

June 2014

Confronting Impunity and Engendering Transitional Justice Processes in Northern Uganda

Introduction

The protracted and brutal conflict in northern Uganda between the Lord’s Resistance Army (LRA) and the government of Uganda was characterized by widespread impunity for gross human rights violations, committed particularly against women and girls. It included systematic rape, sexual slavery, forced marriage, forced pregnancy, and forced sterilization or abortion. An estimated 75,000 children were abducted and forced to serve as combatants, porters, and sexual slaves before 2005.¹ According to a UN Secretary-General report on the abduction of children, approximately 85 percent of girls who arrive at a Gulu Trauma Centre for former LRA abductees had contracted sexual diseases during their captivity.² Allegations of sexual abuse in northern Uganda are not confined to victims of the LRA. It is also alleged that some soldiers of the Uganda People’s Defence Forces were also responsible for serious human rights abuses against women.

The Ugandan government has committed to involve women in transitional justice responses to the violations committed in the conflict through its Justice Law and Order Sector (JLOS),³ which established the Transitional Justice Working Group in 2008 to oversee the implementation of the transitional justice processes. The Transitional Justice Working Group (TJWG) has been drafting a comprehensive policy, including a number of transitional justice measures, to provide accountability for crimes perpetrated during the conflict, afford redress to victims, and ultimately promote national reconciliation. Its draft policy of March 2013 noted that gender mainstreaming is a critical element of the development of transitional justice processes in Uganda and called for the full involvement of women in decision making.

Achieving gender mainstreaming requires the incorporation of women’s needs and justice demands into the drafting and finalization of the proposed policy. To facilitate this, ICTJ designed a consultation process to elicit and collate women’s concerns regarding transitional justice processes so that they can be considered by JLOS in its drafting process and by stakeholders involved in implementing the transitional justice policy. This document summarizes the findings from a number of consultations held by the International Center for Transitional Justice (ICTJ) with women’s groups in Gulu, Lira, and Soroti, on the subject of “Confronting Impunity and Engendering Transitional Justice Processes in Northern Uganda” on March 22–27, 2013.

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¹ ICTJ, *When the War Ends: A Population-Based Survey on Attitudes about Peace, Justice and Social Reconstruction in Northern Uganda* (New York, 2007).

² UN Commission on Human Rights, Abduction of children from northern Uganda, April 22, 1998, E/CN.4/RES/1998/75, www.refworld.org/docid/3boof0330.html

³ JLOS includes, among others, members of the judiciary, the office of the Attorney-General, the office of the Public Prosecutor, the Ministry of Justice, the Ministry of Internal Affairs and Constitutional Affairs, the police, and the Ugandan Human Rights Commission.

The consultations were intended to provide information to war-affected communities on the proposed transitional justice frameworks for Uganda and solicit views on the specific concerns of women in the region that should be addressed by transitional justice processes. During the meetings, victims and their representatives outlined their individual and collective demands for justice and proposals for truth seeking and reparations. This included identifying a range of gender-based violations that require both acknowledgment and redress. The full report of the consultations provides contextual background and includes more extensive recommendations made by victims groups to the government based on their concerns.⁴

Accordingly, this summary reflects the content of the consultations and participant recommendations rather than ICTJ's institutional position or analysis of these issues. Nevertheless, the recommendations included here provide guidance on how transitional justice measures can incorporate women's needs to adequately recognize and redress the harms they have suffered. This document is both a useful snapshot of important gender-related concerns regarding transitional justice processes in Uganda and a tool for women's organizations to use when engaging with relevant policy makers.

The government has yet to adopt the Transitional Justice Policy. In light of this delay, ICTJ held a meeting with a representative sample of consultation participants in March 2014 to verify the accuracy and comprehensiveness of the consultation findings and recommendations, to assess whether circumstances had changed in the intervening year, and to identify if there are any emerging trends to be incorporated into the policy. ICTJ also provided additional technical assistance on practical methods to overcome the challenges to engagement identified by consultation participants.

Methodology

Over 70 women from the districts of Alebtong, Amolatar, Amuria, Amuru, Apac, Dokolo, Gulu, Kaberamaido, Katakwi, Kole, Kitgum, Lamwo, Lira, Ngora, Oyam, Pader, Soroti, and Yumbe participated in consultations. These districts, located in northern and north-eastern Uganda, were affected by the LRA conflict and experienced a high incidence of sexual and gender-based violence. Participants were selected upon recommendation by local government authorities and civil society organizations working in the identified districts. They were comprised of representatives of women's groups, direct victims, members of the district peace and reconciliation committees, and civil society actors.

