

**Making UNSCR 1325, 1820 and the Goma
Declaration a Reality for Women and Girls
in Uganda**

POLICY BRIEF

2010

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ACRONYMS

AMISOM	African Union Mission in Somalia
AU	African Union
CBOs	Community Based Organisations
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEWIGO	Centre for Women in Governance
CFPU	Child and Family Protection Unit
DVA	Domestic Violence Act
GDP	Gross Domestic Product
GBV	Gender-Based Violence
GoU	Government of Uganda
ICGLR	International Conference on the Great Lakes Region
IGAD	Inter- Governmental Authority on Development
JLOS	Justice, Law and Order Sector
LRA	Lords' Resistance Army
MGLSD	Ministry of Gender, Labour and Social Development
MTEF	Medium Term Expenditure Framework
NAP	National Action Plan (for monitoring the implementation on UNSCR 1325, 1820 and the Goma Declaration)
NGO	Non-Governmental Organisation
NUSAF	Northern Uganda Social Action Fund
OC	Officer in Charge
OP	Operative Clause
PRDP	Peace, Recovery and Development Plan
SGBV	Sexual and Gender-Based Violence
UBoS	Uganda Bureau of Statistics
UDHS	Uganda Demographic and Household Survey
UGX	Uganda Shillings
UN	United Nations
UNAMID	United Nations Mission in Darfur
UNSCR	United Nations Security Council Resolution
VAW	Violence Against Women

FOREWORD

October 30th marks the anniversary of the landmark UN Security Council Resolution 1325 on women peace and security. UNSCR 1325, 1820 and the Goma Declaration of the States of the Great Lakes Region, are designed to address gender-specific threats to women and girls prior to, during and after armed conflict. The principles of these instruments form the bed rock of interventions designed to prevent sexual exploitation, physical abuse and other violations of women's human rights.

In April 2010 the Uganda CSO 1325 Task Force embarked on a journey as part of a global process, to monitor implementation of UNSCR 1325 and as part of activities to mark the 10th anniversary of the landmark resolution. The field research was carried out in all the regions of Uganda. In addition, documented data was collected at national level from government ministries, departments and agencies, as well as international NGOs and UN agencies. The exercise was coordinated by CEWIGO, on behalf of the CSO 1325 Task Force. The findings of the study were validated in a workshop attended by participants from the 1325 Task Force, local governments, ministries and agencies of government where data was collected.

With the support of a consultant, an exercise was carried out to prioritise key recommendations from the study for each of the principles of Participation, Protection and Prevention which form the features of UNSCR 1325, 1820, and the Goma Declaration as well as recommendations on financing the implementation of the NAP.

This policy brief presents the key policy recommendations on identified priority areas and provides strategies that can be used to implement each recommendation. The recommendations are categorised under four priority areas of: Preventing Sexual and Gender based Violence; Protecting Women and girls from Sexual and Gender based violence; Increasing women's political participation and ; Increasing resources to women for post conflict recovery.

It is hoped that public policy makers, civil society organisations and indeed all players in the area of women, peace and security will use this policy brief to inform interventions aimed at effective implementation of UNSCR 1325, 1820 and the Goma Declaration. The three instruments must remain our guiding principles for the attainment of gender equality and women's empowerment.



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OVERVIEW

The Constitution of the Republic of Uganda replicates many of the human rights standards set out in the International Bill of Rights¹, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1981), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987), the Convention on the Rights of the Child (1990), and the African Charter on Human and People's Rights (1986). The Government of Uganda is party to several international human rights instruments that advance the rights and principles with regard to the equality, security, liberty, integrity and dignity of women and the protection of women from physical, sexual and psychological violence. In the recent past the government of Uganda has shown itself to be progressive by adopting new international and regional human rights and humanitarian instruments and declarations intended to consolidate the protection of these rights, as well as passing of national laws that facilitate implementation of such instruments.

In 2000, Uganda adopted United Nations Security Council Resolution 1325 on *Women, Peace and Security*, and in 2008 UN SCR 1820. In 2008 Uganda endorsed the Goma Declaration on Eradicating Sexual Violence and Ending Impunity in the Great Lakes Region². UN SCR 1325 was adopted by the Security Council with the aim of promoting women's full and equal participation in peace processes and gender sensitive peace and security initiatives. The resolution is a landmark resolution that underscores the full and equal participation of women in all peace and security process, as well as mainstreaming gender issues in the context of armed conflict, peace-building and reconstruction processes and calls for states and conflict parties to focus on the gendered dimension of armed conflict, peace keeping and reconstruction. It also calls for the protection of women and girls from violence, the integration of gender perspectives in peace and security initiatives, and the participation of women in all decision making processes.

Recognizing the ever escalating instances of sexual violence in situations of armed conflict and that conflict related and conflict induced sexual violence is a threat to international peace and security, in 2008 the Security Council came up with another landmark resolution that complements and augments UN SCR 1325. UN SCR 1820 recognizes sexual violence as a 'weapon' of war and underpins its centrality in the maintenance of international peace and security. The resolution notes that sexual violence can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide and stresses the need to increase women's participation in conflict prevention and resolution processes. The resolution demands the immediate and complete cessation of all acts of sexual violence against civilians by all parties to armed conflict; urges sanctions for perpetrators; and requires that sexual violence be excluded from all forms of amnesty.

