

ISSUES PAPER ON WOMEN'S ACCESS TO JUSTICE WITH PARTICULAR FOCUS ON GENDER BASED VIOLENCE CASES

June 2025

EXECUTIVE STATEMENT

Access to justice (A2J) demands that justice systems, services and institutions must be fair, accountable, accessible and able to deliver quality justice services for all, especially the most marginalized and furthest behind.^[1] Uganda's legal and policy framework promotes A2J, utilization of services, and protects women and girls from Gender Based Violence (GBV) and harmful practices. The National Policy on the Elimination of GBV defines GBV to include physical, sexual, economic, or psychological violations that are subjected to individuals and/or a group of persons based on social expectations of men and women.

The 1995 Constitution of Uganda reinforces the principles of equality and prohibits discrimination of all forms including based on sex, among others [Art.21]. It also protects the rights of women, mandates the State to accord women full and equal dignity with men. It further guarantees women access to facilities, and opportunities to realize their full potential and advancement, taking into consideration their unique status and natural maternal functions [Art.33]. The Constitution provides a strong foundation for gender mainstreaming across all sectors. Article 32 provides affirmative action in favor of marginalized groups, including women.

Despite the existence of a progressive legal and policy regime, GBV persists for several reasons. These include socio-economic factors, social, cultural, and gender norms, limited legal as well as rights awareness among the public. The delays in dispensing justice for survivors, limited technical and financial resources, and harmful practices also contribute to the prevalence of GBV.

[1] United Nations Development Program (UNDP), available at; <https://www.undp.org/justice/access-to-justice>

FACTS AND FIGURES

- **1 in 3 (30%) of women** worldwide have been subjected to either physical and/or sexual violence in their lifetime. [World Health Organization].
- **95% of Ugandan Women experienced physical and/or sexual violence.** [National Survey on Violence, Uganda Bureau of Statistics (UBOS) 2021].
- **16% of women aged 15-49 years had ever experienced sexual violence** while 11% were reported to have experienced sexual violence in the last 12 months. [Uganda Demographic and Health Survey (UDHS), UBOS 2022].
- **About half of the women (49%) reported to have ever been involved in online harassment.** Women in the rural areas are more likely to report online harassment (52%) compared to women in urban areas (41%). Nine in every ten women (92%) faced online harassment via social networking sites/apps and 6% were via a text or messaging app. [UDHS, UBOS 2022].
- **Uganda registered the highest GBV cases in the East Africa region during the COVID 19.** [Uganda Institute of Public Health "Effects of COVID-19 on GBV during the COVID-19 lockdown].
- **In 2023, 14,698 Domestic Violence (DV) cases were registered** (representing a 17% decrease in the volume of DV registered countrywide from 17,698 in 2022).
- **1,520 DV cases were brought before courts of law**, from which 423 convictions resulted, 25 cases were acquitted, 183 were dismissed and 889 cases were pending judgement.
- **A total of 15,184 people were victims of DV**, of whom 3,243 were male Adults, 10,792 were female adults, 505 were male Juveniles, while 644 were female juveniles. [Police Crime Report 2023].

"There is an increase in GBV and maintenance cases during the harvest season as communities have extra resource(s) - food produce to sell, and violence ensues from misuse of resources. Power imbalances between women and men, alcoholism, misuse of family finances, promiscuity, sale of jointly owned property; such as animals contribute to the escalating GBV cases. [FGD Lamwo district].

"The unique issue pertaining to the refugee communities relates to the raising cases of suicide as a result of frustration from partners - men abandoning their families. Challenges of language barriers as the justice chain majorly uses English language, and commonly spoken local dialects within communities. The number of trained interpreters is limited to address the number of refugees accessing justice. Refugees often stay on remand for long period as their families might be far in their country of origin and they lack credible sureties. The Court is situated about 60kms away from the settlement. Cases of child maintenance, defilement and rape are also rampant." [FGD Lamwo district].

