

**POST-CONFLICT GENDER-BASED SEXUAL VIOLENCE (SGBV) AND ITS
IMPLICATIONS ON THE REINTEGRATION PROCESS IN LIRA DISTRICT,
NORTHERN UGANDA**

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DECLARATION

I, **Ogwal Samuel**, declare that this research paper is entirely an original product of my efforts and that has never been submitted to any institution for any academic ward.

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DEDICATION

I dedicate this work to my parents, wife and children. This research paper is also dedicated to my brothers and sisters for their moral and financial support since my childhood. Further dedication goes to my friends; Ntegyereize Alauterio, William, for their good interaction has enabled me achieve this wonderful academic career.

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This work is a result of combined efforts by different parties whose knowledge and commitment have enabled its compilation. I wish to sincerely acknowledge my parents, brothers, sisters, relatives for the facilitation they extended to me both financial and moral. Special thanks go to Ms. Mary Kisakye for her tireless effort, guidance and time forgone when she supervised this research paper.

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LIST OF ACRONYMS

LRA	-	Lord Resistance Army
SGBV	-	Sexual and Gender-Based Violence
U.N	-	United Nations
NGOs	-	Non-Governmental Organizations
DRC	-	Democratic Republic of Congo
HIV	-	Human Immunodeficiency Virus
AIDS	-	Acquired Immune Deficiency Syndrome
ACORD	-	Agency for Cooperation in Research and Development
ICC	-	International Criminal Court
DDR	-	Disarmament, Demobilization and Reintegration
IDPs	-	Internally Displaced Persons
UNHCR	-	United Nations High Commissioner for Refugees
DEVAW	-	UN Declaration on Elimination of All Forms of Violence Against Women
GBV	-	Gender-Based Violence
IASC	-	Inter-Agency Standing Committee
WHO	-	World Health Organization
CRS	-	Congressional Research Services
ACHPR	-	African Charter on Human and Peoples' Rights
ICCPR	-	International Convention for Civil and Political Rights

CEDAW Against Women	-	UN Convention on Elimination of All Forms of Discrimination
CRC	-	UN Convention on the Rights of the Child
P.C.A	-	Penal Code Act
SPCs	-	Special Police Constables
PRDP	-	National Peace, Recovery and Development Plan for Northern Uganda
NUSAF II	-	Northern Uganda Social Action Fund (NUSAF) II
RES	-	Resolution
USAID	-	United States Agency for International Development
EGAT	-	Economic Growth and Trade
HRW	-	Human Rights Watch
CSVR	-	Centre for the study of violence and reconciliation
Esp	-	Especially
Doc.	-	Document
UNSCR	-	United Nations Security Council Resolution
BCPR	-	UNDP Bureau of Conflict Prevention and Recovery

ABSTRACT

This study examined the problem of gender-based sexual violence in post-armed conflicts and how it has affected reintegration of former rebel captives into the community in Lira District. Sexual and gender-based violence is a human rights violation and it is perpetuated by negative attitudes which discriminate people according to their sex. It can occur at individual level, in relationships such as marriage, at community and community levels. The study found out that women and girl mothers who have been raped by LRA rebels are rejected by the community, their families and former husbands because according to Lango culture they are a disgrace to the community. This rejection has affected them psychologically, health wise, economically and physically. Unfortunately, the reintegration process has not taken this into account as it has emphasized direct reintegration without considering the needs of these people, such as counseling, provision of medical services and addressing the problem of archaic cultural beliefs responsible for SGBV. Although the U.N Security Council and NGOs have taken steps in responding to SGBV, Uganda has not amended her penal laws to bring them in conformity with international legal instruments which oblige her to take all appropriate measures to protect women and girls from SGBV. As such the perpetrators of SGBV continue to walk scot-free. The study among others recommends that the government amends her penal laws, and steps up the campaign of educating the local people in Lira District about respect for human rights and the need to break negative attitudes that perpetuate SGBV. On the whole the study calls upon all stakeholders in the reintegration programmes to take into account the needs of different returnees if the reintegration process is to be successful.

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CHAPTER ONE

INTRODUCTION

1.1. Background to the study

Gender-based sexual violence (SGBV) is one of the major human rights violations (Mazurana & McKay, 2003). In the great lakes region, it has been used as a weapon of war by all sides of the conflict; rebel groups and national armies. It is even committed by United Nations peacekeepers sent to protect the civilian population as is the case in the Democratic Republic of Congo (DRC). Women and girls are often sexually assaulted and their attackers enjoy impunity.

Even then, the end of war does not necessarily mean the end of sexual violence and its consequences (Naomi Cahn, 2006; Ward & Marsh, 2006).¹ In post-conflict period, many women confront discrimination in reconstruction programs, sexual and domestic violence in refugee camps, and violence when they attempt to return to their homes. This adversely affects their mental and physical health due to the trauma and exposure to the risk of HIV/AIDS infection (Bastick, Grimm & Kunz, 2007).² In Northern Uganda, a key psycho-social problem facing girls formerly abducted by LRA rebels is shame (McKay, 2004). This stems from their perceptions of having violated cultural taboos, ranging from having under-age and unmarried sex, to serving as combatants, and committing atrocities. As such, they face negative attitudes from the community members because they are no longer virgin. According to Ward & Marsh (2006) some rape victims may be rejected by their families and communities for having lost value. Raped women may also be abandoned by husbands fearing to contract HIV or because they cannot tolerate the shadow of 'dishonor' they believe their raped wives have cast across them. Accordingly, with no future prospects, the victims may opt for prostitution as the only viable means of achieving their survival.

¹ Ward & Marsh observed that with the cessation of armed conflict, criminal elements may replace fighting factions in the ongoing sexual victimization of women.

² According to Human rights Watch 4.6% of combatants involved in the war in the Eastern part of DRC, are HIV-positive, signifying a high risk of infection to their rape victims. Further, it is estimated that about 250,000 women were raped during the war and genocide in Rwanda, and although no official statistics exist for Burundi and DRC, some UN agencies and local Human Rights organizations in Eastern DRC estimate that between 40,000 to 60,000 women were raped between 1996 and 2002 in Eastern DRC alone.

The problem has been exacerbated by cultural impunity due to traditional gender norms. This is partly explained by the social acceptance of sexual violence against women, including within the police and judicial system (Ward & Marsh, 2006).³ At the same time, there is a strong social stigma attached to rape as well as a general attitude that rape is somehow women's fault. This explains why the victims are generally wary of lodging a complaint.

It should be noted that gender-based sexual violence is not only committed on women and girls, but men have also fallen victims (Bastick, Grimm & Kunz, 2007; Naomi Cahn, 2006)⁴. Accordingly, sexual violence is committed against men both in armed conflicts and in homes and communities, except that there is under-reporting. Again, because of cultural impunity, men who have been abused fear talking about it because it is considered incompatible with their masculinity for a man to express emotions. The incompatibility between this understanding of masculinity and victimization occurs both at the level of the attack itself- a man should have been able to prevent himself from being attacked- and in dealing with the consequences of the attack-to be able to cope 'like a man'.

Suffice to note that gender-based sexual violence has been compounded by the failure of the government and humanitarian organizations to design gender-sensitive programs during disarmament, demobilization and reintegration process (Mazurana & McKay, 2003). Accordingly, the programs do not consider the victim's experiences using gendered lenses ((McKay, 2004); Naomi Cahn, 2006).⁵ This has made full reintegration futile, but instead increased post-conflict trauma among the returnees.

³ For instance, after the 1994 Rwandan genocide, inheritance laws barred surviving women and girls from accessing the property of their dead male family members unless they had been explicitly named as beneficiaries. As a result, thousands were left with no legal claim to their homes and land. This may lead such victims opting for sex trade in order to survive. Ward & Marsh thus call for strengthening of the country's constitutional, legal, judicial frameworks to ensure equality if this impunity is to be expelled.

⁴ Cahn however says that although armed conflicts affect both men and, women face additional issues during armed conflict that men do not encounter; that women are also differentially affected because of their role as the primary caretaker of the household and family, as well as their second class status in most conflicts.

⁵ This is contrary to the spirit of United Nations Security Council Resolution 1325 (UNSCR 1325) which calls upon all those involved in the planning for disarmament, demobilization and reintegration process to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants.

1.2. Problem statement

Although the LRA war has subsided in Northern Uganda, Lira District continues to experience the problem of sexual and gender violence, mainly perpetuated against women and girl returnees. These have been rejected by the community and former husbands on the pretext that they are a disgrace to the community. This problem is perpetuated by archaic cultural beliefs that discriminate against women and make men feel low if they are unable to provide for the family. This has had negative physical and psycho-social effects on the victims and consequently the reintegration process. Unfortunately, the perpetrators continue to walk scot-free mainly because the authorities also support these archaic cultural beliefs and more so the legal system in Uganda is supportive of the same and therefore affords no remedy. It is upon this background that the researcher picked interested in researching into post-armed conflict sexual and gender-based violence and its implications on the victims of LRA and consequently the reintegration process in Lira District.