Because rape as a weapon of war is an alarming characteristic of armed conflict in the Great Lakes Region and because of the high prevalence of sexual violence against women and girls, coupled with a culture of impunity surrounding sexual violence, in 2008 key stakeholders in the region were compelled to confront the problem at

1 The Universal Declaration of Human Rights (1949), the International Convention on Civil and Political Rights (1966), and the International Convention on Economic, Social and Political Rights (1966)

2 The Declaration on the Elimination of Violence against Women was endorsed in 1993. The Goma Declaration and the Declaration on the Elimination of Violence against Women like all other declarations do not legally bind state signatories.

regional level within the framework of the International Conference on the Great Lakes Region (ICGLR)³. Heads of State and Government from the region committed to protecting women and girls from sexual violence by endorsing a protocol establishing international standards that address the crime of sexual violence in countries affected by conflict. The protocol defines the offence of sexual violence based on the definition provided under the Statutes of the International Tribunal for Rwanda and the International Criminal Court and establishes links between the crime of sexual violence and the offences of trafficking, slavery, genocide and war crimes. By agreeing to undertake the obligations of these international and regional instruments and declarations, the government committed itself to protecting and ensuring women's and children's rights and in so doing it subscribes to being held accountable for this commitment before the international, regional and national / local community. The government, therefore, is obliged to develop national policies and laws and to undertake necessary actions that advance the protection of these rights. Within the various national policy and legal frameworks other actors, with government in the lead, then implement plans and programmes that contribute towards the realisation of national derived development goals and objectives.

Whereas, Uganda has a gender-responsive constitution, and several human rights laws in place, including three landmark gender responsive laws enacted in 2010 that advance and protect women's rights, social, economic and political interests, culture and prejudice have combined to continue marginalising, subordinating and exploiting women and girls. This is further compounded by waning political will that is evidenced by limited attention and little funding allocated by government for peace building and conflict prevention programmes and specific interventions that protect the rights and physical security of women and girls⁴.

At the local, national and regional levels women are not fully supported to meaningfully participate in processes that prevent and resolve conflict. In 2008/2009 women had to struggle to be included in implementation and monitoring processes of the Peace, Recovery Development Plan for Northern Uganda (PRDP) and other post-conflict recovery interventions and to have gender mainstreamed in the recovery plans. Yet, inarguably, marginalisation of women hampers progress towards the achievement of security, recovery, reconciliation and sustainable peace.

UN SCR 1325 and 1820 and the Goma Declaration have three principles that are critical to addressing gender-specific threats to women and girls prior to, during and after armed conflict. These principles inform the implementation of interventions that prevent sexual exploitation, physical abuse and other violations of women's human rights. The core principles reflected in the operative clauses (OP) of the three instruments are: participation, prevention, and protection although the emphasis or weighting of each principle, in the three instruments, differs⁵.

3 The United Nations reported that more than 500 systematic rapes of women, girls and boys were committed by armed combatants in eastern DRC since late July 2010 more than double the number previously reported and accepted partial responsibility for not protecting citizens. Accessed: <http://www.awid.org> Retrieved: 9 October 2010

4 UNDP, WHO and WFP launched the 'Northern Uganda Early Recovery Programme', with a peace building and conflict prevention component, and where 50% of the beneficiaries are women in the districts of Oyam and Lira in Lango sub-region. April. 2010.

5 Under the 2008-2009 UN System-wide Action Plan, all activities of UN programs and funds were organized around five thematic areas, namely, prevention, participation, protection, relief and recovery, and normative. This policy brief raises pertinent issues following the same thematic areas with the exception of normative, which is cross-cutting.

Notwithstanding initiatives by several national and sub-national women's organisations, the women parliamentary caucus and other civil society organisations, as well as the existence of policies and legislation that promote gender equality, the prerequisite resources - technical, human and financial- for the actual implementation of these policies and pieces of legislation at the national and sub-national level have been and continue to be a challenge. Knowledge of the UN SCR 1325 and 1820 as well as the Goma Declaration is limited not only among policy makers and policy implementers but also among the general public whose responsibility it is to hold duty bearers to account. Further, the integration of UN SCR 1325 and 1820 and the Goma Declaration in plans and budget framework papers, adequate resourcing of related activities and actual implementation, monitoring and evaluation of identified activities at all levels – remains inadequate.

