents have been recorded through the NGBVD covering over 52 out of 112 districts. There are increased trends in reporting GBV incidents at Police, Local Councils, Health Centres and NGOs. More than 10 Civil Society Organizations with interventions in GBV prevention and response have already started using the system to collect and analyse GBV data within their districts and regions of operation. The Ministry has maintained its coordination role in this effort. This is an important step towards a multi-sectoral and coordinated effort towards elimination of Gender-based Violence. [ILO](https://www.ilo.org)

Compendium of Laws on SGBV



Selected International Human Rights Instruments

- Universal Declaration of Human Rights (UDHR)
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Declaration on the Elimination of Violence Against Women (DEVAW)
- Beijing Declaration and Platform for Action – critical areas of concern and strategic objectives
- UN Security Resolution 1325
- UN Security Resolution 1820 (2008)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children
- CEDAW General recommendation No. 12: Violence against women
- CEDAW General recommendation No. 14: Female circumcision
- CEDAW General Recommendation No. 19 on Violence against Women
- CEDAW General Recommendation No. 21 Equality in Marriage
- CEDAW General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations
- CEDAW Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices.
- Committee on the Rights of the Child; General comment No. 13 (2011); the right of the child to freedom from all forms of violence
- Committee on Economic, Social and Cultural Rights General Comment No. 20 Non-Discrimination in Economic, Social and Cultural Rights
- HUMAN RIGHTS COMMITTEE General comment No. 18: Nondiscrimination
- General comment No. 28: Article 3 (The equality of rights between men and women)

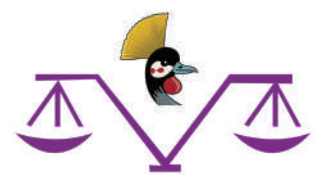
Selected Regional Human Rights Instruments

- African Charter on Human and Peoples' Rights.
- Agenda 2063 of the African Union
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)
- The Goma Declaration on Eradicating Sexual Violence and Ending Impunity in the Great Lakes Region
- African Charter on the Rights and Welfare of the Child
- Solemn Declaration on Gender Equality in Africa
- Declaration of the Heads of State and Government of the Member States of the International Conference on the Great Lakes Region

Selected National Gender Sensitive Legislations

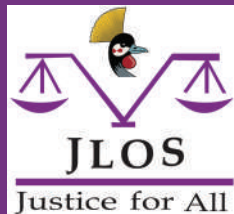
- Constitution of the Republic of Uganda 1995, Chapter Four.
- The Prohibition of Female Genital Mutilation Act, 2010.
- The Prohibition of Female Genital Mutilation Regulations, 2013.
- The Domestic Violence Act, 2010.
- The Domestic Violence Regulations, 2011
- The Prevention of Trafficking in Persons Act, 2009.
- Administration of Estates (Small Estates) (Special Provisions) (Amendment of Jurisdiction of Magistrates Courts) Order, 2009
- The Administration of Estates (Small Estates) (Special Provisions) (Probate and Administration) (Amendment) Rules, 2009.
- The Succession (amendment) Act, 2022
- The Evidence Act Chapter 6
- The Trial on Indictments Act Chapter 23
- Anti-Pornography Act, 2014
- The Penal Code (Amendment) Act, 2007
- The Employment Act, 2006
- The Employment (Sexual Harassment) Regulations, 2012 Arrangement of Regulations





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Justice for All



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