1.3. Objectives of the study

1.3.1. General Objectives

To examine the problem of sexual and gender-based violence in post-armed conflicts and how it has affected the reintegration of former rebel captives into the community in Lira District

1.3.2. Specific Objectives

- 1) To establish the causes of SGBV in Lira District;
- 2) To assess the effects of SGBV on victims of LRA war;
- 3) To examine the legal framework for prevention of sexual and gender-based violence in Uganda;
- 4) To evaluate the role played by government, civil society, local and international community to curb down SGBV in Lira District;

1.4. The scope of the study

The study shall only cover Lira District. In particular, the study shall establish the causes of gender-based sexual violence, assess its effects, examine the legal framework for prevention of

gender-based sexual violence in Uganda and evaluate the role of different stakeholders in fighting gender-based sexual violence. The researcher chose Lira because it is his home district. Besides, being a lango, he knows the language and cultural practices. The researcher therefore thought that it would be easy to communicate with key informants and victims of SGBV in the process of data collection if research was conducted in his home district-Lira.

1.5. Definition of key terms

1.5.1. Sexual and gender-based violence (SGBV)

The term “sexual and gender-based violence” is used interchangeably with “gender violence”, “gendered violence” and “gender-related persecution.” According to **Edwards**,⁶ these terms refer to physical, sexual and psychological harm that reinforces female subordination and perpetuates male power and control (i.e. male hegemony).

According to UNHCR’s guidelines on sexual and gender-based violence against Refugees, Returnees and Internally displaced persons, SGBV is a violation of fundamental human rights that perpetuate sex-stereotyped roles that deny human dignity and the self-determination of the individual and hamper human development.⁷

The first official definition of SGBV was made in 1993 in the UN Declaration on the Elimination of Violence Against Women (DEVAW).⁸ Article 1 thereof states that gender based violence refers to any *act of GBV that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life.* And according to article 2 this definition extends but is not limited to acts of physical, sexual and psychological violence in the family, community or perpetrated or condoned by the state, where it occurs. These acts include *spousal battery, sexual abuse, including female children; dowry-related violence; rape, including marital*

⁶ Alice Edwards (2006), “Overview of International standards and policy on Gender violence and Refugees: Progress, Gaps and Continuing Challenges for NGO Advocacy and Campaigning”, Amnesty International, Presentation at the International Refugee Rights Conference, 17-19 June 2006, Toronto, Canada, p.2.

⁷ UNHCR, sexual and gender-based violence against Refugees and Internally displaced persons: Guidelines for Prevention and Response, May 2003, p.9.

⁸ See Sigsworth, supra, pp.5-6.

rape; female genital mutilation and other traditional practices harmful to women; non-spousal violence; spousal violence related to exploitation; sexual harassment and intimidation at work, in school and elsewhere; trafficking of women; and forced prostitution.

Sexual and gender-based violence can occur any where and in all classes, cultures, religions, races, gender and ages.⁹ It may affect both men and women. However, it disproportionately affects women and girls.¹⁰ This view is supported by **Ward and Marsh** (2006) because to them, the inequality of power as the foundation of GBV, coupled with women's inferior status in virtually all societies means that women and girls are the primary target of GBV around the globe.¹¹

Consequently, SGBV is a significant obstacle to reducing poverty, achieving gender equality and ensuring a peaceful transition for post-conflict societies.¹²

1.5.2. Gender and sex

The term "gender" is defined under Article 7 (3) of the Rome Statute to refer to the two sexes, male and female, within the context of society.¹³ And according to the U.N, "gender" refers to the ways in which roles, attitudes, values and relationships regarding women and men are constructed by all societies all over the world.¹⁴ The term "gender" should be distinguished from sex. Whereas sex refers to biologically determined differences between men and women that are universal, gender refers to the social differences between men and women that are learned,

⁹ UNHCR (2003), "Sexual and Gender-based violence against Refugees, Returnees and Internally Displaced persons", Guidelines for Prevention and Response, p.19 Available at http://ec.europa.eu/echo/files/policies/sectoral/health_2003_sgbv_against_refugees_returnees_idps_unhcr.pdf

¹⁰ Alice Edwards, *supra*, p.3. This explains why the term gender based violence has predominantly been used to apply to women and girls.

¹¹ Ward and Marsh, *supra*, p.15

¹² Sigsworth, *supra*, p.6

¹³ Rome Statute of the International Criminal Court, July 17, 1998, 37 I.L.M.999 (1998)

¹⁴ Report of the Expert Group Meeting on the Development of Guidelines for the Integration of Gender Perspectives into United Nations Human Rights Activities and Programmes, U.N. ESCOR, Comm'n on Hum. Rts., 52d sess., Agenda Items 9,21,13, U.N. Doc. E/CN.4/1996/05 (1995). See also Valerie Oosterveld (2005), "The Definition of "Gender" in the Rome Statute of the International Criminal Court: A step Forward or Back for International Criminal Justice?", Harvard Human Rights Journal, Vol.18, pp.56-84, at 67.

changeable overtime and have wide variations both within and between cultures.¹⁵ The High Commissioner for Refugees also distinguishes “gender” from “sex”. It defines the former as “the relationship between women and men based on socially or culturally constructed and defined identities, status, roles and responsibilities that are assigned to one sex or another, while “sex” is a biological determination.¹⁶ Accordingly, gender is not static or innate but acquires socially or culturally constructed meaning overtime. Unfortunately, as Dallman (2009) says, people may be targeted because of socially ascribed gender roles stemming from, or thereby exacerbating social power imbalances, and so this describes the dynamics of sexual and gender-based violence, which, as already noted above, discriminates people because of their gender.

1.6. Significance of the study

A lot of literature has been written about gender-based sexual violence during armed conflict and in families, but less during post-conflict reintegration process, which this study seeks to tackle. The researcher believes that this study will stimulate debate and future research on the same issue and help stakeholders involved in disarmament, demobilization and reintegration process to design programs that gender-sensitive. The study is also likely to be relevant to academia and future researchers.

1.7. Methodology

The study used both qualitative and quantitative approaches. The study relied on archival searches and documentary analysis as research methods. It drew some of its information from documents that have been published by mostly NGOs like Amnesty International, World Vision and ACORD who carry out extensive research on SGBV. All this was desk research. Interviews were also conducted with women, men, police and representatives of NGOs to supplement the findings of desk research.

¹⁵ Integrating the Human Rights of Women throughout the United Nations System: Report of the Secretary – General, U.N. ESCOR, 53d sess., 10, U.N. Doc. E/CN.4/1997/40 (1996)

¹⁶ Guidelines on International Protection: Gender-Related Persecution Within the Context of Article 1A (2) of the 1951 Convention and /or its 1967 Protocol Relating to the Status of Refugees, U.N. High Comm’r for Refugees, at 1, U.N. Doc. HCR/GIP/02/01 (2002).

1.7.1. Key informants

Although the study was largely desk research, informal interviews were conducted with women and men in Lira District; representatives from NGOs doing extensive research on SGBV and the police. The study used mixed questionnaire and interview guides.

CHAPTER TWO

LITERATURE REVIEW

The root cause of gender-based sexual violence is the inequality between men and women and power differentials in the society (**Sigsworth, 2008**). Sigsworth contends that where cultures of gender-based violence and gender discrimination exist prior to the armed conflict and transition, they will be exacerbated during the conflict and will not disappear during and after transition. According to **Cahn (2006)** women face sexual violence during the armed conflicts and continue to experience the consequences even when the conflict ends. She calls upon stakeholders in the post-conflict reconstruction process to address the myriad of roles that women experience during the conflict. To her, until a gender-centered perspective is implemented, post-conflict reconstruction will remain ineffective. This literature will help the researcher in analyzing the concept and causes of gender-based sexual violence in Lira District and what can be done to remove cultural and legal barriers to women's full exercise of their rights.

Sexual violence has been accepted as crime against the individual's human rights under the Rome Statute (**Dallman 2009**). However, efforts to prosecute the perpetrators have been obscured by political and cultural limitations. Dallman attributes this to socially constructed gender differences between men and women. He argues that the ICC's quest for justice must be viewed by the international community as a universal pursuit if a collective vision of prevention is to be accepted as the next and possibly only step forward. The study will agree with Dallman and argue that Uganda should not sacrifice justice for archaic cultures in Northern Uganda.

According to **McKay (2004)** it is difficult for abducted girls in Northern Uganda to be reintegrated into the communities due to psycho-social effects of the war. McKay attributes this to the failure of reintegration programs to take into account the post-war needs of these girls. She argues that in designing peace accords and DDR programs, developing community-based reintegration programs and establishing goals, the effects on girls of gender discrimination must be openly acknowledged and addressed; that a holistic approach requires that gendered physical,

psychological, spiritual and social aspects of reintegration be considered within the economic and political contexts in which these girls live. This literature is important to this study since it discusses the effects of war on girls and role of different stakeholders in the reintegration which will be examined in chapter two and three respectively. However, McKay looks at girls as if they are the only victims of the war in Northern Uganda. This study will take a step further to analyze the effect of LRA war on women, men and boys alike.

Mazurana and McKay (2003) contend that gender-violence is one of the major human rights violations. In a study carried out to examine the presence and experiences of girls associated with fighting forces and groups in Northern Uganda, they found out that girls were discriminated against by local groups and officials, government and international bodies that refused to recognize their presence, needs, and rights during the conflict, in post-conflict demobilization and social reintegration. They also found out that policies and programs developed to address the needs of girls associated with fighting forces and groups were poorly informed or too often non-existent. This literature is relevant to this study and the researcher will rely on it to discuss the causes of gender-based sexual violence in post-conflict situations. This research will agree that indeed gender-based sexual violence is partly perpetrated by policy makers, government, donors and other stakeholders by failing to recognize different needs and experiences of war victims in post conflict reintegration programs. The research will also agree that gender-responsive programs need to be designed in order to eliminate physical and psycho-social effects associated with victims' participation in fighting forces.