INDICATORS: LEGAL AND POLICY ISSUES

1. PREVENTING SEXUAL AND GENDER-BASED VIOLENCE

- 1.1 Sexual and gender-based violence (SGBV)⁶ in both conflict affected and non-conflict affected areas is perceived as a national problem and of growing concern because of its linkage to the spread of HIV and STD infections, unwanted pregnancies and the trauma experienced by victims, its direct negative impact on the dignity of victims and productivity in general. Violence against women is endemic throughout Uganda⁷ and the impact of SGBV on the national GDP in terms of time expended seeking treatment and redress and the person hours lost in the productive sectors. Since the cessation of hostilities in the armed conflict in Northern Uganda in 2006, gender-based violence has intensified because of the socio-economic upheavals resulting from re-integration, recovery and re-settlement processes.
- 1.2 The Uganda Demographic and Household Survey (UDHS) (2006) indicates that 60 per cent of women aged between 15 and 49 have suffered physical violence, 39 percent of women have suffered sexual violence, while 16 per cent have experienced violence during pregnancy. However, not all data provided by the UDHS is comprehensive or gender disaggregated to inform policy on SGBV⁸. No nation-wide study has been undertaken on sexual and gender based violence. Some sub-national studies have been done on SGBV in conflict-affected areas in northern Uganda and in other parts of Uganda by civil society organisations such as ACFODE, International Alert, Isis - WICCE and CEWIGO. Uganda does not have a SGBV policy in place even though there is a Domestic Violence Act. Unfortunately, the Sexual Offences Bill has been deferred for further scrutiny with the argument presented by government that issues raised in the bill are already addressed within the amended Penal Code Act Cap 120 (Section 129).
- 1.3 Records from the police department do not indicate statistics on domestic violence, because domestic violence, until recently, was regarded as violence of a general nature and is thus categorised as ‘common assault’ and therefore there is no indication in police records whether the common assault recorded is domestic in nature. Information from the Criminal Investigation Department (CID) only specifies three typologies: rape, defilement and indecent assault. Marital rape is not a crime in Uganda and it is not reflected in the records at all. Early marriages are sometimes captured under defilement but often are ignored. Mechanisms for reporting early marriages and forced marriages are weak and wrought with loopholes. Table 1 indicates rape, defilement and indecent assault cases recorded in 2009. Cases of domestic violence, early marriages and forced marriages are not captured.

6 Gender-based violence examples include sexual violence, including sexual exploitation, abuse and forced prostitution, domestic violence, trafficking, forced and early marriage, harmful traditional practices such as female genital mutilation and widow inheritance. Inter-Agency Standing Committee “Women, Girls, Boys and Men: Different Needs-Equal Opportunities” Gender Handbook in Humanitarian Action. 2007 page12

7 Amnesty International Report November 2007 Uganda: Doubly traumatized-lack of access to justice for female victims of sexual and gender-based violence in Northern Uganda

8 Mawa, Haruna. ANPPCAN, Uganda Chapter. The New Vision 3 March 2010 Increase Police Surgeons in Charge of Defilement <http://www.allafrica.com/stories/201003040199.html> Retrieved 8 October,2010

Table 1: Typology of Sexual and Gender-Based Violence Cases (2009)⁹

SGBV Typology	Reported
Rape	619
Defilement ¹⁰	7,360
Indecent Assault ¹¹	550

- 1.4 The Domestic Violence Act, 2010 therefore provides opportunity to expand the typology of gender-based violence in Uganda to include domestic violence as an added typology in police records, across the nation. Early marriages and forced marriages should also be reflected because these are also forms of GBV that negatively impact the victims. A regular and systemised production of such data will facilitate proper monitoring and evaluation of trends in SGBV in the country, as a whole as well as proper programming. Marital rape also needs to be recognised as it dehumanises women in such relationships
- 1.5 The level of awareness of the content and provisions of UN SCR 1325, 1820 and the Goma Declaration amongst the general public, policy makers, parliamentarians, NGOs and CBOs is limited and this is evidenced by absence of mention of these instruments in most government plans and programmes. Many agencies and organisations are not informed on actions that need to be taken to prevent sexual and gender-based violence in the private and public and this has direct implications for effective delivery of services to women and girls. Duty-bearers need to be empowered with relevant information on what is required of them to implement the provisions laid out in the three instruments so that they are able to account to the rights-holders – the women and girls.
- 1.6 The Greater Horn of Eastern Africa and the Great Lakes Region is a volatile and generally insecure and unstable region characterised by cyclic inter-state and intra-state armed conflicts. The impact of these conflicts has a ripple effect in the entire region with varying negative impacts on the socio-economic and cultural development in Ethiopia, Eritrea, Somalia, Kenya, Uganda, Rwanda, the Democratic Republic of Congo and Southern Sudan. The impact has been differential on women, girls and men. In most cases women and girls have tended to suffer gross violation of their human rights, especially because rape and other forms of gender-based violence are increasingly being used as weapons of human and social destruction in these conflicts. Women and children also suffer displacement, loss of home and property, and depravity of physical, economic and social security. UN SCR 1820 urges appropriate regional and sub-regional bodies in particular to consider developing and implementing policies, activities, and advocacy for the benefit of women and girls affected by sexual violence in armed conflict.

⁹ Source: Police records, CID Headquarters, Kibuli, Kampala

¹⁰ Defilement refers to sexual intercourse (with or without consent) with a minor below the age of 18.