The Uganda Demographic and Health survey findings showed that, as with health services, many women in violent partnerships do not seek help from courts, legal service centers for the violence. This suggests that the criminal justice systems as a whole need to be assessed comprehensively to ensure that women seeking justice, protection and are treated appropriately and professionally. [UDHS, UBOS, 2022]

"Women fear taking their cases to courts due to the cultural background that does not encourage them to address relevant issues through courts. Even those who overcome the issue of fear face the challenge of paying for costly legal assistance. Whereas many discriminatory laws have been revised, difficulties persist in that the populations are not informed about the gender sensitive laws that have been enacted, nor are they informed about their rights under these laws." (Unwanted Witness: Understanding the persistence of GBV among the middle class in Uganda.)

This issues paper prepared by Avocats San Frontieres (ASF) is a product of an analysis of key legal and policy concerns emerging from court judgements related to women's A2J in GBV cases. The analysis focused on collating and analyzing decisions in GBV cases before courts of record. The analysis identified gender-responsive judicial decisions, progressive efforts, and/or developments in case law that address GBV, among other issues. A total of 88 cases were reviewed. This issues paper highlights the background to the legal and policy framework on women's A2J and GBV in Uganda. It presents key findings of analysis of court judgments in GBV cases, and makes legal and policy recommendations to different stakeholders. The paper is supplemented by a report of findings of a "comprehensive study on court judgments related to A2J for women in Uganda, focusing on GBV cases." It has further been enriched through an extensive desk review of literature and consultations with key justice actors, development partners and community legal volunteers.

A Frequently Asked Questions document has been developed alongside this paper. It synthesizes the study's findings on key procedural and substantive concerns for women and justice actors (judicial officers, police, prosecutors, and prison officials) in GBV cases. It complements existing efforts to enhance women's A2J in GBV cases and will inform strategic advocacy at different levels.

BACKGROUND

Ugandan courts are guided by the international, regional and national legal framework when adjudicating GBV cases. The national legislative and policy framework includes: the Domestic Violence Act 2010 and its Regulations 2011; the Prohibition of Female Genital Mutilation Act 2010 and its Regulations; the Prevention of Trafficking in Persons Act 2009; The Penal Code Act (PCA), Cap 120 as amended; The Divorce Act Cap 249 (DVA); The Children Act Cap 59 as amended; and the International Criminal Court Act 2010 have been enacted to enhance women and girls' access to justice. Other laws include the Equal Opportunities Commission (EoC) Act, 2007; the Land Act Cap 227 and its regulations, 2004; The Employment Act, 2006 and its regulations; The Employment (Sexual Harassment) Regulations, 2012; Employment of Children Regulations, 2012; Succession Act Cap 227 as amended; The Local Council Courts (LCCs) Act 2006; Mortgage Act 2009; and the Magistrates Courts Act Cap 16. The National Policy on Elimination of GBV and the associated National Plan of Action on Elimination of GBV in Uganda (2016) are aligned with all relevant prior policies, and the wide body of national laws, policies, and international commitments which support efforts to address GBV.

Up to 75% of criminal cases registered and prosecuted constitute GBV matters. Although the criminal justice process provides legal relief to survivors of sexual gender-based violence (SGBV), women and girls face challenges in accessing justice both at the pre-trial stage, during trial, and post-trial. Compromises are struck between adult relatives of the survivor and suspect in pre-trial stages and even during the trial (for instance, the survivor is made to disappear). During trial, the reluctance of women and girls to testify in public has been addressed by the practice of chamber proceedings or clearing from the courtroom members of the public. Automation of business processes and digital transformation in some courts where audio-video links have been installed have enabled survivors to testify away from the potentially intimidating courtroom.^[2]

Women and girls are at the greatest risk of violence from both their intimate partners and non-partners. All types of VAW/G stem from unequal power relations between women and men. Women's experiences reflect a highly complex intersection of systemic and community factors that create barriers and facilitators to women in their decision-making when determining the future of their family and their intimate relationships. Survivors, irrespective of class, live in a constant state of fear, often choosing to remain in violent relationships to ensure their economic security – even when this security is sub-par.^[3]