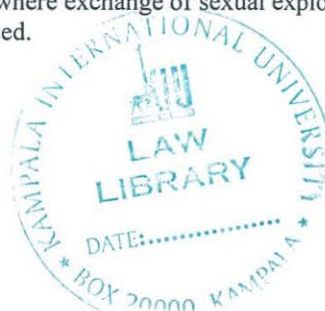
Ward and Marsh (2006) argue that sexual violence does not necessarily end with the cessation of armed conflict. Accordingly, incidents of rape continue to increase sharply as criminal elements replace fighting factions in the ongoing sexual victimization of women and girls. They aver that in many instances they risk to women and girls falling prey of sexual exploiters is exacerbated by reconstruction programs that fail to specifically target their needs, or address long-standing patriarchal traditions that discriminate against women. Ward and Marsh advocate for strengthening of constitutional, legal, judicial electoral frameworks to ensure gender equality

if this impunity is to be expelled. This literature is relevant to this study since it discusses the concept of sexual and gender violence (SGBV) and its effects, which are the focus of this study.

Bastick, Grimm and Kunz (2007) equally recognize that sexual violence is an act of domination grounded in a complex web of cultural preconceptions, particularly as regards gender roles. They aver that armed conflict often has consequences in terms of sexual and gender-based violence after the shooting has stopped. To them, incidences in criminal and family violence increase. This, coupled with post conflict poverty, lack of livelihood opportunities and the weakened rule of law may combine to foster increased inter-personal and sexual violence, and to make women vulnerable to sexual exploitation and trafficking. They assert that this has given rise to the need to integrate a gender dimension into DDR programs to provide victims with care and to carry out related protection and prevention activities. This study will agree with this literature.

According to **Mazurana and Carlson (2006)**, the legacy of war has resulted into continued sexual violence against women in many regions of the world. To them, sexual exploitation is exacerbated in environments in which gender-based violence and exploitation of girls and women has already been prevalent and where community structures play an active role in violations of the rights of women and girls; that conflict exacerbates sexual violence by breaking down social structures, community networks and legal institutions designed to protect girls and where they are few opportunities for displaced populations to meet basic needs. Mazurana and Carlson contend that in such cases, girls may feel forced to turn to commercial and exploitative sex as a means of survival.¹⁷ The study will agree with this literature and argue that indeed, gender-based sexual violence is entrenched in our society by virtue of archaic traditions.

¹⁷ On page 12, Mazurana and Carlson give the example of Northern Uganda where exchange of sexual exploits with soldiers and militia for food, basic necessities and protection has been witnessed.



Okello and Lucy (2007) also conducted a study into SGBV in four camps for the IDPs in Northern Uganda and found out that specific SGBV dynamics need to be scrutinized within conflict zones and taken into account in the policies adopted in post-conflict situations; that there is need for concerted effort against the pervasive gender dimensions of violence when designing transitional justice mechanism. The study will rely on this literature to analyze the effect specific SGBV dynamics in post-conflict Lira District of Northern Uganda.

Amnesty International also visited Northern Uganda in 2008 and interviewed the victims and survivors of LRA conflict and found out that most victims of rape and other forms of sexual violence during armed conflict still suffer the effects of severe physical injury and psychological trauma, and that there was widespread discrimination and stigma from the community. Amnesty notes that despite these traumatic experiences, the government has not punished the perpetrators or even paid reparations to the victims (especially women survivors) as it is obligated under International law. The researcher will rely on this literature to argue that gender relations should be addressed in order to fight gender-based violence and convince the community to accept the victims as than stigmatizing them. It will also rely on this work to analyze the role played by government, NGOs, and International Community in addressing the problem of SGBV in post-conflict Northern Uganda

Likewise, **Annan and Brier (2009)** carried out a survey in Northern Uganda and found out that violence against women who have escaped from the war is striking; that this violence is both physical and sexual violence whereby extended family members and intimate partners continuously verbally and physically abuse them. They argue that this is due to structural factors like gender inequalities, corruption in the police, and devastating poverty, although abduction of these women into the armed rebels could have exacerbated the problem. The study will rely on this literature to discuss the effects of sexual violence and make recommendations how it can be addressed in order to have a fruitful post-conflict program in Northern Uganda.

Gre'goire (2006) asserts that sexual violence should be regarded as a critical emergency, a crime and a human rights violation, which has effect of destroying the fabric of communities. He says that such violence must be understood as occurring along a continuum of violence and social disintegration and that its root causes must be addressed. This study will rely on this literature to discuss the framework for responding to SGBV in post-conflict Northern Uganda.

Unlike the previous authors, **Lewis (2009)** studied the effects of sexual violence against men in conflict times. He avers that the issue sexual violence against men has received relatively short shrift in International conventions, jurisprudence of international tribunals and the writings of learned publicists. He attributes this to false assumptions about the frequency and the nature of these crimes. Lewis further suggests that to reduce and prevent sexual violence against men in conflict settings, international law should be interpreted, applied and enforced in ways that delegitimize the prejudicial and discriminatory conceptions of gender, sex and (homo) sexuality that fuel violence in the first place. This article is particularly important to this study and the researcher shall rely on it to discuss the lacuna in international law in its definition and criminalization of SGBV.

Conclusion

It is apparent that gender-based violence is a fundamental issue both during the armed conflict and post-conflict settings. It has far-reaching effects to both the victims and the community. It is therefore incumbent that during the reintegration process, gender concerns and the effects of SGBV be addressed if the returnees in Lira District of Northern Uganda are to effectively reintegrate and fit with the community. This can be done by addressing gender stereotypes which are rooted in archaic cultures, overhaul the legal system to remove legal barriers to enforcement of women's rights, counseling and educating the community and convincing them to accept the victims back other than rejecting them as a "dishonor" to their community.

CHAPTER THREE

CAUSES AND IMPLICATIONS OF SEXUAL AND GENDER-BASED VIOLENCE

3.0. Introduction

This chapter discusses root causes of sexual and gender-based violence, contributing factors and its effects.

3.1. Root Causes of Sexual and Gender-based Violence

The root causes and consequences of sexual and gender-based violence must be understood before appropriate programmes to prevent and respond to this violence can be planned.¹⁸

The root causes of sexual and gender-based violence lie in a society's attitudes towards and practices of gender discrimination, which place women in a subordinate position in relation to men.¹⁹ The lack of social and economic value for women and women's work and accepted gender roles perpetuate and reinforce the assumption that men have decision-making powers and control over women. Through acts of sexual and gender-based violence, whether individual or collective, perpetrators seek to maintain privileges, power and control over others. The disregard for or lack of awareness about human rights, gender equity, democracy and non-violent means of resolving problems help perpetuate these inequalities.

3.2 Contributing/risk factors

While gender inequality and discrimination are the root causes of sexual and gender-based violence, various other factors determine the type and extent of violence in each setting.²⁰ It is

¹⁸ UNHCR (2003), "Sexual and Gender-based violence against Refugees, Returnees and Internally Displaced persons", Guidelines for Prevention and Response, p.7

¹⁹ Ibid, p.21. Also see Gregoire, supra, p.32 and IASC Guidelines for GBV Interventions in Humanitarian Settings, which makes it clear that GBV is based on socially ascribed gender differences between males and females. And according to USAID, gender based violence is in fact intended to maintain gender inequalities and /or reinforce traditional gender roles for both men and women. See USAID (2009), "A guide to Programming Gender-Based violence Prevention and Response Activities", Gender-Based violence Working Group, Drafted for Discussion purposes.

²⁰ Ibid.

important to understand these factors in order to design effective strategies to prevent and respond to sexual and gender-based violence.

According to IASC Guidelines for GBV Interventions in Humanitarian settings, contributing factors are factors that perpetuate GBV or increase the risk of GBV, and influence the type and extent of GBV in any setting.²¹ Accordingly, contributing factors do not cause GBV but are associated with acts of violence. These include loss of male power/role in family and community that results into SGBV as a man seeks to assert his power as the head of the family; it also includes loss of security, dependence, collapse of traditional society and family support system, poverty, conflict, lack of police protection,²² legal impediments,²³ among others.

Again, the legal framework and practices in a country may be discriminatory on the basis of gender which condones SGBV.²⁴ There may be no laws against SGBV or laws or practices in the administration of justice that support gender. This is exacerbated by application of customary and traditional laws and practices that re-enforce gender discrimination. Lack of willingness prosecute all SGBV cases reported to the authorities on the pretext that they are family /community matters which should be solved by the respective families/ communities is another re-enforcing factor to SGBV.²⁵

3.3 Implications of Sexual and Gender-Based Violence on victims and communities

Survivors of sexual violence often suffer from short-term and long-term consequences with regard to their health, psychological well-being, and social integration. These include lifelong

²¹ Ibid.

²² Individuals who attempt to report sexual assaults may face reprisals from police, which in one or the other patriarchal hegemony.