¹¹ These are cases where there is 'circumstantial evidence' that a crime of sexual nature was committed but cannot be proved.

- 1.7 Armed conflict in one country impacts neighbouring countries through population displacements, trafficking and proliferation of small arms which result in heightened insecurity and tension between countries. In all of this, women and girls suffer the most and yet their representation and active participation in regional peace building, conflict prevention and management mechanisms is minimal. Therefore, efforts to prevent conflict and bring peace, human security and sustainable development in this part of Africa cannot yield the required transformation at regional, national and community level without the involvement of women as active players.
- 1.8 UN SCR 1325 urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict. The Security Council places pressure on Governments to increase the number of women involved in decision-making at all levels in conflict prevention, management and resolution mechanisms. In the Beijing Platform for Action, governments also agreed to a minimum quota of 30 percent women in positions at decision-making levels. The Africa Union Solemn Declaration on Gender Equality calls for the full and effective participation and representation of women in peace processes including the prevention, resolution, management of conflicts and post-conflict reconstruction in Africa as stipulated in UN SCR 1325 and to also appoint women as Special Envoys and Special Representatives of the African Union.
- 1.9 Whereas affirmative action is visible in Uganda's parliament and in local government councils, this quota is far from being realized in existing peace and security bodies at regional level, namely the African Union (AU), the Inter- Governmental Authority on Development (IGAD) and in the International Conference on the Great Lakes Region (ICGLR). These institutions have structures and mechanisms specifically mandated to work on the prevention, management and resolution of conflict in Africa. The AU has a 'Peace and Security Council', IGAD has a 'Peace and Security Division' and ICGLR has a secretariat based in Bujumbura Burundi. IGAD's objective is to promote peace and stability in the region and to create mechanisms within the region for the prevention, management and resolution of inter-state and intra-state conflicts, through dialogue.

Recommendations	Strategies
<p>1. The Domestic Violence Act 2010 needs to be implemented expeditiously.</p> <p>Section 6 of the act amplifies the proceedings in local council courts to control domestic violence and therefore protocols and guidelines have to be developed for all Local Council Courts in the country. Section 7(a) of the Domestic Violence Act expounds the duties of the police in the control of domestic violence and therefore police officers deployed to the Child and Family Protection Unit need policy guidelines and protocols as well as capacity to enable them handle the protocols.</p>	<ul style="list-style-type: none"> • Advocate for a nation-wide study on SGBV. • Advocate for the finalisation of an SGBV Policy. • Advocate for gender disaggregated SGBV data in UBOS reports and other national reports. • Advocate for the development of guidelines and protocols for Local Council Courts to control domestic violence in accordance with the Domestic Violence Act, 2010. • Advocate for a nation-wide sensitisation and awareness raising interventions on the provisions of the Domestic Violence Act. • Advocate for the development of policy guidelines and protocols for police officers in the CFPU. • Advocate for capacity building for Police officers to effectively implement the Domestic Violence Act.
<p>2. The Sexual Offences (Miscellaneous Amendments) Bill, 2004 needs to be revived and put before cabinet for endorsement, and tabled, debated and enacted into law. This is because specific clauses in the bill seek to strengthen existing laws¹², specifically by revising (i) the punishment for rape and defilement; (ii) providing for the compensation of victims of rape and defilement; (iii) reforming the law on procedures in prosecuting rape, defilement and other sexual offences; and (iv) removing the powers given to local councils to try cases of impregnating a girl below the age of 18 years and elopement of a girl below 18 years¹³.</p>	<ul style="list-style-type: none"> • Lobby Ministry of Justice and Constitutional Affairs to present bill to cabinet for endorsement. • Lobby the Committee on Legal and Parliamentary Affairs to garner support for the Sexual Offences Bill. • Advocate for the development and implementation of a media strategy that will raise and sustain public interest around the specific clauses in the bill that strengthen existing law. • Stimulate public demand for the enactment of the Sexual Violence Bill.
<p>3. The Uganda Police Force together with other actors in the Justice, Law and Order Sector (JLOS) should review the SGBV typology so that all aspects of SGBV are captured by all police posts and police stations throughout the country so that national statistics can be used to inform planning and programming in relevant sectors</p>	<ul style="list-style-type: none"> • Seek support for the Police Department and other actors in JLOS to re-design the SGBV data recording forms so that marital rape, early marriages, forced marriage and domestic violence are recorded and reported regularly, as is done for rape and defilement.