Relatedly, to address the escalating cases of GBV against women and girls, the Judiciary of Uganda, with the Justice Law and Order Sector (JLOS) through the support of UNFPA and other partners starting in 2018, has facilitated special SGBV court sessions in 25 High Courts and 18 Magistrates Courts throughout the country. The overall focus of the SGBV special court sessions project is to reduce case backlog by addressing aspects of victim experience in the justice system, strengthening system efficacy, and prioritizing gender-sensitive and victim-friendly services across the justice chain.^[4]

[2] The Judiciary of Uganda, "The Search for Justice by Victims of SGBV" Presentation at the 20th Annual Judges Conference, Speke Resort Munyonyo by Hon Lady Justice Henrietta Wolayo, Judge High Court of Uganda on 24th January 2018, available at: <https://judiciary.go.ug/files/downloads/The%20Search%20for%20Justice%20by%20Victims%20of%20Sexual%20and%20Gender%20Based%20Violence%20by%20Hon.%20Lady%20Justice%20Wolayo%20FINAL.pdf>

[3] Uganda Bureau of Statistics, 2020 Uganda National Qualitative Survey on VAWG, Qualitative Report. Available at: https://www.ubos.org/wp-content/uploads/publications/02_2022VAWG_qualitative_report.pdf

[4] The Justice Law and Order Services (JLOS), Governance and Security Program Bulletin: Special Edition on SGBV: June 2023. Accessed at: <https://drive.google.com/file/d/1Cw9JZwijhTJUfgf2NoOckgD7cov9A2F8/view>

Adoption of trauma-informed approaches in the dispensation of justice and heightened awareness of equity through the insistence of 25% exception on the first in-first out rule for vulnerable persons have facilitated adjudication of GBV cases. There has been an intentional focus on preliminary hearings to reduce unnecessary technicalities, enhanced forensic approaches for justice, and increased uptake of victim impact assessment to inform sentencing. Some of the notable achievements of the SGBV special sessions over the years have been fast-tracking over 3,000 SGBV cases and the ODPP attaining a conviction rate of 80% at the end of the 5th Phase of the special sessions from 60% at the commencement of the special sessions. The SGBV Post Phase 6 Session Review of April 2023, however, revealed a reduction in the conviction rates from SGBV cases by 10% a development which is worth further interrogation.^[5]

KEY LEGAL AND POLICY ISSUES

Finding 1. Defining GBV and legal reform: Uganda has no statutory definition of GBV although this challenge is not unique to Uganda. It is generally accepted that the term GBV has evolved from the term violence against women (VAW). A number of cases, therefore, that are potentially GBV and SGBV cases often tend to be registered under other offences, such as murder and aggravated robbery etc. Currently, GBV and SGBV offences are handled under several pieces of legislation. The Sexual Offences Bill of 2019 is one of the proposed legal reforms aimed at enacting a specific law on sexual offences for the effectual prevention of sexual violence; at enhancing the punishment of sexual offenders; at providing for the protection of victims during sexual offences' trials, and extra territorial application of the law; at repealing some provisions of the PCA, Cap. 120, and for other related matters.

"There is a challenge when cause listing because cases are registered/profiled differently" [KII Respondent].

"Clarity on the GBV definition should be on ensuring men's A2J in GBV cases is also included. The current definition focuses more on women. Women are becoming increasingly aggressive and committing crime triggered from a lot-including violence meted on them over protracted periods of time" [KII Respondent].

"While filing case returns statistics are not disaggregated. Generally, records are kept of criminal and civil cases filed. A case could be filed as a murder case or land dispute however on further inquiry or on applying a gender lens it turns out to have resulted from GBV. The lack of clarity of the GBV definition impacts on the lack of comprehensive data on the actual GBV caseload. Some circuits which have had sessions have been financed majorly by partners. What happens when funding stops? In the interim, issuing a practice direction of what comprises a GBV case could address the problem." [Respondent KII].