²³ A woman who has been sexually assaulted can be prosecuted for adultery. This is because the evidentiary burden for rape is complex. The ultimate end is that women decide to keep silent instead of reporting rape cases and going through second rape in a futile attempt to prove it in Court

²⁴ Naomi Cahn (2006), "Women in Post-Conflict Reconstruction: Dilemmas and Directions", William and Mary Journal of Women and the Law, Vol.12, No. 335, p.22. See also UNHCR (2003), "Sexual and Gender-based violence Against Refugees, Returnees and Internally Displaced Persons", Guidelines for Prevention and Response.

²⁵ Naomi Cahn, *supra*, p.22

emotional distress, mental health problems and poor reproductive health.²⁶ Accordingly, women who have been physically or sexually assaulted tend to be intensive long-term users of health services.²⁷ Moreover, the impact of sexual violence may extend to future generations whereby children who have witnessed abuse, were victims themselves or were born of the abuse suffered by their mothers,²⁸ can suffer lasting psychological damage.

Other potential health consequences include sexually transmitted diseases (including HIV/AIDS), miscarriages, forced pregnancy, and traumatic fistula.²⁹

These lingering and debilitating health and reproductive effects of sexual assault can contribute to, and entrench victims' social isolation. Researchers and advocates have reported extensively on family rejections of, and societal stigma against rape victims in African Conflict settings.³⁰ The survivors of sexual violence are often shunned by spouses, their families, and their communities.³¹

Besides, sexual violence has profound psychological consequences on its victims; victims experience insomnia, depression, post-traumatic stress disorder, and suicidal ideations, among others.³² This is because many of the victims, especially women, are frightened to report their rapes, fearing ostracism from their homes and communities.³³ They may also fear reprisals by the

²⁶ Sigsworth, *supra*, p.6

²⁷ *Ibid*

²⁸ These are children born of war time rape, especially within patriarchal cultures that prohibit access to abortion.

²⁹ Debilitating tears in the tissue of the vagina, bladder, and rectum. See United Nations, "In-Depth study on All Forms of Violence Against Women: Report of the Secretary General, U.N Document A/61/122/Add.1, July 6, 2006, esp.pp.47-49, in Alexis Arieff, "Sexual Violence in African Conflicts", CRS Report, November 25, 2009, p.8, n.29. Also see Naomi Cahn, *supra*, p.25.

³⁰ For example LaShawn R. Jefferson, "In War as in peace: Sexual Violence and Women's Status", in Human Rights Watch (HRW), World Report 2004; MSF March 2009; multiple country-specific reports by human rights' and humanitarian organizations and Florence Okio (2008), "War and Sexual based violence in Uganda", ACORD-Gulu.

³¹ Alexis Arieff, "Sexual Violence in African Conflicts", CRS Report, November 25, 2009, p.9

³² Naomi Cahn, *supra*, p.26

³³ *Ibid*

perpetrators of abuse, who are rarely prosecuted.³⁴ This problem is exacerbated by the scarcity of appropriate health services and makes the reintegration of women into post-conflict society more difficult. The situation in Lira is no different, and this calls for government intervention by increasing and bringing health services nearer to the people (within close proximity) as well as security and police surveillance to prevent opportunistic sexual violence. The government also needs to improve access to justice by punishing perpetrators and removing legal impediments so that women victims can access justice with ease.

Additional long-term medical complications for survivors may include uterine prolapsed, and other serious injuries to the reproductive system, such as infertility or complications associated with miscarriages and self-induced abortions.³⁵ Infertility may cause dire consequences for women in cultures where, as is the case in Lira, their value is linked to reproduction.

The foregoing discussion has mainly focused on women. However, suffice it to note that while men and boys are thought to make up a minority of sexual violence in African conflicts, in many cases they have been targeted for rape, sexual torture, sexual slavery, sexual humiliation and forced incest.³⁶ Just as with women, societal stigma and legal impediments can act as barriers to assistance and medical treatment. According to the World Health Organization, men and boys may be even less likely to report abuse than women.³⁷

Conclusion

Although SGBV is a global problem, adequate and comprehensive SGBV programs are still lacking. All SGBV programs must include both prevention and response strategies in order to be most effective. Prevention activities target the root causes and contributing factors of SGBV, while response activities target the consequences, or outcomes of SGBV.

³⁴ Alexis Arieff, *supra*, p.9

³⁵ Ward and Marsh, *supra*, p.10

³⁶ Wynne Russell, "Sexual Violence Against Men and Boys," *Forced Migration Review*, No.27, January 2007, in Alex Arieff, "Sexual Violence in African Conflicts," CRS Report, November 25, 2009.

³⁷ World Health Organization (WHO), *World Report on Violence and Health*, 2002.

CHAPTER FOUR

LEGAL AND POLICY FRAMEWORK FOR SGBV PREVENTION IN LIRA DISTRICT, NORTHERN UGANDA

4.0 Introduction

Many women and girls in Lira suffer sexual and gender-based violence committed by state actors, including official authorities and military officers, and non-state actors within the family and in the community. Unfortunately, they face insurmountable difficulties in trying to ensure that the perpetrators are brought to justice. Moreover, many are afraid to report rape and other forms of violence, not only because of intimidation, hostility and ridicule from the community, but also due to state inaction in ensuring redress. This chapter looks at the policy and legal framework that the governments of Uganda and the international community have put in place to prevent sexual and gender-based violence in Northern Uganda, including Lira District. The study analyses the international legal intervention and obligations on the part of Ugandan government to prevent SGBV, analyses the domestic legal framework and its adequacy as a weapon for fighting and preventing SGBV and how it has implemented international legal obligations. Lastly, the researcher looks at policy framework put in place to address the problem of SGBV by both the government, international community, including the role of NGOs.

4.1 International legal framework for prevention of SGBV

Uganda is party to International human rights treaties which expressly prohibit sexual and gender-based violence, especially violence against women since they are the most vulnerable. These include; the African Charter on Human and Peoples' Rights (ACHPR),³⁸ the U.N International Covenant on Civil and Political Rights (ICCPR),³⁹ the U.N Convention against Torture and other cruel, inhuman and Degrading treatment or punishment,⁴⁰ the UN convention

³⁸ African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), *entered into force* Oct. 21, 1986; ratified by Uganda on

³⁹ International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976

⁴⁰ Adopted by the United Nations General Assembly on 10 December 1984, and entered into force on 26 June 1987

on the Rights of the Child⁴¹ and the UN convention on the Elimination of All Forms of Discrimination against women (CEDAW).⁴² Uganda is also party to the UN Declaration on Elimination of All Forms of Violence Against Women (DEVAW).⁴³

Uganda ratified the CEDAW in 1985. The UN CEDAW committee, charged with overseeing the implementation of CEDAW, in its General Recommendation 19, defines “discrimination” as including gender-based violence, that is, violence that is directed at a woman because she is a woman or that affects women disproportionately; it includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.⁴⁴

This definition does not expressly talk about SGBV, but adopts the expression “gender-based violence”, which as already noted in chapter two (section 2.1), is used interchangeably with “SGBV”, “gender violence”, and “gender-related persecution”. In fact, the UN Declaration on the Elimination of Violence Against Women (DEVAW) also uses the words “gender-based violence”. Article 1 thereof defines GBV as any act of GBV that results in, or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life.

In all the above definitions of GBV, emphasis is put at women and men do not feature anywhere as if they can never fall prey of SGBV/GBV. This is a lacuna in these legal instruments, which ought to be amended to include men and boys as victims. Nonetheless, the researcher acknowledges the fact that women and girls are often the most vulnerable when it comes to SGBV/GBV.

⁴¹ Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, entered into force 2 September 1990

⁴² Adopted by the United Nations General Assembly on 18 December 1979, entered into force on 3 September 1981

⁴³ Adopted by the United Nations General Assembly 1993, General Assembly resolution 48/104 of 20 December 1993, entered into force on 23 February, 1994

⁴⁴ General Recommendation 19 of CEDAW Committee, UN. Doc. A/47/38 at 1 (1993), Para 6

The CEDAW Committee notes that violence against women constitutes a violation of women's internationally recognized human rights.⁴⁵ To that end, under paragraph 24 (t), the committee calls on States Parties to take all measures necessary to prevent gender-based violence. Such measures should include not only legal measures such as penal sanctions, civil remedies and avenues for compensation, but also preventative measures such as public information and education programmes, and protective measures, including support services for victims of violence.⁴⁶ Ideally, this is what is necessary in the post-conflict Lira District because education programmes would decampaign SGBV and inform the local community of its negative effects, and therefore the need to break the negative attitudes and archaic traditional cultures and values, which perpetuate SGBV IN Lira District. Furthermore, support services require that the government and other development partners balance their DDR programs in terms of ensuring gender equity, so that those programs can benefit men and women alike. This way, the reintegration process will be a success.

The CEDAW Committee emphasizes the obligation of states:

“To take appropriate and effective measures to overcome all forms of GBV, whether by public or private actors; [and to] ensure that laws against family violence and abuse, rape, sexual assault and other GBV, give adequate protection to all women, and respect their integrity and dignity.”

This standard of “due diligence” is articulated through many international instruments and reports. In any case, States have a duty under International law and international human rights law towards all individuals within their jurisdictions, not only to protect them from human rights abuses committed by state officials, but also those committed by private individuals. States are accountable for their efforts to protect individuals and to bring perpetrators to justice. According to the DEVAW, states should:

“exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the state or by private actors.”