Recommendations	Strategies
<p>4. Increase public awareness on UNSCR 1325, 1820 and the Goma Declaration.</p> <p>The Goma Declaration operative clause (OC) 14 calls for undertaking sustained public awareness, targeting women, men, girls, boys and the community on their rights and responsibilities while the Uganda NAP calls for increasing awareness of the public on UNSCR 1325 and 1820 and the Goma Declaration. Rights holders if informed will be empowered to hold duty bearers to account for the implementation of the three instruments.</p>	<ul style="list-style-type: none"> • Advocate for nation-wide sensitisation seminars for rights holders on UNSCR 1325, 1820 and the Goma Declaration. • Advocate for capacity building of all duty bearers on UNSCR 1325, 1820 and the Goma Declaration and the human rights based approach in development programming. • Support Local Governments to develop local action plans to implement UNSCR 1325, 1820 and the Goma Declaration at the local level.
<p>5. Strengthen regional perspectives and approaches to conflict prevention and peace building and increase female representation in regional peace and security structures, and strengthen capacity to comply with international law.</p> <p>The borders in the Great Lakes Region are porous and therefore armed conflicts often spill over into neighbouring countries turning what started as a local conflict into an inter-state conflict as history has demonstrated. Taking a regional perspective to conflict and adopting regional plans is an insurance policy for the pursuit of peace, human security and sustainable development.</p>	<ul style="list-style-type: none"> • Advocate for ‘regionalised’ and ‘engendered’ conflict prevention approaches and plans. • Advocate and lobby for Uganda women representation at the AU Security Council, IGAD and the International Conference on the Great Lakes Region Secretariat in Bujumbura. • Advocate and lobby for women to peace keeping operations. • Advocate and lobby for increased female UN Special representatives and envoys. • Advocate for the development of training manuals for police and UPDF officers serving with AMISOM and UNAMID on UNSCR 1325, 1820 and the Goma Declaration.
<p>6. Integrate UNSCR 1325, 1820, and the Goma Declaration in peacekeeping operations, conflict prevention and reconciliation processes.</p>	<ul style="list-style-type: none"> • Advocate for the development of training manuals and pocket guides for police and UPDF officers deployed for with AMISOM and UNAMID on UNSCR 1325, 1820 and the Goma Declaration.
<p>7. Increase the number of women in decision making positions in the military.</p>	<ul style="list-style-type: none"> • Advocate for the promotion of women in the military top position. • Advocate for more women in the military to attend senior leadership courses.
<p>8. Integrate gender and peace education in the school curriculum from primary through secondary education.</p>	<ul style="list-style-type: none"> • Advocate for urgent review of the school curriculum for primary and secondary education. • Advocate for participation of civil society in education curriculum reviews.

2. PROTECTING WOMEN AND GIRLS FROM SEXUAL AND GENDER-BASED VIOLENCE

- 2.1 SGBV has very harmful effects on women and girls which impede the pursuit of development, peace and gender equality. Many perpetrators go unpunished because of societal attitudes as well as gaps in institutional mechanisms. Impunity is widespread and is a key element in perpetuating SGBV. Under Section 129 of the amended Penal Code Act (Cap 120) a person convicted of defiling a child below 14 years commits a felony termed 'aggravated defilement' and is, on conviction liable to suffer death, and if the offence is committed against a child above 14 years the penalty is life imprisonment. But few cases are reported, investigated and sentenced and few cases of either rape or defilement are successfully prosecuted and penalized in Uganda. Over the years very few perpetrators have been tried and sentenced. The implementation of the law is still a challenge because of existing gaps and an environment that frustrates victims and witnesses. In some cases, the witnesses do not cooperate or are coerced in to withdrawing cases by third parties.
- 2.2 According to the Police Crime Report 2009, a total of 10,365 sexual violence cases were registered nationally, of which 8,635 were defilement cases. Out of this figure, 4,124 cases were taken to court and only 333 (3.8%) convictions were secured. And out of the 1,536 cases of rape registered, 241 cases were taken to court and only 52 (3.38%) convictions were made. These figures are totally unacceptable. The factor behind cases not being successfully prosecuted is because in order to confirm that defilement occurred, a statutory medical examination is mandatory, at a fee that many victims cannot afford (estimated to be between UGX 10,000 - 50,000) and also because access to a qualified doctor is a challenge.
- 2.3 The requirements and procedures for proving rape and defilement are costly and lengthy. Regulations stipulate that a police surgeon has to examine rape and defilement victims and compile the official medical report using Police Form 3 (PF3). However, the number of police surgeons in the police is very low, as is the ratio of medical doctors to the population in Uganda, which stands at 1:15,000¹². In the absence of police surgeons in many districts, government medical doctors are reluctant to attend to victims brought by police do not want to spend long hours in courts of law as witnesses. In addition, government medical officers expect to be paid a fee to conduct medical examination and yet many of the victims cannot afford to pay the fees demanded.
- 2.4 Furthermore, accountability for sexual violence is frustrated by difficulties in meeting the statutory requirements for prosecution including 'standard of proof beyond reasonable doubt'. This is further compounded by societal perceptions that sexual and gender based violence is a private matter that does not need external intervention to resolve. In a number of cases, the victims lack the courage to reveal that they have been raped, while others just keep quiet, because of fear of stigma as well as lack of sensitivity in investigation processes. Victims are not accorded the privacy they need even during the process of reporting sexual violence.