The development of the Sexual Offences Bill was prompted by some gaps in the existing SGBV law, which is essentially, the PCA, Cap. 120. Some provisions of the PCA are outdated and the ingredients constituting the offences are narrow given that they do not reflect the evolving trends in social attitudes, values, and sexual practices. New forms of sexual violence and exploitation have emerged, such as sex tourism, indecent communication, and child marriages, detention with intent to commit sexual acts, and sex with persons in custody, among others areas, which are currently not provided for in existing laws, posing a challenge while dealing with them. It is therefore necessary that a specific law on sexual offences be enacted to provide for the effectual prevention of sexual violence.^[6]

[5] Ibid

[6] Uganda Women's Network, Policy Brief on The Sexual Offences Bill, 2019.

Finding 2. Inconsistency and lack of uniformity in sentencing ranges in GBV cases: The Constitution (Sentencing Guidelines for Courts of Judicature) (Practice) Directions, 2013 sets out the purpose for which offenders may be sentenced or dealt with and provides principles and guidelines to be applied by courts in sentencing. The Sentencing Guidelines provide sentence ranges and other means of dealing with offenders as well as a mechanism for considering the interests of victims of crime and the community when sentencing. They also provide a mechanism that seeks to promote uniformity, consistency, and transparency in sentencing.^[7] The Guidelines apply to capital offences (murder, rape, aggravated robbery, and aggravated defilement), and non-capital offences including; manslaughter, robbery, criminal trespass and theft among others. Sentences are not within the same ranges. The sentencing ranges are quite wide between 2 to 50 years in similar cases.

“Application of Sentencing Guidelines is discretionary for judicial officers when it comes to sentencing. The Guidelines should be made mandatory for there to be accountability. The trend is that the Court of Appeal and Supreme Court often times reduce sentences from the HC. Another issue lies in the inability of the DPP to appeal sentencing that should be addressed.” [Respondents KIIs].

“There is a trend for the Court of Appeal to reduce sentences. There is a need to set deterrent minimum sentences that apply in similar circumstances of cases. Sentencing is not within the same ranges – there are wide ranges.” [Respondents KIIs].

Finding 3: Reparation to survivors of GBV: Compensation is provided for under the PCA as amended (section 129B) to victims of defilement. In awarding compensation, the court shall consider the extent of harm suffered by the victim of the offence, the degree of force used by the offender, medical and other expenses incurred by the victim as a result of the offence. This begs the question of what about other offences of a sexual nature such as; rape, sexual harassment, cyber harassment, and offensive, indecent communication, etc. The Trial on Indictment Act (section 126) provides for compensation for material loss or personal injury suffered due to the offence committed. The court may award compensation as it deems fair and reasonable. Section 4(3) of the DVA makes provision for the court to order the offender in a DV case to pay compensation to the victim.

“Without compensation, there is no accountability. Many community members opt for compensation and not prosecution, hence the increasing number of out-of-court settlements in GBV cases. Families, survivors, and witnesses are not interested in pursuing cases. They are struggling in a system where money is being extorted from them and perpetrators. Some cases are maliciously foiled to extort money. In some cases, people are maliciously prosecuted, committed to the High Court, and spend time on remand, but after appearing in courts on false charges, the judge dismisses the case. Victims of GBV do not get anything, not even medical or psychosocial support. The major challenge is often the majority of the perpetrators/convicts are peasants with no property to their name and are therefore unable to pay compensation.” [Respondent, KII]

Witnesses play a fundamental role in the criminal justice system and enhancing A2J for survivors of GBV. However, there are no comprehensive laws and policies on witness protection in Uganda.^[8] Often times, prosecutors do not know what to do when they are faced with threatened victims and witnesses who need protection. Presently ODPP uses administrative arrangements to protect witnesses on an ad hoc basis in collaboration with the Uganda Police Force.^[9]

[7] The Constitution (Sentencing Guidelines for Courts of Judicature) (Practice) Directions, 2013. The Judiciary of Uganda, available at <https://judiciary.go.ug/files/downloads/Sentencing%20Guidelines.pdf>