⁴⁵ Ibid, Para 6-7

⁴⁶ Ibid, Para 24 (t)

Due diligence requires states to adopt comprehensive measures in addition to legislation, to address GBV, including the training of state personnel, the adoption of practical policies and mechanisms to protect women's rights as well as ensuring that relevant legal mechanisms are accessible to women victims of GBV.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, signed but not yet ratified by Uganda on 18 December 2003 also prohibits all forms of exploitation, cruel, inhuman and degrading punishment and treatment.⁴⁷ It also requires States Parties to "*prohibit, prevent and punish all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public.*"

Furthermore, the UN Convention on the Rights of the Child (CRC), ratified by Uganda on 17 August 1990, obliges States Parties to protect persons under the age of 18 from "*all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.*"⁴⁸

Even then, the African Charter on the Rights and Welfare of the Child, ratified by Uganda on 17 August 1994 provides that States Parties "*shall take measures to protect the child from all forms of torture, inhuman and degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment, including sexual abuse...*"⁴⁹

In sum, the international legal framework obliges States Parties to take appropriate and necessary measures to protect their citizens against and prevent human rights abuses, including sexual and gender-based violence. States Parties are also obligated to bring perpetrators of SGBV/GBV to

⁴⁷ Article 4

⁴⁸ Article 19

⁴⁹ Article 16 (1)

book /justice. The next section therefore looks at steps taken by the Ugandan government to implement these international obligations in her domestic legal framework.

4.2 Domestic legal framework and gender-based violence

Uganda ratified CEDAW more than two decades ago. However, to date the overall legal environment in the country is still not protective of especially women and girls, nor does it facilitate justice for victims of sexual and gender-based violence (SGBV).

Article 33 of the 1995 constitution (as amended) provides that “*women shall be accorded full and equal dignity of the person with men.*”⁵⁰ Clause 2 of the same Article goes on to say that “*the state shall provide facilities and opportunities necessary to enhance the welfare of the women to enable them realize their full potential and advancement.*”

Article 33 (6) adds that “*laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status, are prohibited by this constitution.*” However, despite this provision, there is continued existence of legislation, customary laws and practices on inheritance, land ownership, widow inheritance, polygamy, forced marriages, bride price (which has been commercialized), guardianship of children which conflict with the constitution and CEDAW.⁵¹ In Lira and the rest of Northern Uganda generally, families will often forgive the perpetrator (and / or not press charges) if he agrees to either marry the girl, pay a fine for his actions, or preferably both. Although the desire on the part of a victim’s family to receive compensation rather than seeking punishment through the judicial system is primarily motivated by dire economic hardships, the weakness in the legal system partly contributes to this nasty phenomenon because the victim’s family knows that they will not receive any sort of result-legal or monetary if they take their chances with the judicial system.

⁵⁰ Article 33 (1)

⁵¹ This observation was noted with concern by the UN Committee on the Elimination of Discrimination Against Women in its Concluding observations of the committee on the Elimination of Discrimination against women, Uganda, UN Doc. A/57/38 (2002), para.153

In Uganda, rape and other sexual and gender-based crimes are provided for under chapter XIV of the Penal Code Act (P.C.A).⁵² The offence of rape is defined under section 123 as *“the unlawful carnal knowledge [by a person] of a woman or girl without her consent or with her consent, if the consent was obtained by force, threats or intimidation.”* The maximum penalty on conviction for rape is death as provided for under section 124 thereof. This provision is, on the face of it, good and welcome in the fight against sexual violence. However, practically it is hard to enforce since the burden of proof is too high and harsh to the victim that it may be interpreted as torture or “second rape” when it comes to cross-examination in Court. As a result, victims opt to keep silent and endure the trauma associated with this heinous crime. Moreover, victims of SGBV in Northern Uganda are almost fully dependant on government and army assistance for their survival due to choking poverty. In such a situation it is difficult for women and girls who have been sexually assaulted by soldiers to come forward with their accusations, hence, few, if any soldiers are ever prosecuted, leading many of them to continue the actions with impunity. According to Amnesty International⁵³ and ACORD⁵⁴ the most severe punishment a soldier implicated in rape is likely to receive is a transfer to a different place. Is this justice to the victims? The researcher calls upon the government to honor its international legal obligations to protect its citizens by promoting human rights and access to justice.

Section 129 of the Penal Code provides that *“any person, who performs a sexual act with another person who is below the age of 18 years, commits a felony known as defilement and is on conviction, liable to life imprisonment.”*⁵⁵

This section also provides for the offence of “aggravated defilement” punishable by death.⁵⁶ Again, this provision of the law is welcome. However, with the continued existence of archaic

⁵² Cap.120, Laws of Uganda, 2000 Edition

⁵³ Amnesty International Uganda, “Doubly Traumatized: Lack of access to justice for female victims of sexual and gender in Northern Uganda”, AI Index: AFR 59/005/2007

⁵⁴ Florence Okio (2008), “War and sexual based violence in Northern Uganda”, ACORD-Gulu Office

⁵⁵ This provision was brought into legal effect by the Penal Code (Amendment) Act, 2007 which came into legal force on 17 August, 2007.

⁵⁶ Aggravated defilement is defined as where, ‘a person performs a sexual act with another person who is below the age of eighteen years’ in circumstances where the victim is below the age of fourteen years; the offender is infected with Human Immunodeficiency Virus (HIV); where the offender is a parent or guardian of, or a person in authority

cultures, customs and traditions, which are in part reinforced by customary law and practices recognized under our law, its legal effect in fighting SGBV is most likely to be compromised. The Penal Code Act also outlaws and punishes indecent assaults under section 128. Under subsection 3 thereof, *“any person who intending to insult the modesty of any woman or girl, utters any word, makes any sound or gesture or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen by such woman or girl, or intrudes upon the privacy of such woman or girl, commits a misdemeanor and is liable to imprisonment for one year.*

This section would be important in protecting the victims of SGBV in Lira from abuses from the community and their spouses or parents, the hurdle lies in its practical enforcement. Like other many good laws and legal provisions, it is lying idle in the Penal Code Act. The researcher has never come across any case where a person has been charged and convicted of such abuses, sounds, gestures and exhibits, yet the study reveals that victims of SGBV in Lira continuously suffer similar abuses from community members. This has severe psychological effects, including stress disorders and trauma. Moreover, the classification of this offence as a misdemeanor and prescription of a lesser sentence of one year imprisonment, attest to the government’s role in perpetuating the offence/ SGBV. Accordingly, the researcher believes that a longer sentence or a higher punishment would act as a deterrent to would be perpetrators, thereby protecting the victims from the dire effects of such abuses.

Moreover, the police, which is the institution charged with the investigation of crimes and are the first point of contact in the criminal justice system, are nearly non-existent in most police posts in Northern Uganda, including Lira District. Police posts are few and far between and are usually manned by a maximum of three police officers-mostly new inadequately trained special police constables (SPCs)⁵⁷ or junior police officers-who lack legal authority to deal with the investigation of most cases of SGBV. Besides, victims have to walk long distances to access these police posts and will generally be referred to the main (headquarter) police stations which

over the victim; where the victim is a person with disability; or where the offender is a serial offender. Under this law, the offence of attempted defilement is punishable by a maximum prison term of 18 years.

⁵⁷ Special constables undergo crash training before they are deployed (usually not more than 2 months), while regular Uganda police undergo up to nine months training before deployment.

are all based in the town centers, miles away from where the victims reside.⁵⁸ Even then, all the police stations and posts lack basic material resources such as stationery and office and office equipment to the extent that police forms have to be photocopied at the expense of poor victims of SGBV. In addition, there are limited human resources as already noted; female police officers are lacking in most police stations. This means that cases of female victims are handled by male police officers, which has fundamentally limited the number of cases of violence against women reported to police.

On the whole, the inadequacy of the legal system in Uganda, including inadequate police services is failure on the part of the government in its obligations to take all due diligence to ensure that perpetrators of SGBV/GBV are brought to justice.

The next section looks at policy framework by the government and the contribution of the international community and NGOs in preventing SGBV in Lira District, Northern Uganda.

4.3 Policy framework: The role of stakeholders in Responding to sexual and gender-based violence in Lira District, Northern Uganda

This section discusses the policy framework put in place by the government of Uganda to respond or otherwise prevent the occurrence of SGBV in post-conflict Lira District. It also looks at the contributions of NGOs and International community.

The state and the international community have a major role to play in ensuring that SGBV does not hamper all post-conflict reintegration programs.

4.3.1 The government of Uganda

The government has rolled out a comprehensive plan, “*National Peace, Recovery and Development Plan* for Northern Uganda (PRDP)”, which is a welcome development in the post-

⁵⁸ Amnesty International Uganda, “Doubly Traumatized: Lack of access to justice for female victims of sexual and gender-based violence in northern Uganda (AI Index: AFR 59/005/2007

conflict situation. This plan seeks to “*consolidate peace and security and to lay a foundation for recovery and development in Uganda.*” Together with the “*Northern Uganda Social Action Fund (NUSAF) II*, PRDP is designed to support the local people in Northern Uganda (which includes Lira District, the case study of this study), to work for money instead of getting handouts, which encourages dependence. Dependence on government and individuals by the victims of SGBV has been highlighted by Amnesty International⁵⁹ as one of the causes of SGBV and lack of access to justice as victims fear to report the perpetrators as they depend on them for survival. The case in point is the police, soldiers and members of local authorities in Lira District, who have time and again taken this opportunity to sexually abuse LRA war returnees.