12 Esther Nakazi. "Reports from the Ministry of Health show that Uganda's doctor-to-population ratio stands at 1:36,000, nurse to population ratio is 1:5,000 and the midwife-to-population ratio is 1:10,000." April 29, 2010. Accessed: <http://www.theeastafrican.co.ke/news> Retrieved: 9 October, 2010

- 2.5 The rules of evidence in the law books as they stand fall short in the manner in which evidence is supposed to be gathered in cases of sexual and gender based violence. Corroboration by a victim in cases of rape and admissibility of evidence should not be mandatory. It is imperative to have provisions for cases of rape to be held in camera and there is need for clear criteria for handling witnesses in gender-based sexual crimes as well as mechanisms for witnesses who may not be able to come to court to testify in such cases.
- 2.6 The number of women working in the justice sector compares favourably with women legislators in parliament and the local government councils. Out of the six (6) Judges of the Supreme Court two (2) are women. Of the six (6) Judges of the Court of Appeal, two (2) are women while 9 out of 29 Judges of the High Court are women. Eleven (11) out of the twenty- two (22) Chief Magistrates are women, and fifty-four (54) Grade I Magistrates are women out of the one hundred and sixteen (116). Whereas, these figures are not alarming there is need to go beyond numbers and strengthen gender-sensitivity in the administration of justice by female judges and magistrates.
- 2.7 Despite oversight by UN committees of GoU implementation of international treaties such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and CEDAW, Ugandan NGOs assert that government real efforts to improve the socio-economic status of women have been minimal. They argue that despite the government's gender-progressive reputation and a rhetorical commitment to women's rights, many changes are cosmetic and do not impact women on the ground. Even though the Domestic Violence Act 2010 is in place, the machinery for implementation have yet to take effect. A number of policies and regulations need to be instituted. For example, there are no government supported shelters for protecting victims of gross domestic violence. The abdication of this responsibility by government has left NGOs as the sole providers of any recourse to battered women in the form of legal education and representation, shelters for abused women, and care and support for women living with HIV/AIDS. The work of NGOs based in post-conflict areas in Northern Uganda, such as Lira Rural Women and Children Development Initiative Transit Shelter (LIRWOCDI - Lira) is instructive and should be supported.

Recommendations	Strategies
<p>1. In order to reduce the rampant impunity and to secure and increase convictions, medical guidelines and procedures for handling rape and defilement cases need to be reviewed.</p> <p>The Goma Declaration (OC 4) calls on Member States to strengthen medical structures in order to facilitate the provision of medical certificates that are necessary for timely hearing of SGBV cases.</p>	<ul style="list-style-type: none"> • Advocate for accessible and expeditious medical services for rape and defilement victims. • Advocate for the recruitment of more police surgeons. • Advocate for the review of payment of fees for rape and defilement examination. • Advocate for increased funding for the Police Department to facilitate efficiency and effectiveness

Recommendations	Strategies
<p>2. Women and girls who are victims of SGBV need to be supported and their rights and dignity protected during court proceedings.</p> <p>The Goma Declaration (OC 3) calls for Member States to ensure that during trial of SGBV cases criminal procedural guarantees of effective prosecution, confidentiality, closed court proceedings and protection of victims and witnesses are taken into account. There is need to protect and promote the rights and dignity of victims in court proceedings with provisions for victims to give evidence outside of court and in the absence of the perpetrator and the provision of protection from the time of investigation up to the time of trial and sentencing.</p>	<ul style="list-style-type: none"> • Support study of UN and international best practice and guidelines on victim protection with a view to domestication. • Advocate for gender sensitive guidelines and protocols on victim and witness protection • Advocate for a gender sensitive victim and witness protection policy and law. • Advocate for victim-friendly court environments.
<p>3. More capable female magistrates and judges need to be appointed to serve on the bench and all magistrates/ judges who adjudicate sexual and gender-based crimes need to undergo regular gender training on the jurisprudence of equality, for gender-sensitive adjudication.</p>	<ul style="list-style-type: none"> • Advocate for the development of a gender-sensitive adjudication policy. • Advocate for funding for gender-sensitive training programmes for newly appointed magistrates and judges.
<p>4. Emergency centers should be set-up for women and children whose lives are in danger from SGBV.</p>	<ul style="list-style-type: none"> • Lobby the Directorate of gender and community Development in MGLSD to develop and implement an 'Abused Women and Children Emergency Shelter Plan' and set up regional rescue shelters for women and children whose lives are in danger from domestic violence • Advocate for creation of a fund to support income generation activities for victims of domestic violence to increase their independence.