The consultations were structured to involve personal introductions by all participants; presentation of context-specific transitional justice information, such as truth seeking and reparations; interactive dialogue; and the sharing of comparative experiences on these measures from other contexts. Participants were also divided into smaller groups to discuss thematic topics on gender-specific needs that should be addressed by these measures. The groups presented their observations to the plenary session for general discussion to achieve consensus on the recommendations. The lead consultant also held individual in-depth interviews with several participants.

Summary of Findings

Despite some regional variations across consultations, there were certain patterns of abuse that occurred throughout northern and north-eastern Uganda. These included high levels of sexual violence, such as rape, unwanted pregnancies, and the widespread abduction of both boys and girls, which continues to affect reintegration strategies. In addition, recurrent violations include deaths; the mutilation of body parts, such as noses, ears, and lips; physical torture; and the spread of HIV/AIDS as a result of sexual violence. Other violations

4 The full report is available upon request from ICTJ's Office in Uganda.

include the loss of access to land when women return from either the bush or camps for the internally displaced. Land grabbing from vulnerable groups, such as widows, child-headed households, and the disabled, was identified as common, and many victims were unaware of any legal rights for redress.

There were a number of secondary violations that stemmed from primary violations, such as death, torture, and abduction, which particularly impacted women in the region. The loss of life and abductions increased the number of orphans, child-headed households, and street children. Many of the children born in captivity do not have access to education; girls are particularly disadvantaged in this respect. Northern Uganda has significantly lower levels of children in school than the rest of the country, and many children are being forced out of education as a result of sexual abuse or the lack of financial resources to pay school fees.

Truth Seeking

The consultations revealed a widespread desire for women to have equal opportunities to help create and participate in any truth-seeking process. Participants proposed this could best be achieved through the use of affirmative action, such as quotas for women at all levels of the process, and involving victims in the preliminary stages of drafting the mandate for the truth-seeking body.

Participants supported mass sensitization to ensure that all affected victims learn about proposed truth-seeking initiatives. It was noted there were a number of ways to empower women victims at the grassroots level, including the identification of focal persons to whom victims could report, providing forums for information sharing and dissemination, and sensitization of women to their rights. The media, particularly radio, music, and theater at the community level, was suggested as useful for this purpose.

The need for certain support mechanisms for women involved in any truth-seeking process were identified, including psychosocial support through counseling centers at the subregional level. Free medical support was also considered essential because several women suffer from medical conditions related to sexual violence perpetrated against them while they were held captive during the conflict, such as fistula and HIV/AIDS.

Another central concern was that of confidentiality through closed hearings to avoid victims suffering further stigmatization by revealing their experiences in front of their communities. It was felt that outreach to challenge the stigmatization associated with sexual violence should be part of the overall process and that this would help victims to come forward. Given current levels of poverty, practical support, such as transport and the financial means to attend hearings, was deemed necessary.

Traditional Justice Mechanisms

Participants noted that the stigma associated with sexual and gender-based crimes may create obstacles for women to testify in front of their own village or community, particularly against someone within their community. In addition, some of the women's groups argued that traditional justice cannot restore mutilated bodies so its value is limited. Additionally, there were concerns about the suitability of traditional justice to address mass human rights violations or widespread rape in a way that protected victims and complied with human rights norms.

Despite these reservations, participants noted that traditional justice could be a useful tool to promote peace, forgiveness, and reconciliation. In particular it could be significant in assisting with the reintegration of perpetrators into the community and fostering forgiveness among perpetrators and victims, especially abducted children, who are often both victims and perpetrators.

Nonetheless, for traditional justice to be gender sensitive, women need to be among the elders and involved in the decision-making process; and all elders and others involved in the process need to be sensitized to women's rights. It was also noted that traditional justice processes should include counseling, guidance, and compensation for victims. Participants suggested that applying human rights standards to these processes could assist in strengthening cultural laws to promote and protect the rights of women and raise awareness of gender-based violence in communities.