The PRDP plan particularly aims at ensuring the enhancement of police and judicial services in northern Uganda over the next three years.⁶⁰ It is hoped that with these efforts and revision of the law, victims of SGBV will receive justice or SGBV prevented by the police.

4.3.2 International Community

The international community has sought to address sexual violence in African conflicts through a variety of mechanisms. The issue has been taken up at various times by the U.N Security Council, both in sessions focusing on the issue of women, peace, and security, and in connection with specific African Countries on the council’s agenda. The U.N. Security Council has adopted at least three resolutions focused uniquely on sexual violence in conflict, the most recent being Security Council Resolution 1888.⁶¹ This resolution requests the UN Secretary- General to appoint a special representative on sexual violence in conflict and constitute a team of experts to work with governments to prevent and address the problem.⁶² Resolution 1888 was preceded by Resolution 1325,⁶³ which addresses the impact of war and conflict on women and highlights the

⁵⁹Amnesty International Uganda, “Doubly Traumatized: Lack of access to justice for female victims of sexual and gender-based violence in northern Uganda” (AI Index: AFR 59/005/2007)

⁶⁰ Ibid, p.2

⁶¹ U.N document S/RES/1888 (2009), adopted on September 30, 2009

⁶² Ibid

⁶³ U.N. document S/RES/1325 (2000), adopted on October 31, 2000

need for protection of women and girls from human rights abuses; and Security Council Resolution 1820,⁶⁴ which demands “*the immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians with immediate effect.*”

Besides the above three U.N. Security Council Resolutions, U.N agencies oversee and implement a wide variety of efforts on a global, national, or local level to address the issue of sexual violence.⁶⁵ United Nations Development Programme (UNDP, in collaboration with the government of Uganda, has launched the UNDP Bureau of Conflict Prevention and Recovery. According to its report entitled “*Post Conflict Recovery: Enabling Local Ingenuity.*”⁶⁶ the program/Bureau aims at looking/ discovering/studying the challenges emerging from conflict. The report emphasizes that recovery programming must be based on sound understanding of local dynamics, and forms a basis for drawing strategic policies.

This is a positive move as already noted above. Any post-conflict program which does not take into account different needs war victims (returnees) in light of changed gender roles, financial needs, and medical needs is bound to fail in its goals, thereby promoting SGBV.

4.3.3 The role played by the civil society

The civil society, mainly NGOs have and continue to do a commendable job in Northern Uganda in mitigation of the impact of LRA war on returnees and affected communities. In particular, programs aimed at responding to sexual violence often include the provision of medical and psychological treatment or other forms of assistance to survivors; the prevention or treatment of sexually transmitted diseases such as HIV/AIDS and medical conditions such as fistula, or the funding or training of health and socio-economic service providers. For instance, World Vision International and Caritas have established rehabilitation centers to provide counseling and

⁶⁴ U.N. document S/RES/1820 (2008), adopted on June 19, 2008

⁶⁵ For example; United Nations, “Inventory of United Nations system Activities to prevent and eliminate violence against women, September 2009,” CRS Report RL34518, United Nations system Efforts to Address Violence Against Women, by Luisa Blanch field

⁶⁶ UNDP/BCPR Report, 2009. Available at <http://www.undp.org/cpr/>. See also <http://www.undp.or.ug/news/130>

material support to the formerly abducted children.⁶⁷ Children spend some months at the rehabilitation centers before they can be reintegrated and the re-united with their parents. This work is applauded in the post-conflict situation since counseling helps to mitigate psycho-social effects associated with the war.

Furthermore, NGOs like ACORD are trying to support the local government by sensitizing the community about the need to promote, protect and respect fundamental human rights as well as enabling victims of SGBV access to justice.⁶⁸ The sensitization campaign is aimed at destroying the long-standing culture that denies women rights and control over land in Northern Uganda. Due to this archaic culture, women and girl returnees who have been rejected by their husbands and families as a disgrace to them have had difficulties in re-establishing themselves since they cannot productively engage in agriculture due to lack of land for cultivation. According to Lango Culture, land can only be accessed through clan heads or husbands, yet if the women and girls had easy access and control over land, they would cultivate and grow food and cash crops, from which they would earn income. Nonetheless, with the campaign for respect for human rights, the researcher believes that the community in Lira will break the negative and archaic cultures. With access to land and decision-making powers, women and girls will be able to engage in economic and productive activities for self-dependence, which is vital in fighting/preventing sexual violence in Lira. The researcher however, suggests that civil society prioritize advocacy for legal reform if SGBV is to be effectively fought not only in post-conflict Lira District, but the country at large. This study would also like to acknowledge the work of USAID. Through its Economic Growth and Trade (EGAT) activities, USAID has supported an initiative aimed at increasing awareness of gender-based violence response and prevention programs in northern Uganda, through the use of community media campaigns.⁶⁹

⁶⁷ Florence Okio (2008), "War and Sexual based violence in Northern Uganda," ACORD-Gulu Office.

⁶⁸ Ibid

⁶⁹ Alexis Arieff, "Sexual Violence in African Conflicts", CRS Report R40956, November 25, 2009

Conclusion

The policy interventions by the government of Uganda through PRDP and NUSAF II; the commitment by the international community to respond to SGBV through U.N Security Council Resolutions 1888, 1325 and 1820, and the work played by the civil society in responding to sexual violence in Northern Uganda are all commendable. However, the domestic legislation, in particular, the penal laws, need to be overhauled and bring them to conformity with the Constitution and the Uganda's obligations under international legal instruments, such as CEDAW and DEVAW if SGBV is to be fought effectively, for the perpetrators should not be left to walk scot-free as SGBV is a violation of fundamental human rights. Furthermore, the police needs to be trained in the investigation of SGBV crimes and deployed in the communities so that they maintain a continuous surveillance of the community as one way of preventing gender-based violence in post –conflict Lira District.

CHAPTER FIVE

PRESENTATION OF FINDINGS, ANALYSIS AND INTERPRETATION

5.1 Introduction

This study examined the problem of post-conflict sexual and gender-based violence and its impact on victims and the reintegration process. The study was guided by the following specific objectives;

- i. To establish the causes of SGBV in Lira District;
- ii. To assess the effects of SGBV on victims of LRA war;
- iii. To examine the legal framework for prevention of gender-based sexual violence in Uganda;
- iv. To evaluate the role played by government, civil society, local and international community to curb down SGBV in Lira District.

5.2 Background of the respondents

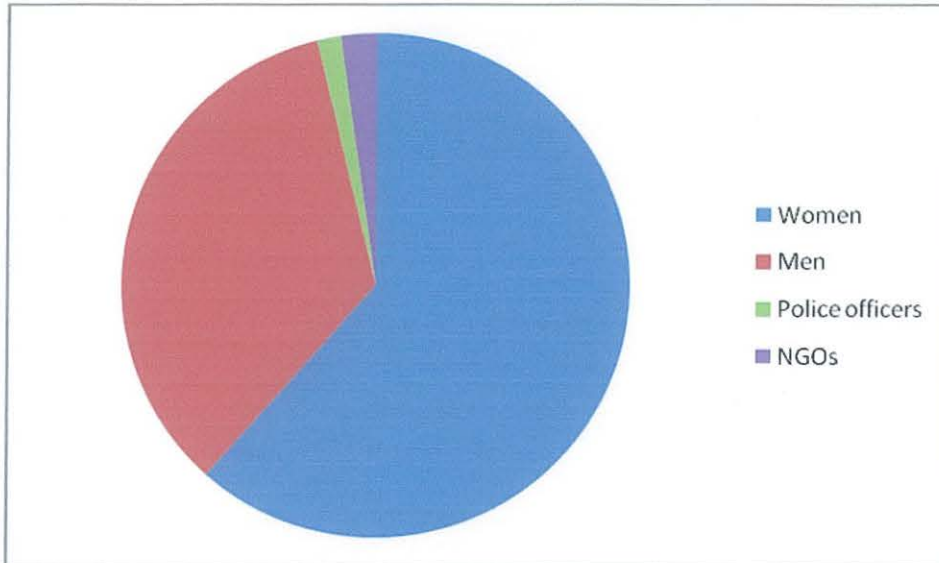
A total of 125 questionnaires were distributed in five counties constituting Lira District.

Eighty (80) questionnaires were administered to women and forty five (45) questionnaires to men in the five counties of Erute North, Erute South, Otuke, Moroto and Lira Municipality. A face-to-face interview was also held with two (02) police officers from the Family protection Unit of the Police, Lira Police Branch, one (01) respondent from Concern Parents Lira office, one (01) respondent from World Vision, Kampala Office and one (01) respondent from Caritas Uganda, Head Office, Nsambya, Kampala. The NGOs were selected to participate in the study because they carry out extensive research on sexual and gender-based violence and therefore the researcher sought to get their views on post-conflict sexual and gender-based violence in Lira District.

Table 1: Background to the respondents

Category	Frequency	Percentage
Women	80	62
Men	45	35
Police officers	2	2
NGOs	3	2
Total	130	100

Figure 1: A Pie- Chart showing a summary of respondents' background.