[8] The Office of the Director of Public Prosecutions has developed Witness Protection Guidelines 2019. Available at: <https://dpp.go.ug/wp-content/uploads/2024/03/Witness-Protection-Guidelines.pdf>

[9] Ibid

Finding 4. Establishment of special units or measures to address GBV: Special measures or units in crucial justice institutions are essential in addressing GBV such as; GBV sessions, gender strategies or policies, gender focal persons in justice institutions. Special desks or units for instance; ODPP Department of Gender, Children and Sexual Offences, institutionalized protection of victims and witnesses of GBV, police Child and Family Protection Unit (CFPU), forensics and Sexual Offences and Children related offences are innovations of institutional structures that have been created to address GBV. There have been concerted efforts to support both the hardware and software – within justice institutions, including through funding, human resources/recruitment, systems and capacity enhancement, etc. Establishment of safe spaces and shelters for women and girls at risk of violence, for instance, refugees are development that support of women. The majority of the shelters are run by a handful of civil society actors.

Finding 5. Women in conflict with the law/women in conflict situations: There is a tendency of the state to routinely charge women without evidence of complicity in the crime with their husbands. In cases where women are co-accused with their husbands, the cases are rarely cause listed and they end up spending long on remand without trial. For instance, a couple is held under pre-trial detention for years and in most cases their children are in the custody of unsupportive relatives or friends. At the end of the day, the woman is acquitted on no case to answer. There is a need for state attorneys to be more sensitive when charging women jointly with their husbands.

Finding 6. GBV, social and customary norms: The Supreme Court of Uganda^[10] held that refund of dowry requirement under customary marriages demeans a woman's dignity and is unconstitutional, another milestone in the fight for gender equity. However, this is another area where women suffer emotional and psychological violence because men insist they are still married due to the non-refund of dowry. What therefore needs to be addressed is, how is a customary marriage dissolved post-Mifumi case? And how widely has this decision been disseminated?

Finding 7. SGBV cases and trafficking in persons' incidents: In both cases, victims endure violence, are highly traumatized, and experience long periods of emotional breakdown affecting much of their lives; perpetrators target or seek to subdue their victims, and the victim is made to perform tasks against his or her will. In SGBV cases, the victim is profiled through a gender lens. In human trafficking cases, gender is not the key aspect of exposing the victim to vulnerability.^[11]

"The Trafficking in Persons Act provides a broad definition compared to the definition of defilement in the PCA. Cases are being filed in the International Crimes Division (ICD) of the High Court (HC) as non-transnational crimes of trafficking in persons because often accused persons who are tried before Magistrate Courts (MCAs) and charged under the PCA for defilement are released on bail (automatic bail)." [Respondent KII].

Finding 8. Limited legal aid services: Legal aid, including legal assistance, is a cornerstone of the justice system and contributes to equitable A2J by the whole community. Currently, legal aid service provision is restricted to mainly legal representation (state brief) in capital offences by the State and through state funded initiatives such as; Justice Centres, Uganda Law Society (Legal Aid Project) and Law Development Centre (Legal Aid Clinic). Non-state actors also provide complementary legal aid services. The reduced funding to CSOs for legal aid programs and the increased requirement for compliance have hampered the reach and services provided at the community level. The Legal Aid Bill, 2022 whose object is to regulate the provision of legal aid services by legal aid service providers in Uganda, and to make provision for the grant of legal aid services to indigent; marginalized and vulnerable persons is still pending enactment.