Reparations

The consultations sought to identify what forms reparations programs should take to best address the reparative needs of women victims. A key concern was that victims should be properly identified and registered. This could be ensured through clear documentation of victims and sensitization by the media. Appeals should be made to women to speak out about the violations they experienced, and women leaders should help other women to engage with these processes. It was also noted that women often fail to access their rights because of social barriers and their subordinate status in society. This requires outreach to create awareness about women's right to equality and nondiscrimination. They should also be provided with guidance and counseling throughout the process, because the fear of further stigmatization was widespread.

Many victims had suffered displacement, both due to the conflict and following rejection by their families. Practical material reparations relating to women's access to land were seen as important, because many abducted women are not able to identify the fathers of their children. Additionally, many women lack access to land under the male-centered customary land tenure system, which treats them as secondary claimants to land through their male relatives. Further, girls who were abducted frequently remain homeless as a result of social stigmatization. As such, participants identified a need for socioeconomic measures, like sustained education sponsorship for orphans to help provide for their futures. More generally, it was noted that livestock that had been taken from vulnerable women needed to be replaced. Suggestions were made for access to micro-credit facilities and income-generating projects to improve livelihoods and assist with the economic empowerment of women victims.

In terms of symbolic reparations, it was clear from consultations that victims felt that the government and rebels need to apologize and acknowledge the crimes committed against communities in northern Uganda. Part of the symbolic reparations could involve raising awareness of the issue of violence against women. In some regions the conflict also led to the destruction of the concept of the family as including extended relatives; and it was argued the government should find ways to strengthen families and cultural institutions. In addition, it was noted that monuments listing the names of victims might help younger generations understand the past and avoid future conflicts.

It was deemed important that community-based reparations be provided to affected communities and that these reparations acknowledge the particular needs of women. Health care and education were common themes during the consultations, particularly as they relate to children and abductees. Participants regarded it as essential that the government build health centers that could provide direct assistance to victims of sexual and gender-based violence, including special medical care for reproductive health complications, such as HIV/AIDS infections or fistula as a result of rape.

It was also argued that the extension of health facilities to women victims should be accompanied by the establishment of counseling centers in all sub-counties. In order to facilitate this, damaged roads that currently lead to health centers should be repaired. In addition medical interventions like plastic surgery need to be extended to all those who were mutilated during

the conflict and information needs to be disseminated in this regard. The need to ensure the health and well-being of children born in captivity, many of whom have become street children, through identification and rehabilitation was identified as critical.

Overall it was deemed necessary that women victims are central to all stages of planning and execution of the various transitional justice processes. Moreover, counseling needs to be incorporated into the design of these processes to ensure victims are empowered by their participation.

Recommendations to the Government

TO JLOS:

- Women's victims groups should be represented within JLOS's Transitional Justice Working Group (TJWG), and a gender advisor should be appointed to deal with gender issues in transitional justice processes.
- The TJWG should consider engaging more frequently with representatives from northern Uganda, particularly representatives of women's victim's groups.
- The TJWG should consider taking appropriate steps to ensure equal gender representation during consultations and outreach meetings.
- Victims of gender-based crimes must be accurately identified and registered. This requires a more efficient process for the clear documentation of victims.
- The TJWG should intensify outreach and dissemination efforts to encourage women to speak out and seek redress for the violations they experienced through different means, including radio, music, and theater.
- Community structures for women victims should be empowered at the grassroots level through the identification of focal persons to whom victims could report their concerns and by providing forums for information sharing.
- Transitional justice processes should be designed and implemented in a manner that overcomes the social and cultural barriers that impede women's effective participation. For example, transitional justice bodies should be comprised of individuals who accurately reflect cultural and social diversity; they should be based on effective, well-designed consultation methodologies.
- Systems need to be put in place to prevent corruption in any transitional justice initiative. For example, JLOS should ensure that appropriate oversight bodies are instituted and empowered to ensure the independence and integrity of any initiatives that are established.
- The envisaged Transitional Justice Commission and the Inspectorate of Government should be empowered to ensure the independence and integrity of any initiatives that are established.

Truth Seeking

- Women should be guaranteed equal opportunities to participate in the design and implementation of truth-seeking initiatives.
- Affirmative action, like quotas for women, should be employed to ensure that women are represented at all levels of the truth-seeking process.
- Victims should be consulted at the preliminary stages when the mandate of the truth-seeking body is drafted through grassroots consultations.