5.3. Causes of sexual and gender-based violence in Lira District

Table 2: Responses on the causes of SGBV in Lira District

Cause	Frequency				Percentage				Average %age
	Women	Men	NGOs	Police	Women	Men	NGOs	Police	
Societal attitudes and practices	79	20	3	2	99	44	100	100	86
Weak legal system/legal impediments	76	10	3	1	95	22	100	50	67
Lack protection from the police	60	25	3	1	75	56	100	50	70
Poverty/dependence	78	40	3	2	98	89	100	100	97
Changes in gender roles/loss of male power in family and community	70	30	3	1	88	67	100	50	76
Total Number	80	45	3	2	100	100	100	100	

From table 2 above, the respondents noted that sexual and gender-based violence is a result of the following factors; poverty ranked high at an average of 97% of the responses from women, men, NGOs and police responses, followed by societal attitudes and practices at 86%, then changes in gender roles at 76%, lack of police protection at 70% and legal impediments were at 67 % on average. For instance, the study established that negative societal attitudes and practices which discriminate on the basis of gender, place women in a subordinate position in relation to men. For instance, the study revealed that among the Langi, a woman cannot access land or exercise control over it except through a clan head or her husband. Further the study revealed

that the community members in Lango shun/reject the girl mothers and women who were raped by LRA rebels under the pretext that they are a disgrace to their families and communities for having engaged in pre-marital sex and former husbands have rejected their former wives. Ideally, this attitude is archaic because it does not take into account that the girl mothers and women rape victims were forced into sex. The study also found out that the weaknesses in the Uganda's legal environment is a contributing factor to the problem of SGBV in Lira; customs and practices have constitutional backing and proof of rape under the section 123 of the penal Act is complex that it would amount to second rape on the victim when it comes to cross-examination in Court. As such, women prefer to keep quiet and endure the stigma.

5.4. Impact of sexual and gender-based violence on victims and the reintegration process in Lira District

Table 3: Responses on the impact of SGBV on victims and the reintegration process

Impact	Frequency				Percentage				Average %age
	Women	Men	NGOs	Police	Women	Men	NGOs	Police	
Post-traumatic stress disorder	79	39	3	0	99	87	100	0	71
Depression	77	30	3	0	96	67	100	0	66
Suicidal thoughts	62	45	3	0	78	100	100	0	69
Habitual reliance on/use of health services	78	0	3	0	98	0	100	0	71
Psychological damage extends to future generations	75	45	3	0	94	100	100	0	73
STDS/HIV/AIDS infection	80	45	3		100	100	100		100
Total Number	80	45	3	0	100	100	100	0	

The study revealed that sexual and gender based violence is indeed associated with grave consequences. From table 3, the greatest effect of SGBV is the spread STDs/HIV/AIDS at 100%, followed by a psychological damage to future generations at an average of 73%; then stress disorders and constant treatment at 71%. 69% said that SGBV has forced them to think of committing suicide while 66% experienced depression due to SGBV. Specifically, the study established that the victims of the LRA war, especially child mothers, who have now returned to their communities, suffer from post-traumatic stress disorder, depression, mental illness, suicidal thoughts, depression and many others. This is because they are rejected, isolated and stigmatized by the community members as a disgrace to those communities, among others on the basis that they engaged in pre-marital sex. Again, they are constantly abused as rebels to the extent that the children they returned with have been nick-named “Kony”. This nick-name constantly reminds them of war experience, especially the rape and defilement they were subjected to by the LRA rebels, thereby psychologically stressing them further. To minimize stigma and abuse, girl mothers with their children tend to live on their own in new communities or urban centers. They avoid living with other girl mothers for fear of drawing attention to themselves, which they worry, might spark community abuse. This finding agrees with Annan and Brier (2009) who argued that SGBV is exacerbated by verbal and physical abuse from extended family members and intimate partners. It also agrees with the findings of Mazurana and Carlson who found out in their sample study, high levels of rejection by former husbands, families, extended families and communities.

The researcher’s interaction with child mothers revealed that almost all of them tried to get new husbands following their return but could not manage to stay with them because of the violence caused by the very men and the frequent stigmatization and name calling from the community. As such they have decided to remain single. The young women said they have always been abused as “rebels not fit to be wives because they have committed atrocities and their children too should not mix with other children”. This kind of attitudes, women feel, has resulted into discrimination of the formerly abducted children who should have instead been incorporated in the society. Again, this find agrees with Annan and Brier (supra) that intimate partners contributing to psychological and emotional stress of their spouses who have been victims of armed conflict.

Some young mothers said they are denied financial support by their husbands because of the other children they came back with from captivity. The men according them beat up the children which from time to time brings violence in the family, with a lot of bitterness in their (women's) hearts. The child mothers said it was not their interest to go to the bush to join the rebels, so why should they and their children be treated like that. The men they produced with while in the bush were just given to them forcefully without a choice and therefore should not be blamed for that. This finding also agrees with the study carried out by Bastick, Grimm and Kunz (2007) who asserted that due to poverty, the returnees find it hard to settle comfortably in the post-armed conflict situation. It also agrees with Mazurana and Carlson whose sample survey found out that upon return, formerly abducted girl mothers confront significant challenges, ranging from lack of food, medicine for themselves and children, no means of providing for school needs of their children, among others.

5.5. The legal framework for sexual and gender-based violence in Uganda

Table 4: Responses on the legal framework for SGBV

	<u>YES</u>		<u>NO</u>	
	Frequency	%age response	Frequency	%age response
The victims have received justice	0	0	125	100
Perpetuates SGBV through favoring customs and traditions	100	80	25	20
Better to receive compensation from the perpetrator than suing	125	100	0	0
SGBV cases are not reported because the evidentiary burden of rape is high and amounts to 2nd rape	110	88	15	12
Prosecution of aggravated defilement will not be possible with the existence of archaic cultures and customs	105	84	20	16
No one has been charged and convicted of	125	100	0	0

sexual assault/abuses				
The sentence for sexual assault is inadequate and cannot deter SGBV	115	92	10	8
The Police as custodians of the law perpetuate SGBV	100	80	25	20
Inadequate police services increase SGBV	80	64	45	36

From table 4, the respondents are not happy with the legal system in Uganda for failing to address SGBV. Accordingly, taking average responses, 100% of the respondents noted that it has denied them justice; that the constitutional recognition of customs and traditions perpetuates SGBV (100%); 84% were of the view that if the laws continue to respect cultures and customs, it will be impossible to prosecute the offence of aggravated defilement. All the respondents (100%) noted that since the legal system does not offer justice to them, they prefer receiving compensation from the perpetrator of SGBV than suing; that moreover, no one has been charged and convicted of sexual assault, an offence that is associated with abuses that cause stigma (100%), and that the sentence for sexual assault is inadequate and cannot deter SGBV. The study further established that SGBV cases are not reported due to a high evidentiary burden associated with sexual offences like rape, which calls for cross-examination of the victims. Thus, 88% of the respondents noted that such cross-examination is tantamount to a second rape of the victim of SGBV. As such, women prefer to keep quiet and endure the stigma other than being raped twice. The police was also pointed out as a perpetrator of SGBV at 80% on average.

5.6. Policy framework for SGBV and stakeholder intervention

Table 5: Comments on policy framework for SGBV and intervention by stakeholders so far

	<u>YES</u>		<u>NO</u>	
	Frequency	%age response	Frequency	%age response
PRDP & NUSAF II programs will help LRA war returnees to be self-reliant economically	125	100	0	0
Economic independence will increase access to justice by victims of SGBV	0	0	125	100
Economic independence will reduce SGBV	125	100	0	0
Post-conflict recovery programs have taken into account different needs of victims of LRA war and SGBV	0	0	125	100
NGOs' work in mitigating the impact of SGBV through counseling and community sensitization human rights is commendable	75	60	50	40
All stakeholders need to an advocate for an overhaul of the criminal legal system to increase access to justice by SGBV victims	125	100	0	0

From table 5, all the respondents (100%) agreed that PRDP & NUSAF II recovery programs will play a crucial role in promoting economic independence. All the respondents agreed that economic independence of LRA returnees will reduce sexual and gender-based violence (100%). However, the respondents noted that economic independence alone will not increase access to

justice (125 respondents=100%). To that end, they unanimously called upon all the stakeholders to advocate for an overhaul of the criminal legal system in Uganda in order to promote access to justice by victims of SGBV. On the whole, all (100% of) the respondents were concerned that post-conflict recovery programs have disregarded different needs of victims of LRA war and SGBV, as evidenced by a spontaneous reintegration of the returnees without providing medical and psychological counseling. The study revealed that governmental provision of services like medical and counseling services are acutely absent in Lira District, which makes the lives of returnees hard as they are poor and cannot foot the cost of these services themselves. Nonetheless, 60% of the respondents applauded the work done by NGOs like World Vision International, ACORD, CARITAS, and Concern Parents, for mitigating the effect of the LRA war and SGBV by offering counseling services to the returnees, especially the youth before reintegration into the community. NGOs are also praised highly for leading the campaign against archaic cultural practices which form the root causes of SGBV in Lira District.