[10] Constitutional Appeal No.12 of 2007 Mifumi V Attorney General

[11] The JLOS Bulletin: Special Edition on SGBV

Finding 9. Digitalization: As digital technology mediates more and more of people's daily lives, it is also facilitating new and heightened forms of GBV. Online VAWGs or online GBV, though not a new phenomenon, have escalated rapidly in recent years, posing significant threats to women's safety and well-being both online and off. This underscores the urgent need to protect and uphold women's rights in the digital era.^[12]

Uganda's e-justice strategic outlook is anchored on four key pillars: facilitating citizen engagement and participation in justice and judicial processes, empowering duty bearers (judicial officers, prosecutors, investigators, and other legal personnel) in justice institutions, optimizing operational capacity, and transformation of justice service delivery designed not only to solve but prevent justice problems before they occur where possible. The outbreak of the COVID-19 pandemic across the globe in late 2019, more than ever before, underlined the need to automate government functions and provide digital services to citizens without or with limited physical interaction barriers associated with traditional service delivery approaches.^[13]

Digital innovation within key justice institutions has seen the roll-out of the Judiciary's Electronic Court Case Management Information System (ECCMIS) and ODPP - PROCAMIS. There are ongoing efforts in the UPF to develop an Electronic Policing Information System (ePIS) – anchored on a data-driven e-policing model that leverages the collection, analysis, and sharing of data to facilitate crime detection, investigation, and prevention business processes: digital conferencing systems and digital court recording and transcription. The UPF currently uses the Criminal Automated Biometrics Information System (CABIS) to obtain, store, and analyze fingerprint data critical in the identification of criminal suspects or linking a suspect to a particular crime scene or unresolved crime. The Prisoner Management Information System (PMIS) deployed in the Uganda Prisons Service provides digital monitoring of prisoners by prison officials and provides functionality to capture, process, analyze and disseminate data on all prisoner management operations.^[14] The Uganda Human Rights Commission (UHRC's) digital application also allows for filing complaints online.

Policy Recommendations

The following recommendations are proposed to ensure improved A2J for women in GBV cases.

To the Government of Uganda

1. Adopt encompassing legal and policy reforms:

- a) Enact the Marriage and Divorce Bill, which aims to reform and consolidate the law relating to marriage, separation, and divorce and provides for recognized types of marriages, marital rights, grounds for breakdown of marriage, and rights of parties.
- b) Endorse the Sexual Offences Bill: The Bill will among others address the new forms of sexual violence and exploitation, and provide clear guidance on the definitions of GBV and SGBV.
- c) Adopting a National Legal Aid Law is a crucial step in addressing the issue of limited access to justice by indigent persons including women. The National Legal Aid Bill 2022, seeks to regulate the provision of legal aid services by legal aid service providers in Uganda and proposes establishment of a grant for legal aid services to indigent, marginalized and vulnerable persons.
- d) The existing reparation for survivors of defilement provided for under the PCA should be broadened to include other sexual offences.

[12] UN Women FAQs: Trolling, stalking, doxing and other forms of violence against women in the digital age; available at: <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/faqs/tech-facilitated-gender-based-violence>

[13] Edgar Kuhimbisa, 'Experience and Impact of Digital Transformation in the Administration of Justice in Uganda: A Critical Analysis' (2024) 15(1) International Journal for Court Administration 5. DOI, available at: <https://iacajournal.org/articles/580/files/6666dcd0219a2.pdf>

[14] Ibid

- e) Enact a Witness Protection Law: Oftentimes, a witness has vital information that could lead to the conviction of a perpetrator. Without this information, the perpetrator has the potential to walk free. The protection of these witnesses is therefore vital to the pursuit of justice in Uganda.

To the Judiciary of Uganda

1. Review of the Sentencing Guidelines: This would streamline sentencing decisions in a good number of cases. Courts have observed that it is now an established position of the law that a sentencing court is bound by the principle of consistency. This principle is to the effect that the sentences passed by the trial Court must as much as circumstances may permit, be similar to those passed in previously decided cases having a resemblance of facts. To enhance uniformity in sentencing, consistency is key. It also, in a way, upholds the principle of equity that justice should not only be done but must be seen to be done.^[1] The passing a Practice Direction on Sentencing could increase application of the guidelines and introduce the aspect of accountability of judicial officers to implement the same.