3. INCREASING WOMEN'S POLITICAL PARTICIPATION

- 3.1 Because of the management, supervisory and service delivery roles which women play during and after conflict, women are important actors in all political decision-making and legislative structures and therefore the representation of women in policy and decision making, planning, budgeting and other institutional structures at the national and sub-national level is of paramount importance. Women are best placed to articulate their concerns and craft interventions to address them. It is not just about the number of women but also going beyond numbers in all decision-making structures – parliament, local governments and political parties so that women in such positions become effective players in addressing the needs of women.
- 3.2 From the mid-1990s women actively vied for and occupied spaces created in the political arena encouraged by affirmative action legislation that set quotas for women in the Parliament of Uganda and in the decentralized local government structures. The constitution provides for parliament to consist of one women representative for every district and currently women representatives constitute approximately 31 per cent even though they make up 51 percent of the national population. Women's limited participation and representation in terms of numbers continues to be of concern because issues that impact women's lives are not being given the serious attention and necessary resourcing.
- 3.3 Table 2 below shows the composition of women in the 8th parliament. In 2006 a few women contested the open seats and won sixteen (16) in total.

Table 2: Composition of the 8th Parliament of Uganda ¹³

Elected parliamentarians	Women	Men
District Representative (Affirmative Action Seat)	79	Nil
Directly elected on open seats	16	199
Army	2	8
Workers Representative	2	3
Persons with disabilities	1	4
Ex-Officio	1	6
Total	101	220

Because district women MPs are elected at district level and not from a constituency, which for all intents and purposes is geographically much smaller, the challenges in campaigning and canvassing for votes is increased.

Further, under the prevailing multi-party dispensation there is no legal provision that extends the

¹³ Source: Parliament Public Relations and Information Office. As at September 2, 2009

quota system to political party structures. The issue of the inclusion and active participation of women in the different political parties is in dispute because there are very few women holding positions in party executive decision making organs and structures at national, district and sub-county levels, and this is of great concern.

- 3.4 Unfortunately, the party leadership parameters are not likely to shift for the 2011 elections because of the generally diminished aura and focus on gender equality and inclusion in democratic governance, generally in Uganda today and more so under the multi-party dispensation. Whereas women subscribe to and participate in the political parties, they have not mobilized internally nor organized pressure to ensure that their respective political parties formalise quotas for elective offices in political party structures.
- 3.5 Affirmative action/quota systems have significantly increased women’s participation and representation in both elective and appointive political decision-making positions. However, time has come to move the quota system away from a third to 50:50 i.e. gender parity in conformity with the AU Solemn Declaration on Gender Equality in Africa. After all women comprise more than 51% of Uganda population.

Recommendations	Strategies
1. The adoption and concrete application of affirmative action in all the internal political party structures is imperative and therefore the respective political parties need to come up with ‘a policy for quota implementation’ that stipulates the selection and nomination processes from the outset.	<ul style="list-style-type: none"> • Lobby all political parties to formulate policy for quota implementation.
2. Move for gender parity legislation for elective positions in parliament and local government councils.	<ul style="list-style-type: none"> • Advocate for a gender parity law for elective offices.
3. Actively recruit women from the grassroots in order to have sufficient numbers of qualified and capable candidates to fill the quotas as well as getting a critical mass of women, rather than a token few, meaningfully to fill the quotas.	<ul style="list-style-type: none"> • Carry out grassroots mobilisation and capacity building for women to fill quotas in all political party decision-making structures.

¹⁴ The Army, Workers and PWDs are elected to Parliament through electoral colleges

Recommendations	Strategies
<p>4. For women to appreciate and understand what multiparty politics means, what it demands and how it operates at all levels calls for investment in long-term capacity building. The elements that affect and inform inclusion in multi-party politics are critical and need to be addressed by stakeholders so that more women get involved in multi-party politics.</p>	<ul style="list-style-type: none"> • Scale up country wide education and training of grassroots women on democratic governance. • Advocate for skills training for women in leadership
<p>5. Women need to be specifically targeted and given extra support to generate or earn more income to enable them fund their active participation in party politics. Poverty, unemployment, income disparities, inadequate income for basic needs, has limited women's participation in active political decision making.</p>	<ul style="list-style-type: none"> • Advocate for enhanced economic empowerment programmes targeting potential women leaders.