5.7. Recommendations for forestalling SGBV in Uganda

Table 6: Suggestions on how best to deal with SGBV in Uganda

Recommendation	Frequency	percentage
Uganda's legal system should be overhauled, customs, cultures and customs that perpetuate SGBV be criminalized and generally improve access to justice by victims of SGBV	125	100
NGOs should vehemently advocate for legal reform on top of providing material assistance to SGBV victims	80	64
The government should equip LRA returnees economically (business skills) to reduce the contribution of poverty to SGBV	113	90
Government should endeavor to address different needs of victims before they can be reintegrated	121	97
Create advocacy strategies that target and destroy root causes of SGBV	125	100

Incorporate anti-SGBV advocacy programs in school curricula to avoid extension of SGBV to future generations	70	56
Engage all stakeholders such as men, religious leaders and the media in the campaign against SGBV	90	72

In table VI above, all the respondents (100%) were of the view that in order effectively deal with the problem of SGBV, Uganda's criminal legal system should be overhauled and eliminate archaic laws legal procedures and cultural practices that perpetuate SGBV. Furthermore, all the respondents (100%) recommended that stakeholders should come up with advocacy strategies that target root causes of SGBV. 64% recommended that NGOs should lobby the government for legal reform aside of other assistance they have so far provided to the victims of SGBV, 90% recommended that to forestall the effects of poverty as a contributing factor to SGBV, the government and other stakeholders should give priority to equipping these victims with business skills so that they can be able to engage in productive business ventures and be able to support their families financially. Indeed, this will go along way in guarding against the loss of male power which has been cited as one of the effects of poverty, which contributes to SGBV in homes in Lira District. 90% of the respondents recommended the integration of the needs of the victims in the reintegration process; 56% recommended advocacy strategies into school curricula; that this could help guard against effects of SGBV extending to future generations and most importantly to prevent victimization of former child soldiers, who have time and again been abused by their fellow students as "Kony", thereby stigmatizing them the more. Lastly, 72% of the total respondents recommended a concerted campaign against SGBV by all stakeholders, namely, men, religious leaders and the media.

CHAPTER SIX

CONCLUSION AND RECOMMENDATIONS

4.1 Conclusion

It is trite that sexual and gender-based violence is a major problem in post-conflict situations as is evident in Northern Uganda. Its effects not only hinder development, but also recovery of victims and the communities from the traumatic effects of the war. Instead of welcoming the victims back into the society and helping them to resettle, the community instead ostracizes them on the basis that the culture and the community has been disgraced by their having unmarried sex, which the society forbids. On the whole, the post-conflict reconstruction requires that the needs of victims be analyzed and incorporated in the recovery plan. Furthermore, it is necessary that all measures to address and prevent sexual violence are integrated into all humanitarian response as well as into development programming, until then, the reintegration programs will be ineffective.

4.2 Recommendations

1. The government and civil society should develop comprehensive awareness-raising strategies on the nature, scope and seriousness of sexual and gender-based violence at all levels to ensure the protection of survivors from discrimination and stigmatization, and engage men and boys, as well as government officials, community and religious leaders, the media, women's groups and other opinion makers in promoting and protecting the rights and welfare of LRA war victims. Use of the media campaigns against sexual and gender-based violence has been successful in the DRC. The goal should be to inform the public about sexual violence; this can be done by defining targets and developing appropriate messages for each one, and by improving the skill of journalists.
2. The government should also promote empowerment of women in areas of economic, social and political life. This way, they will ably advocate for their rights and needs to be catered for in pertinent areas, including post-conflict programs. Equipping the returnees with business skills will go along way to increase the earning potential of both women and men, thereby removing the potential of the former abusing their men as "half men"

since they are incapable of providing for their families due to poverty, which is a direct effect of the LRA war.

3. Intensify international, regional and national efforts to end impunity for perpetrators by strengthening the legal and judicial systems and by enacting and enforcing legislation, and provide national justice systems with the necessary resources to prosecute cases of sexual and gender-based violence.
4. The government should always endeavor to assess the needs of the victims of the war and put in place the structural framework for addressing them before reintegrating them into their communities, for instance counseling and health centers should be put in place to address psychological effects and provide treatment free of charge since the victim returnees have no source of income, and hence their financial incapacity to foot medical bills.
5. Incorporate strategies to prevent and respond to sexual violence in disarmament, demobilization and reintegration and in security sector reform processes, and ensure the full engagement of the security sector, including police and army, to prevent and respond to sexual violence in a sensitive and effective manner.
6. Invest in the capacity-building of all stakeholders involved in the prevention and response to sexual and gender-based violence in conflict and beyond.
7. It is important to create advocacy strategies that target root causes such as attitudes, traditional norms and sanctioned behavior. It is also important to understand cultural factors that have given rise to these root causes.
8. The importance of including anti-SGBV advocacy in school curricula cannot be overstated. If young people understand the negative impact sex crimes have on individuals, families and society, this can help to prevent these crimes in several ways. First, young people will bring the message about gender-based violence home and educate their parents and family members. Second, these young people themselves will be far less likely to commit sex crimes, and, in the case of girls, to allow themselves to become victims of such crimes.

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APPENDICES

Questionnaire for victims (women and men)

Dear respondent,

I am called **Ogwal Samuel**, a student of Kampala International University, conducting research on post-conflict sexual and gender-based violence (SGBV) and its implications on the reintegration process in Lira District, Northern Uganda. The study is aimed at establishing the causes of sexual and gender-based violence, its effects on victims and the reintegration process, and role played by different stakeholders in responding to these effects and legal and policy intervention in forestalling SGBV. You have been selected to participate in this study, and are kindly requested to respond to the questions below. The information given will be treated with utmost confidentiality, and will be used only for academic purposes.

1. What do you understand by sexual and gender violence?

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.....
.....

2. What is the role of women and men according to your culture?

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.....
.....

3. Do men and women have equal say in the home in Lira District?

Yes No

4. If the answer to 3 above is NO, give reasons as to why they don't.

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.....

5. What do you think is the cause of sexual and gender-based violence?

.....
.....
.....
.....

6. Have you been a victim of sexual and gender-based violence?

Yes No (Tick one)

7. If the answer to 6 above is YES, what form of SGBV did you suffer?

a. Sexual harassment

b. Verbal abuse

c. Physical abuse

d. Others.....

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8. Which people mainly perpetrate sexual and gender-based violence in your community?

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.....

9. What is the attitude of your community towards sexual and gender-based violence?

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10. I am told you were once abducted and abused sexually by the LRA rebels. Which challenges have you faced due to this abduction and sexual abuse?

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.....
.....

11. Are you aware that sexual and gender-based violence is a violation of human rights?

Yes No

12. Did you reunite with your husband when you returned?

Yes No

13. If the answer to 12 is NO, why haven't reunited with your former husband?

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.....

14. Did you receive counseling before you were reunited with your family?

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15. Did you receive a warm welcome from your family and community when you were reintegrated with them?

Yes No

16. If the answer to 15 is NO, what is the reason as to why you the community did not give you a warm reception?

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17. Did you get any resettlement package from the government at the time of reintegration?

Yes No

18. If the answer to 17 is NO, how did you start a new life after the war?

.....
.....
.....
.....

19. Do Non-governmental Organizations (NGOs) still provide relief to you since you left the Internally Displaced camp?

Yes No

20. Have you or have other victims of sexual and gender-based violence reported to the authorities, including the police?

Yes No

21. If the answer to 20 is YES, how have the authorities, including the police punished the perpetrators?

22. If the answer to 20 is NO, why did you and other victims of sexual and gender-based violence report or sue the perpetrators?

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23. In your view, what do you think could be done in order to eliminate the problem of sexual and gender violence?

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.....
.....
.....

Thank you.

Interview guide for NGO representatives

Dear respondent,

I am called **Ogwal Samuel**, a student of Kampala International University, conducting research on post-conflict sexual and gender-based violence (SGBV) and its implications on the reintegration process in Lira District, Northern Uganda. The study is aimed at establishing the causes of sexual and gender-based violence, its effects on victims and the reintegration process, and role played by different stakeholders in responding to these effects and legal and policy intervention in forestalling SGBV. You have been selected to participate in a face-to-face interview. Fell free to respond to the following questions because the information given will be treated with utmost confidentiality, and will be used only for academic purposes.

1. What do you understand the term “sexual and gender-based violence (SGBV)?
2. Does it violate human rights in any way?
3. What do you think is the cause of SGBV in Lira District?
4. What impact has it had on the victims and the reintegration process?
5. What is the common form of sexual and gender-based violence in Lira District?
6. As a human rights activist, have you responded to SGBV in Lira District?
7. In your view, what could be done in order to prevent or otherwise appropriately respond to the effects of SGBV?

Thank you for your time.

Interview guide for Police representatives

Dear respondent,

I am called **Ogwal Samuel**, a student of Kampala International University, conducting research on post-conflict sexual and gender-based violence (SGBV) and its implications on the reintegration process in Lira District, Northern Uganda. The study is aimed at establishing the causes of sexual and gender-based violence, its effects on victims and the reintegration process, and role played by different stakeholders in responding to these effects and legal and policy intervention in forestalling SGBV. You have been selected to participate in a face-to-face interview. Feel free to respond to the following questions because the information given will be treated with utmost confidentiality, and will be used only for academic purposes.

1. What do you understand the term “sexual and gender-based violence (SGBV)?
2. Although the LRA war has reduced, SGBV in Lira District continue to be the order of the day. How is police responding to this problem?
3. How many SGBV cases have you received this year?
4. From the SGBV cases received, which form of SGBV is common?
5. According to media reports and publications of human rights activists, especially NGOs, most of the victims of sexual and gender-based (SGBV) do not report to the police. Is this true in your area?
6. Why do you think victims of SGBV fail to report SGBV cases to police?
7. In your view, what do you think would be the appropriate response to SGBV in Lira and Northern Uganda as a whole?

Thank you for your time.

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