2. Enhance gender responsiveness in adjudication of GBV cases: The National SGBV Bench Book for Uganda^[2] supplements the 2016 Gender Bench Book on women's A2J in Uganda. The National SGBV Bench Book aims to enhance the gender responsiveness of judicial officers to provide sensitive processes within the court room and give equitable judgements. Ultimately, the SGBV Bench Book will enhance women's A2J and particularly contribute to the effective implementation and enforcement of women's rights in Uganda. Like the 2016 GBB, the SGBV Bench Book needs to be popularized with regular reviews on its implementation across the Judiciary.

3. Increase specialized gender responsive and continuous GBV training for judicial officers and court staff. The Judicial Training Institute (JTI) is mandated to develop and deliver educational programs for the judiciary. Over the years, JTI, in collaboration with the National Association of Women Judges in Uganda (NAWJU) and partners, has developed several knowledge materials (Manuals and Handbooks). Subsequently, trainings have been implemented for judicial officers and other key justice actors on women's A2J and GBV. Refresher training and trainings for newly recruited judicial officers needs to continue.

4. Expansion/roll-out of special units: Scale-up special SGBV sessions that have led to positive case outcomes due to the multi sectoral approach involving investigations, prosecution and adjudication of GBV cases. – "There have been more convictions for the DPP in GBV cases through the special SGBV session." [Respondent, KII].

To the Uganda Police Force

1. Improve investigation – by ensuring timely and proper handling of cases/evidence through trainings and equipping the police with specialized equipment.

To the Office of Public Prosecutions

1. The Director of Public Prosecutions should prefer the most substantial charges against perpetrators of VAWGs and ensure the timely resolution of cases pending in court.

To Civil Society

1. Advocate for a GBV victims' reparation facility: A comprehensive reparation regime could address the issue of compensation on the argument that the GBV survivors can hold the government to account for failing to protect them.

[15] Oyuku v Uganda (Criminal Appeal No 373 of 2014) 2023 UGCA

[16] The Judiciary of Uganda, National Sexual and Gender Based Violence Bench Book for Uganda, First Edition 2022.

Uganda is a signatory to several international standards to which it has made commitments, including to protect its citizens. In cases where perpetrators are destitute the State should provide a fund for specialized medical treatment, psychosocial and economic empowerment to survivors.

2. Enhance the provision of legal aid services, public outreach, and awareness campaigns:

Stakeholders should engage in campaigns to educate the public against sexual violence, including the rights and remedies available to the victims. This will enhance community response and treatment of survivors, increase reporting of GBV cases, and reduce stigma towards victims.

Conclusion

Overall, the judiciary delivers gender-sensitive judgments. It has been aided by a progressive legal and policy framework, judicial activism, extensive gender training, and experience. There has been substantive investment in the sector through State and Non-State actors. However, the legislature has been slow in recognizing the plight of women and girls. For instance, it has been slow in filling the voids created by judicial precedents. Related, the Marriage and Divorce Bill, which aims to reform and consolidate the law relating to marriage, separation, and divorce and provides for recognized types of marriages, marital rights, grounds for breakdown of marriage, and rights of parties, has been inoperative since 2009.

Justice institutions, for instance the Office Director of Public Prosecutions as well Uganda Police Force need to strengthen their commitments to clap-down on VAWG in as far as preferring the most appropriate charges, ensuring timely disposal of cases and taking preventative actions against the perpetrators are concerned. [Respondent, KII].

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Harmful practices against women and stereotypes persist in the community. Lack of protection of survivors of violence from secondary trauma coupled with patriarchy contribute to stigma/silence hence the vicious cycle of violence. There is a need for stakeholders to engage in public campaigns aimed at denouncing VAW as well as educating the general public about the ills of oppressive practices against women. Deterrent punishment of perpetrators can send a serious warning to communities of the repercussion of VAWGs. Related, stakeholders should galvanize efforts towards availing economic empowerment and skilling of women and girls, creating safe spaces, for instance, refuges for women and girls who are at risk of facing violence as mean of advancing gender equality and women's empowerment.

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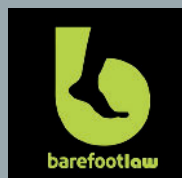
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