4. INCREASING RESOURCES TO WOMEN FOR POST-CONFLICT RECOVERY

- 4.1 In August 2006, the Lord's Resistance Army (LRA) and GoU signed a permanent ceasefire agreement. Peace negotiations followed, and improvements in security allowed people to leave the internally displaced persons camps and start rebuilding their lives and livelihoods. Re-establishing peace, security and development in the region was a major goal of government and to this end, government launched the Peace, Recovery and Development Plan (PRDP 2007/2010) for Northern Uganda as well as Prosperity for All programme for the entire country. Since 2007 humanitarian assistance to the conflict-affected areas has decreased significantly with focus shifting increasingly to government-led sector working groups and national mechanisms as part of the PRDP.
- 4.2 Consultations prior to the framing of the Peace, Recovery and Development Plan (PRDP) (2007/2010) for post-conflict areas of Northern Uganda did not include the people affected by the war. A comprehensive assessment of the needs of women and girls was not undertaken and therefore critical needs such as sexual and reproductive health services, psychosocial support, mental health care, access to justice – the 'software issues' were not factored and not funded.
- 4.3 The PRDP is wrought with challenges. Government funding does not cover the peace-building and reconciliation initiatives, psycho-social support, mental healthcare, sexual and reproductive health and rights. Second, it does not effectively respond to UN SCR 1325 and the implementation protocols to the Juba Peace Agreements, which call for women's active involvement and participation in conflict prevention, conflict resolution and peace building initiatives. The sub-objectives in the PRDP are gender-neutral as is *Strategic Objective 4: Peace Building and Reconciliation*.¹⁵
- 4.4 The PRDP has a strong focus on large-scale infrastructure – the 'hardware' – as well as economic development component, to be implemented mainly through central and district government structures. In 2007 the government budgeted US\$ 606, 519, 297 for the PRDP, with 70% of the budgeted amount expected from development partners, which has been slow in coming. The challenges are two-fold. One, the absence of formalised gender budgeting and tracking of budget expenditures from a gender perspective makes it very difficult to establish how much money goes specifically to women programmes for recovery – the 'software' components, in view of the fact that there is also 'project' support by development partners. Two, to-date multi-lateral and bi-lateral grants have disbursed funds for recovery and reconstruction in Northern and North Eastern Uganda and many international NGOs have also invested funds that are not captured within the government budget. However due to lack of transparency on the programme funds received and expended by non-state actors, including national NGOs and local CBOs, it is difficult to conduct effective monitoring of the utilisation of these resources and to establish value for money. Previous experiences of recovery programmes implemented through local government structures, such as the World Bank-funded Northern Uganda Social Action Fund, (NUSAF I) were beset with corruption.

¹⁵ PRDP Pg 94-98

4.6 The national gender machinery is not adequately funded to fulfil its mandate. For the financial year 2010/2011 the budget for Ministry of Gender, Labour and Social Development (MLSD) is only 0.5% of the total national budget, an increase of 0.34% from the last financial year. Even though the MGLSD budget has been increased to 0.5% of the national gross domestic product (GDP), this is still inadequate to address the pressing needs including the coordination of the implementation of the NAP and other gender mainstreaming projects¹⁶

Recommendations	Strategies
<p>1. Efforts to raise resources for the ‘software’ components of the PRDP have to be intensified including funds for peace-building and reconciliation, psycho-social support, mental healthcare, and sexual and reproductive health needs and rights initiatives. Other development partners have to be persuaded to fully support the remaining 70% of the PRDP budget¹⁷.</p>	<ul style="list-style-type: none"> • Lobby development partners to fund women focused programmes on peace-building and reconciliation, psycho-social support, mental healthcare, and sexual and reproductive health and rights under the PRDP.
<p>2. Skills in gender responsive budgeting and analysis allow for consistent monitoring with regard to the allocation of resources and commitment to peace building and combating SGBV. Capacity of communities to monitor government compliance to its commitments for UN SCR 1325, 1820 and the Goma Declaration is also imperative.</p>	<ul style="list-style-type: none"> • Advocate for skills training in gender-responsive budgeting and analysis for women councillors in districts and sub-counties in the PRDP region. • Advocate for NGO capacity building to monitor government compliance to its commitments to UN SCR 1325, 1820 and the Goma Declaration.
<p>3. Gender audits of the PRDP with the aim of establishing financial resources allocated for women, peace and security projects for 2009/2010 up to 2011/2012 are necessary because gender audits and budget tracking of the PRDP provide pointers to existing gaps which development actors can then address.</p>	<ul style="list-style-type: none"> • Advocate for systemic gender audits and budget tracking of the PRDP in its life span.

¹⁶ Ministry of Finance: *Budget Estimates of Revenue and Expenditure 2010/2011-- 2010/2015*

¹⁷ EU, USAID, UNDP, UNICEF, WHO, WFP and the World Bank have given funding.

Recommendations	Strategies
<p>4. Because of the considerable funding that has gone into humanitarian and recovery programmes in Northern Uganda NGOs and CBOs are facing legitimacy challenges and are under greater scrutiny by other actors in terms of their operations and policies. Therefore they need to rise to the challenges and be more transparent with their plans and budgets that directly benefit women and children so that government coordination and monitoring of the PRDP is enhanced and future planning is improved.</p>	<ul style="list-style-type: none"> • Advocate for NGO implementation of Quality Assurance Monitoring (QUAM) accountability and transparency principles in all post conflict recovery programmes in Northern and North Eastern Uganda targeting women to improve monitoring and implementation of UN SCR 1325, 1820 and the Goma Declaration.
<p>5. The strengthening of the national gender machinery to enable them deliver on their mandate more effectively is through increased budget resource allocation within the MTEF. Government needs to commit more resources to the Directorate of Gender and Community Development in MGLSD because continued donor support is not sustainable. The MGLSD needs to leverage for further revising expenditure plans so that resources are increased for interventions gender in development.</p>	<ul style="list-style-type: none"> • Advocate and lobby government to increase budgetary resource allocations for the Directorate of Women in Development in MGLSD.

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The 1325 Task Force invites women leaders and women's rights activists at the national level and in the districts to support monitoring and advocacy efforts for the implementation of the recommendation in this policy brief and for the NAP.