- In order to facilitate outreach, discussions should be held at the community level with representatives of JLOS.
- The potential for direct victim-and-perpetrator interface to provide restorative value through expression and acknowledgment of remorse should be explored through community discussions and, if appropriate, be incorporated into transitional justice initiatives.
- Interregional meetings, including exchange visits between affected communities, should be considered as a means to facilitate interethnic understanding and learning from other communities.
- Psychosocial support should be provided for victims and counseling centers should be established at the sub-regional level to give support to victims.
- Free medical support should be made available to any victim involved in a truth-seeking process.
- The privacy of victims should be upheld through closed hearings, as appropriate.
- Specific resources and personnel should be devoted to locating those who were abducted and remain unaccounted for.
- Outreach to challenge the stigmatization associated with sexual violence should be part of the overall transitional justice process. This would help victims to come forward and participate.
- Victims should be supported and facilitated to attend hearings through the provision of financial means, including for transport and accommodation.

Traditional Justice

- Traditional justice processes should appropriately consider gender issues and enhance the participation of women in decision-making structures. Community chiefs and elders should be sensitized to adapting traditional procedures and practices so that they are gender sensitive and inclusive.
- Traditional justice processes should be used to assist with the reintegration of perpetrators into the community and in fostering forgiveness between perpetrators and victims, where appropriate.
- Traditional justice processes should provide for counseling and psychological support and ensure compensation for victims.
- Traditional processes should be consistent with human rights standards and ensure gender equality, as required by the Constitution, including strengthening cultural norms that promote and protect women's rights.
- Traditional processes should be used to create awareness about the extent of gender-based violence in communities.

Interim Assistance Measures

- In the absence of a clear reparations program, urgent interim assistance should be provided as a priority to particularly vulnerable victims. This should not be a substitute for reparations, nor should it depend on the establishment of a truth-seeking process.
- Urgent interim assistance should include psychosocial and medical support, livelihood provision, and legal assistance to facilitate the rehabilitation of victims of gender-based violations and reintegrate them into communities.
- Comprehensive mapping of victims for reparations should be carried out, even if truth-seeking mapping of violations does not occur. Ideally, mapping can support the purposes of both truth seeking and reparations.

- Victims should be provided with guidance and counseling for psychosocial recovery.
- Plastic surgery should be made available to all those who were mutilated as a result of the conflict.
- Medical care should be provided for reproductive health complications that are a result of sexual violence, such as infection with HIV/AIDS or fistula.
- Information about reparation programs should be disseminated effectively to all affected communities.

Material Reparations

- Finances should be provided to assist with the economic empowerment of women victims, for example, through income-generating activities.
- Community-based reparations should be provided to affected communities, and these reparations must acknowledge the particular needs of women.
- The health and well-being of children born in captivity must be promoted through their identification and rehabilitation.
- The government should build health centers that can provide direct assistance to victims of sexual and gender-based violence.
- Counseling centers should be established in all sub-counties.
- Funds should be allocated within the education system for those who were denied access to education as a result of the conflict to enable them to attend school.
- Funding should be provided for primary, higher, and vocational institutions.
- Girls who were abducted, children born in captivity, and women who were victims of land grabbing need to be awarded resettlement packages.
- Education sponsorship should be implemented for orphans.
- Stolen livestock, like cattle, needs to be replenished in the region.

Symbolic Reparations

- The government needs to acknowledge the crimes committed in northern Uganda and apologize to victims.
- Those who perpetrated crimes must also apologize to the communities of the north. Part of this apology could include raising the public's consciousness of the issue of violence against women.
- Monuments that list the names of victims should be established in order to help younger generations understand the past and avoid future conflicts.

Administration of Reparations

- Women should be involved in the planning, implementation, and monitoring of reparation programs.
- Clear mechanisms should be put in place to prevent corruption, like training women not to accept bribes.

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- During the identification process victims should undergo a needs assessment to ensure reparations are disbursed to the most needy, and identification processes should include photographing victims in order to stem corruption.
- Once victims have been identified, enhancing the capacity of women to monitor reparation programs is necessary.
- Sub-counties need to provide information on reparations. Direct lines of communication are needed allowing information to flow from JLOS to the grassroots level.

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